

# AMNESTY INTERNATIONAL BRIEFING



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## **Syria: Summary killings and other abuses by armed opposition groups**

*“My daughter shouted to me, ‘mum, come quick and see dad.’ He was on TV... as he was shown being killed, I pushed my daughter away to block her from seeing... but she did see.”*

Widow of Colonel Fou’ad Abd al-Rahman, as identified by his family, whose beheading with Colonel Izz al-Din Badr was aired on television and the Internet.

The dead bodies found every day in towns and villages across Syria bearing marks of execution-style killing and torture are the grim evidence of mounting war crimes and other abuses being committed not just by government forces, but also by armed opposition groups – some but not all more or less loosely affiliated with the Free Syrian Army (FSA)<sup>1</sup> – in the context of the country’s bitter internal armed conflict. Such groups are summarily killing people with a chilling sense of impunity, and the death toll continues to rise as more towns and villages come under the control of armed opposition groups.<sup>2</sup>

Since March 2011, Amnesty International has closely monitored and documented the Syrian authorities’ crackdown on opposition and repeatedly condemned the authorities’ widespread as well as systematic attacks on the civilian population, which amount to crimes against humanity and, since 2012, war crimes in some instances.<sup>3</sup> This briefing looks at serious abuses, some amounting to war crimes, committed by the burgeoning number of armed opposition groups operating in Syria, focusing mainly on summary killings.<sup>4</sup>

The main targets for these summary killings are members of the various government armed and security forces, the shadowy pro-government militias known as *shabiha*, as well as suspected informers or collaborators (widely referred to by the opposition as *mukhbireen* and *‘awayniyeh*). Many were civilians, including journalists working for pro-government media and members of minority communities perceived by members of armed opposition groups as loyal to President Bashar al-Assad such as Shi’a or Alawite Muslims, although not all members of such communities are in fact pro-government.

In some cases, Amnesty International has been unable to determine which armed opposition group was responsible for particular summary killings. Several groups may have been active in the city, town, village or neighbourhood at the time of the killing. Some witnesses and relatives of victims are understandably reluctant to provide detailed information about the armed group for fear of retaliation. Verification has also been hindered by the lack of access to cities where killings are happening because of the dire security situation.<sup>5</sup>

However, the evidence gathered by Amnesty International, and the cases it has been able to verify, leave no doubt that armed opposition groups are responsible for a large number of summary killings and other egregious crimes.<sup>6</sup> In addition to research conducted since the

conflict began, including the examination of scores of videos showing alleged abuses by armed opposition groups since 2011, Amnesty International interviewed Syrians as well as Palestinian refugees previously resident in Syria in Lebanon in December 2012 and January 2013. They included residents of several Syrian towns and cities mainly in southern areas near Lebanon, as well as activists, citizen journalists, witnesses, survivors and relatives of victims; and followed this up with other research and interviews.

In addition to summary killings, various armed opposition groups including some affiliated to the FSA, are committing other war crimes and serious human rights abuses, including indiscriminate attacks which have led to civilian casualties; use of children in a military capacity; torture or other ill-treatment of captives; sectarian threats and attacks against minority communities perceived as pro-government; abductions and the holding of hostages. These are briefly highlighted below.

### **Indiscriminate attacks and reckless use of weapons**

Some armed opposition groups have unlawfully killed civilians as a result of attacks in which they failed to take the necessary precautions to minimize civilian casualties. For example, 13 prisoners were reportedly killed mistakenly on 21 January 2012 in Idlib governorate by an armed group linked to the FSA.<sup>7</sup> The group was said to have detonated an improvised explosive device in a military van transporting the prisoners as the group thought the van was carrying members of the security forces. Also, civilians have reportedly been killed or injured as a result of armed opposition groups preparing and storing munitions and explosives in residential buildings and the presence of fighters and military objectives from all parties within residential areas has further heightened the risk of harm to the civilian population. In some cases, members of armed opposition groups are using imprecise weapons such as artillery and mortars in or close to densely populated neighbourhoods, needlessly endangering the lives of civilians. For example, an armed opposition group fired mortars at the Presidential palace in Damascus on 6 November 2012. The shells missed their target and fell on a residential area mainly inhabited by Alawite Muslims close to the palace known as Mezzeh 86. At least three civilians were reported to have been killed.<sup>8</sup>

### **Use of children**

Amnesty International has other concerns about actions of armed opposition groups in Syria. Some of these groups appear, for instance, to be using child soldiers militarily in the conflict, albeit predominantly in support roles. Children should be prohibited from joining the fighting, even when they volunteer to do so and even in an auxiliary capacity such as acting as messengers.

### **Torture and ill-treatment of captives**

Amnesty International has reviewed numerous videos of captured soldiers and security personnel or those suspected of being informers or collaborators in which the captured individuals appear to have injuries which may have been caused through torture or other ill-treatment. Although such videos are difficult to corroborate, taken together they raise serious concerns that many armed opposition groups in Syria are torturing or otherwise ill-treating captured individuals. Additionally, some of these videos show captured individuals actually

being tortured or otherwise ill-treated by their captors, such as Colonels Fou'ad Abd al-Rahman and Izz al-Din Badr (see below in section on summary killings).

In another case, video evidence emerged in late October 2012 that appeared to show an armed group, reportedly at a checkpoint near Saraqeb in Idlib province, beating and kicking at least 10 men, who are believed to be captured members of the security forces, before members of the armed group fire on them and kill them.<sup>9</sup> It is unknown how many were killed, but media outlets and a Syrian NGO say that at least 28 died. Amnesty International asked a specialist organization to authenticate the footage. The location and time of filming were confirmed, but Amnesty International has so far been unable to confirm the identity of the armed group and no group has yet claimed responsibility. The UN commented on the incident, stating that it appeared to be a war crime.<sup>10</sup>

On 10 August 2012, a four-person crew from Syria's state TV channel Ikhbariya – news presenter Yara al-Saleh, cameraman Abdullah Tubara, assistant cameraman Hatem Abu Yehyeh and their driver Hussam Imad – were abducted in al-Tal in the northern suburbs of Damascus by an armed opposition group affiliated with the FSA. The four were held for six days without contact with the outside world, and allegedly tortured, including beatings with hands and in at least one case a belt.<sup>11</sup>

### **Sectarian threats and attacks**

The majority of Syria's population is Sunni Muslim; minorities such as Alawite Muslims (to which the ruling al-Assad family belongs)<sup>12</sup>; Shi'a Muslims and Christians are often seen by the opposition as being pro-government and indeed, in some areas, "Popular Committees" have been armed by the state since mid-2012 and are reported to be involved in some instances of carrying out gross abuses.<sup>13</sup> However, not all members of these communities are pro-government, and some have openly supported the uprising and opposition.<sup>14</sup>

Over the months, reports have mounted of opposition groups threatening such minority communities. Since the early stages of the uprising, protesters at some demonstrations held against the government shouted sectarian slogans, such as: "Christians to Beirut and Alawites to the grave." Amnesty International has also learned that this slogan was written on walls in Aleppo in areas taken over by armed opposition groups in July 2012.

Amnesty International's research indicates that there have been attacks by armed opposition groups that have targeted members of minorities loyal to or perceived to be loyal to the government, including abductions and summary killings. Some victims of such attacks were perceived to be informers, or collaborators, or members of pro-government militias. In other cases, including some documented in this briefing, information available to Amnesty International indicates there has been no suggestion that victims of summary killings or abductions were informers or collaborators and it is highly likely that they were targeted on account of their sectarian identity.

In some of these summary killings, the victims may have been abducted and killed by armed opposition groups simply because they belonged to a minority perceived as loyal to President al-Assad and were living in predominantly anti-government areas, making them easily accessible targets. Such killings, along with threats such as those referred to above, have

prompted many in these minority communities to flee, either abroad or to areas in Syria where they felt less threatened.

### **Abductions and hostage taking**

Many individuals – including captured personnel and civilians - have been detained by armed opposition groups, including some linked to the FSA. Some appear to have been abducted and held without evidence that they are suspected of committing abuses or crimes. In many cases, the motivation appears to have been to hold the individuals as hostages in order to secure a ransom for their release or to try to force other parties to carry out specified acts such as to release prisoners. These have included people captured apparently because of their nationality, including Iranian nationals; their sectarian identity, notably Alawite or Shi'a Muslims (including foreign nationals); or their political views, notably for belonging to the ruling Ba'ath Party or for otherwise supporting the Syrian government.

For example, 48 Iranian hostages<sup>15</sup> held since August 2012 by the al-Baraa' Brigade – an armed opposition group reportedly affiliated with the FSA which says that it operates in Damascus and its suburbs - were released in January 2013 apparently in exchange for the release of 2,130 civilians held by the Syrian authorities.<sup>16</sup> Prior to their release, members of the al-Baraa' brigade had released a video on 4 October 2012 in which they threatened to kill the Iranian nationals if the Syrian authorities did not release detained opposition supporters and did not stop the shelling and killing of civilians within 48 hours. A spokesperson for the Revolutionary Military Council in Damascus Province, part of the FSA, announced on 8 October 2012 that the executions had been postponed pending ongoing negotiations.

Nine of 11 Lebanese Shi'a Muslim men abducted on their return from a visit to Shi'a holy sites in Iran remain held at the time of writing by the 'Asifat al-Shimal Brigade, an armed opposition group operating in northern Syria close to the Turkish border. After their capture, the 'Asifat al-Shimal Brigade made several demands in exchange for the release of the men.<sup>17</sup> Two of the 11 have been released through external mediation and have returned to Lebanon.

These serious abuses of human rights by armed opposition groups, some of which amount to war crimes, are continuing despite the signing in August 2012 by several leaders of FSA-affiliated armed groups, including the heads of the Military Councils of Homs, al-Qusayr, Deir al-Zour and al-Suwayda, of the Local Coordination Committees' Code of Conduct. By signing this document they promised, among other things, to respect human rights in accordance with religious precepts and international human rights law; to treat captives in accordance with the standard rules for the treatment of prisoners; not to torture or ill-treat prisoners; not to carry out acts of revenge fuelled by race, sect, religion or any other issues; and - in the event that the groups violated the provisions of the code of conduct - to accept fair accountability by specialised committees established under the supervision of the FSA's leadership and monitored by independent human rights activists.

However, the patterns of war crimes and other serious human rights abuses documented in this briefing by Amnesty International and by other human rights monitors suggest that this Code is more honoured in the breach than the observance<sup>18</sup>. These crimes – which are being committed with impunity - highlight the urgent need for all armed opposition groups

operating in Syria to adhere strictly to the legally binding rules of international humanitarian law and for commanders to act swiftly to condemn and stop abuses. The patterns of abuse also highlight the need for countries providing assistance to armed opposition groups in Syria, or considering an increase in logistical or other support, to ensure that military supplies are not being used to commit violations of international humanitarian law and to exert pressure on the opposition's political and military leadership to commit to upholding principles of international humanitarian law in their military operations.

## **SUMMARY KILLINGS**

Summary killings by armed opposition groups of captured members of the armed forces and security apparatuses, the government-backed *shabiha* militias, as well as suspected informers and collaborators, and civilians, including journalists working for pro-government media and some who may have been targeted simply because they belonged to communities perceived as loyal to President al-Assad began mere months after the beginning of the uprising in Syria in February 2011. Numbers of such unlawful killings have risen since the beginning of 2012 as the situation gradually evolved into an armed conflict which has spread across much of the country.<sup>19</sup>

### **Captured soldiers and members of pro-government militia**

Frequently targeted for summary killings have been captured soldiers or members of the pro-government *shabiha* militias which are armed by the state. Some fighters for FSA-affiliated armed groups who have spoken to Amnesty International say captured soldiers found to 'have blood on their hands' or to have taken part in killings of fighters or civilians are usually killed. One armed opposition commander linked to the FSA who was active in the Homs governorate and the Damascus suburbs told Amnesty International<sup>20</sup> that out of every 10 captured soldiers, around six would be usually killed. He went on:

*"When we were still in control of Baba Amr, every time we killed a captured soldier or officer, we kept his military ID, his cell phone, and other possessions all in a safe place. The soldier would be buried in Basateen Baba Amr [Baba Amr's orchards]. But in the last few months, we stopped being as organized... the government started using air strikes, so we have to leave the battlefield as quickly as possible... and captured soldiers would slow us down. So [the FSA] would just kill them on the site and leave."*

One armed group that announces in public statements at least some of the summary killings it carries out is Jabhat al-Nusra.<sup>21</sup> For example, on 12 June 2012, Jabhat al-Nusra said in a statement that it had 'executed' four *shabiha* members in eastern Syria;<sup>22</sup> on 15 October 2012, it said it had killed eight people, of which two were reported in the public statement to have "confessed" to crimes attributed to them suggesting that they were captured and then summarily killed. The statement said about a third man that he was taken from his home and then killed.

Jabhat al-Nusra statements make sectarian references to the "Nuseiri enemy,"<sup>23</sup> a reference to Alawite Muslims of whom they disapprove. In other statements by the Islamist armed group, government soldiers are referred to as "Nuseiris" and/ or apostates.<sup>24</sup>

**Colonel Fou'ad Abd al-Rahman** and **Colonel Izz al-Din Badr**, for example, were abducted by an armed opposition group on 16 August 2012 in Deir al-Zour where, according to their families, they were involved in a military course required for students at al-Furat University.



Colonel Fou'ad Abd al-Rahman. © Private

Both families interviewed by Amnesty International separately said that the abductors introduced themselves as members of an armed opposition group called the 'Osoud al-Tawhid Battalion'. They called both families between one to three days after the abduction and asked for a ransom. Colonel Abd al-Rahman's family said that they had been allowed to speak to him at least once, and that he said he was being tortured and urged them to secure the ransom his abductors had asked for. At one point, the main abductor negotiating with the two families told Colonel Badr's wife that he was no longer holding her husband and that he had handed him and Colonel Abd al-Rahman over to the "religious committees" (*al-lijan al-shar'iya*), which have taken on a quasi-judicial role in some opposition held areas including Deir al-Zour.<sup>25</sup> She told Amnesty International:<sup>26</sup>

*"I told the abductor that my husband did not go to Deir al-Zour to fight, he's just like an employee doing his job at the university... He said, 'if [the religious committees] find that your husband had committed a wrongdoing, then he shall be killed. If not, then there shouldn't be a problem'."*

The negotiations continued sporadically with both families. Then one of the abductors told Colonel Badr's wife that she should not keep working on her husband's case because he and Colonel Abd al-Rahman had been killed and buried in al-Hamidiyeh Garden in Deir al-Zour. A few days later, video footage of the killing of both captive officers emerged.

One of the relatives of Colonel Abd al-Rahman explained what happened next:

*"[Two or three months later after his capture], we saw footage of him [Colonel Fou'ad Abd al-Rahman] as he was being beheaded that was aired on Sama TV and on the internet. That's how we knew that they had killed him."*

Colonel Fou'ad Abd al-Rahman's widow described that terrible moment:<sup>27</sup>

*"It was around 11am. My daughter [aged 21] shouted to me, 'mum, come and see dad... quick.' He was on TV... as he was shown being killed, I pushed my daughter away to block her from viewing the scene... but she did see. She had a nervous breakdown... she's become so volatile, she's traumatized... it's not easy to see her father in that way... We now want his body back, and we want those who did this to be held accountable."*

The first footage of the killing emerged in November 2012 showing two captive men on a sofa in a room. One of them, wearing a light blue shirt, was identified by his family to Amnesty International as Colonel Fou'ad Abd al-Rahman; the other, wearing a dark shirt, was identified by his family as Colonel Izz al-Din Badr. The captives are surrounded by men, some accusing them of killing children. At least two men start slapping the captives on the head.

Voices of other men can be heard asking the assailants to stop. The captives are then taken outside by the crowd, including armed men, and voices can be heard saying: “No one should film”. Later, another voice can be heard saying, “We killed 80 people”. As Colonel Izz al-Din Badr is being prepared for death, a man can be heard shouting: “People’s enemy... May God curse you, you Alawites, you dogs.” Colonel Badr is ordered to lie on the ground face down, put his hands behind his back and place his head on a rectangular stone. An armed man passing in front of the camera says, “Don’t waste one bullet on these dogs”. A boy holding a machete is standing nearby and a man can be heard saying, “He doesn’t have the strength.” The child then strikes the man on the neck to cheers from the crowd. Then at least one person shoots at the body around six times.

Colonel Fou’ad Abd al-Rahman is made to lie near the first victim and place his head on a similar rectangular stone. A man struck his neck with a machete and then several shots were fired at the body. The victims were then decapitated using a machete. The severed head of Colonel Fou’ad Abd al-Rahman was placed on his back. Another shorter video from a different angle was uploaded on Youtube in December 2012 of the same incident showing the boy striking the neck of Colonel Badr twice, and then showing both decapitated heads placed on the back of the headless bodies.<sup>28</sup>

Amnesty International asked four Syrian nationals separately to check the dialect of the men heard speaking on the video. All four said the dialect sounded like that spoken in Deir al-Zour or other areas in eastern Syria. A Europe-based human rights organization specializing in Syria told Amnesty International that its source in Deir al-Zour reported that the killings had taken place in al-’Ommal neighbourhood in Deir al-Zour. Such information is consistent with both families’ claim that the two men were being held in Deir al-Zour.

Colonel Fou’ad Abd al-Rahman, from the village of Qarfess near the city of Jableh in the governorate of Latakia, was the father of two sons and three daughters aged between 13 and 23. Colonel Izz al-Din Badr from the village of Dahr Barakat near Jableh has three children aged between 10 and 15.

**Colonel Helal Eid**, an army officer specializing in physical education who lived in al-Taquadom neighbourhood in al-Yarmouk, southern Damascus, was summarily killed in August or September 2012 allegedly by members of one of the armed opposition groups present in al-Hajar al-Aswad, south of al-Yarmouk. Around 15 members of the brigade came to Nimrin Street in al-Taquadom and headed straight for the building where Colonel Helal Eid lived, according to a neighbour.<sup>29</sup> The neighbour told Amnesty International:

*“They said they wanted him because he was a ‘collaborator’. They went up to his flat, knocked on his door and asked him to open the door. He was with his wife and children and he refused to open the door. They threw a sound bomb on the door, but he didn’t open. They fired bullets at the door while his wife and children were inside. He was hit and wounded in his shoulder so he opened the door.*

*As they were taking him away, a crowd of around 30 people, mainly neighbours, intervened asking the armed group to leave him. People explained to the fighters that he’d been living amongst them peacefully for many years. The fighters replied: ‘We want to ask him a few*

questions and we'll let him go.' They put him in a pick-up vehicle and took him away in the direction of al-Hajar al-Aswad.

A few hours later, a boy came to the neighbourhood and asked us: 'Do you know Colonel Helal Eid?' We said, 'Yes'. The boy said: 'He is dumped in the Tirbeh al-Jadideh' [at the end of al-Yarmouk camp and near al-Hajar al-Aswad].

We immediately went there and found him on a heap of waste, with a bullet hole in the middle of his forehead, a firearm injury to his chest, and the firearm injury to the shoulder that he received at his home before his surrender...His knee was broken... A brown card was on him with the words: 'the collaborator Colonel Helal Eid'."

Elsewhere, fighters, reportedly belonging to the Baba Amr Revolutionaries' Brigade, supported by Baba Amr Martyrs Brigade and al-Khadraa' Brigade, all reportedly linked to the FSA launched an attack in mid-June 2012 on the Kfar 'Aya checkpoint in Homs.<sup>30</sup> They captured at least one officer and three soldiers and summarily killed at least two of them the following day, according to an opposition commander who participated in the battle. He told Amnesty International what had happened:<sup>31</sup>

"When I arrived, the fighting had already begun. The FSA was advancing and eventually controlled all of the [Kfar 'Aya] checkpoint and surrounding buildings. I saw some fighters had already captured three young soldiers. I continued on my way... I remember the captain's assistant was found hiding between the fortifications. Some FSA fighters saw him and as they tried to capture him, he ran and jumped off the third floor and died. We tried to go to the school that is next to the checkpoint to make sure that there were no soldiers hiding there, but the army was firing mortar rounds at us and we couldn't do that. I was injured at this moment and I had to retreat... While leaving, someone told us that the captain had surrendered..."

"I went back to our position in Sultaniyeh and found the three young soldiers [captured earlier] there. One told us that he used to give grenades to an FSA officer...The other two confessed that they had taken part in harassing and stealing from families stopped at the checkpoint... These two [soldiers] were Sunni Muslims from Aleppo. [The FSA] killed them. They were captured in the afternoon or early evening and they were killed the following morning. The third joined the FSA.

"The captain told us he was a Sunni from Deir al-Zour, probably so that we'd have mercy on him. We called his family to see if they can help us in negotiating to swap him with our prisoners held by the [Syrian] authorities... His mother pleaded with us over the phone not to kill him. I felt sorry for her and told my colleagues that we shouldn't have informed the family... When it was clear to us that the state was unwilling to negotiate with us to swap him... [the FSA] killed him."

Another video appears to show the summary killings of alleged *shabiha* members by al-Tawhid Brigade in Aleppo. The video, released on 31 July 2012, shows a few men from the Berri clan (Sunni Muslims well known for acting on behalf of government forces), including one of their leaders, **Ali Zein al-'Abdeen Berri (known as Zayno Berri)**, being shot dead by members

of the Tawhid Brigade that day. They had just been ordered out of a clan “hospitality” building by the fighters in the Bab al-Nairab neighbourhood of Aleppo, an area that was at the time under the control of FSA. A separate video uploaded the same day shows 14 men from the al-Berri clan shortly after their capture. Most of them appeared to have been beaten on the face. A local human rights activist told Amnesty International that the 14 members of the clan were summarily killed, some of them by hanging, although this was not shown in the video. Fahad al-Masri, the FSA’s Head of Central Media, condemned the killings in a televised interview with the BBC Arabic service on 1 August 2012,<sup>32</sup> saying that the FSA had opened an investigation into the incident and that those responsible would be held to account under a new government. The outcome of this investigation is yet to be made known. In September 2012 a Tawhid Brigade commander in Aleppo told Amnesty International that in his opinion the killing of the members of the Berri clan was justified, claiming that the clan members had been responsible for deaths of civilians. However, under international humanitarian law, the killing of captured individuals by a party to an armed conflict is a war crime, for which those responsible should be held accountable.

### **Suspected informers**

Amnesty International’s research indicates that many victims of summary killings by armed opposition groups were suspected of being informers or collaborators with the government.

In July 2012, there appears to have been a rise in summary killings by armed opposition groups in the area of al-Tadamon neighbourhood, east of al-Yarmouk, where several armed opposition groups had a significant presence. In an area south of al-Tadamon, a large hole dug for the foundations of a building in Souk al-Talata was apparently used by armed opposition groups to dump bodies of people they had summarily killed. Four witnesses interviewed separately by Amnesty International<sup>33</sup> said that dead bodies appeared in the “hole of death” between July and August 2012. A fifth witness could not remember the months during which he saw the bodies in the hole.<sup>34</sup> Residents frequently checked the hole, apparently 15m long, 6m wide and 5-7m deep, to see if further bodies had been dumped there.

**Ali al-Zamel**, a Palestinian refugee accused by armed opposition groups of acting as an informer for the Syrian authorities, was abducted in July 2012 and killed around five days later, according to one of the five witnesses who saw his dumped body in the “hole of death”. One of the witnesses told Amnesty International:<sup>35</sup>

*“Someone called me and told me [armed opposition fighters] had killed Ali al-Zamel... so we went to the hole. I saw his body, it had a firearm wound to the chest and another to his neck.”*

On 3 August 2012, a resident secretly filmed at the “hole of death” the killing of a man by three men, whom he identified as members of Jabhat al-Nusra. The witness<sup>36</sup> said that he started filming after several men got out of a car near the hole, dragging a blindfolded man. The footage seen by Amnesty International<sup>37</sup> shows the blindfolded man wearing shorts and a shirt that was so torn that bluish-purple bruises on his upper body were visible. The man is forced by three men, one carrying a rifle, to sit closer to the edge of the hole. Then his body

slumps forward and falls down the slope. The footage then shows the victim lying face-down, apparently at the bottom of the hole. One of the three men removes the cloth from around the victim's head and shoots at his head from close range, and then shoots one more time before stepping back. The video ends with the victim lying still. The witness did not know the identity of the victim.

Another resident, who said he visited the "hole of death" three times in July 2012, described what he had seen to Amnesty International:<sup>38</sup>

*"The first time, there were four bodies... two of them were swollen, as if they had died several days earlier. The second time I went there, the security situation was tense so I couldn't get close. I stood around 20 metres away and could see the body of a dead man at the edge of the hole, stuck at around half a metre deep. The third time, there were three dead bodies of men, all of them with bullet wounds to the head. One of the three bodies was swollen."*

Three of these residents who had left Syria in September and October 2012 told Amnesty International that when the Syrian army regained control of al-Tadamon, it recovered bodies from the hole around September 2012. Amnesty International has been unable to clarify the number of bodies recovered or where they were taken.

In mid-October 2012, Jabhat al-Nusra and other armed groups drove the Syrian army out of al-Tadamon and regained control of it and Souk al-Talata. No new dead bodies had been thrown in the hole while the area was under army control or after the armed opposition groups regained control, according to residents who sought refuge abroad, including one who left Syria in late January 2013.

In Douma, east of Damascus, summary killings began with the emergence of armed opposition groups in the city around three months after government forces opened fire for the first time at peaceful protesters in Douma, killing at least nine, on 1 April 2011. Information gathered by Amnesty International indicates that summary killings by armed opposition groups, including the Shuhadaa' Douma Brigade, were frequent and increased significantly as the situation evolved into an armed conflict. A relief worker involved in transporting casualties of the conflict and treating the wounded said that he collected dead bodies of people who had been summarily killed by armed opposition groups. He told Amnesty International:<sup>39</sup>

*"In July and August 2011, one man was 'executed' around every two weeks... We would go and pick them up. The most common reason given for the killings was that the victim served as an informer for the security. The number of those 'executed' gradually increased to one every week, then two or three every week. By July 2012, three to four people were being 'executed' every day, and we stopped knowing the exact accusation. People just referred to them as informers."*

*"The most dead bodies of victims of summary killings that I helped recover was seven. That was in the summer of 2012. I remember an [opposition fighter linked to the FSA] came to us and told us there are seven 'suffocated' ['fatayes', a derogatory term used for the dead] that needed to be removed. I went to the location and they were shot in the head, neck and back. They also had clear marks of torture on them: bruising, burns, knife scratches and stabbing."*

*What we would usually do was to collect the bodies and take them to the National Hospital... I didn't know what happened afterwards."*

### **Killings of civilians, including journalists and members of minorities perceived as loyal to President al-Assad**

Among civilians killed have been several journalists who worked for state-run or pro-government media. For example, in early August 2012, Jabhat al-Nusra claimed to have killed TV presenter **Mohamed Saeed**, whom its members had abducted in mid-July.<sup>40</sup> **Maya Nasser** was shot dead on 26 September 2012 in Damascus apparently by an opposition sniper while reporting live for Press TV, a station owned by the Iranian government. He had received threatening calls in the weeks prior to his killing. While no armed opposition group publicly claimed responsibility for his killing, Facebook groups and pages aligned to the Syrian opposition and the FSA posted news celebrating the "squashing of the *media shabih* Maya Nasser".<sup>41</sup>

The surviving members of the abducted Ikhbariya crew [see above] say that cameraman **Hatem Abu Yehyeh** was not killed in shelling by government forces as claimed by the armed opposition group which abducted them, but was summarily executed by the armed group on the first day of captivity.<sup>42</sup> Ikhbariya's headquarters in the town of Drousha, about 15 miles south of Damascus had itself been attacked earlier by an armed group in June 2012, leading to the killing of three journalists and four security workers, according to the state news agency SANA. Several representatives of the opposition claimed publicly that members of armed opposition groups or defectors carried out the attack.<sup>43</sup>

In at least some cases, members of minorities appear to have been targeted by armed opposition groups for abduction and/or summary killing. The killings described below relate to specific cases of members of the Shi'a Muslim minority killed in Homs and the surrounding area,<sup>44</sup> which Amnesty International documented in interviews with Shi'a Muslims who used to live in al-Bayada as well as fighters from armed opposition groups affiliated to the FSA and other opposition activists from (or who have operated from) Homs.

Shortly after the start of the uprising, tensions in Homs grew between members of the majority Sunni Muslim community and minorities living in the city, particularly Alawite and Shi'a Muslims. As pro- and anti-government armed groups were formed by both sides, al-Zahra neighbourhood, a predominantly Alawite Muslim residential area, turned into a stronghold for the pro-government *shabiha* militia while armed opposition groups (many of which later became part of the FSA upon its formation) controlled predominantly Sunni Muslim neighbourhoods such as Baba Amr, Bab al-Saba', al-Bayada and others.<sup>45</sup>

Some of the Shi'a Muslims targeted may have been suspected of being "informers" or "collaborators" or members of *shabiha* militias by armed opposition groups. However, Amnesty International found that some of the killings targeting Shi'a Muslim residents of Homs in 2011 may have been carried out because armed opposition groups found them easy targets at a time when capturing well-protected soldiers or *shabiha* was too difficult or risky. The organization fears that some of the summary killings of civilians have taken place solely on account of their sectarian identity, as documented in the three cases below, where

Amnesty International found no evidence that those killed were suspected of being informers, collaborators or members of *shabiha* militias.

Opposition fighters or activists closely associated with them or their supporters have attempted to justify such killings to Amnesty International either by claims that every person killed summarily was themselves guilty of killings or by making derogatory statements about these minorities' support for the government or by acknowledging what they said were 'mistakes' or 'abuses' committed by the opposition. However, no such reasons can be accepted for such killings which are gross human rights abuses and, when carried out by parties to an armed conflict, are war crimes.

The first known summary killing of a Shi'a Muslim man in Homs who may have been targeted on account of his identity that Amnesty International is aware of is that of **Rida Drei'**, a 31-year-old resident of al-Bayada, who was abducted early on 24 July 2011. His body was found the next day. A family member told Amnesty International what had happened:<sup>46</sup>

*"My family and I had already left al-Bayada... Rida stayed because he had a supermarket there and felt that he didn't need to. At one point, he told me he felt uneasy, especially at night when crowds gather and sentiments ran high, and sometimes they would shoot in the air... On 24 July, he left his home at around 6am as usual... to buy bread for his supermarket from two bakeries, one in al-Bayada and the second in Deir Ba'albe [in Homs]. He did not come back. ... We looked for him all day and night to no avail. The following day, we found his body in al-Birr wa al-Khadamat Hospital in al-Wa'er [Homs]."*

The family member said he saw the body of Rida Drei' and it had a bullet wound in the upper neck, cuts to the head and nose, and bruised lips. His car was found burned at Tal al-Nasr graveyard.

Other summary killings apparently targeting Shi'a Muslim residents followed, prompting more families to leave. One victim was **Nizam al-Abbeer**, aged 45, who was killed on 3 September 2011. A relative told Amnesty International<sup>47</sup> that as Nizam al-Abbeer walked towards his home in al-Bayada, armed men tried to drag him into their car but he escaped. The assailants then shot him dead. A few days later, his son was injured when men in a passing car shot at him as his family was preparing to leave al-Bayada.

On 5 February 2012, nine members of the Helal family were summarily killed, allegedly by FSA fighters, at Hooreen Farm in al-Ghantoo, a village south of al-Rastan, Homs governorate. Members of the extended family, comprising 32 smaller families, were the only Shi'a Muslims living in al-Ghantoo, according to Helal Helal, father of four of the victims. The family had lived there for decades. The victims were Helal Helal's sons **Diab Helal Helal**, aged 24, twins **Ali Helal Helal** and **Hassan Helal Helal**, aged 22, and **Ahmed Helal Helal**, aged 18; his brother **Ali Diab Helal**, and his son **Taleb Ali Helal**, aged 18; his son-in-law, **Hammoudi Awad Helal**, aged 33 and his brothers **Ja'afar Awad Helal**, aged 34, and **Abbas Awad Helal**, aged 29. Helal Helal told Amnesty International what happened that day:<sup>48</sup>

*"It was 3pm and we had come back home after work to drink tea with the family... Suddenly, we saw a large group of armed men, some of them from our village... those who call themselves revolutionaries. They surrounded the house. We were sitting in the ground floor.*

*So the men went up to the first floor to hide while I stayed with the women and children... They [the armed men] entered the room and everyone was terrified, the children were terrified. They ordered my son's wife to remove the gold bracelets she was wearing. She said they were too tight and that she couldn't. So one said: 'Give them to me, or I'll cut off your hand and take them.' So she had to take them off and hand them to him... Other armed men had gone up to the first floor and brought my sons and the others downstairs... My son, Ali, clung to me and asked me not to let them take him... I told him, 'I don't have arms to protect you, just go with them'. They took them outside, and we were watching from the window... They opened fire on them... I heard one saying to the others, 'Come and try your rifles'. They shot some more... We were all screaming... We went outside and only my nephew, Taleb, was still alive... We took him to the hospital but he died upon arrival. He and the others, each one of them, had many shots on their bodies. On the same day, we hurriedly left al-Ghantoo, all of us... The entire Helal family, around 130 people, we all left and left everything behind... I don't care if you give my name and number to everyone, it will not get worse. I want the entire world to know what happened."*

These three cases and other evidence collected by Amnesty International is insufficient for the organization to assess whether or not summary killings by armed opposition groups solely on account of sectarian identity have been widespread or systematic. However, the organization notes that other human rights monitoring bodies have reported a rise in sectarian attacks. For example, the UN independent international Commission of inquiry on Syria concluded in its February 2013 report that "[t]he conflict has become increasingly sectarian, with the conduct of the parties becoming significantly more radicalized and militarized."<sup>49</sup>

## **DISREGARD FOR INTERNATIONAL HUMANITARIAN LAW (LAWS OF WAR)**

The deliberate and summary killing of people in captivity – be they soldiers, members of pro-government militias, police or intelligence officials, or suspected government “informers” or “collaborators” – is a flagrant and serious violation of international humanitarian law and constitutes a war crime.<sup>50</sup> Of particular relevance to this briefing are the war crimes of murder, cruel treatment and torture committed against individuals in detention.<sup>51</sup>

International humanitarian law applies in situations of armed conflict. In Syria, there is currently a non-international armed conflict between forces loyal to the Syrian government and armed groups opposed to it, so the rules of international humanitarian law apply and are binding on all parties to the conflict, including non-state armed groups - those affiliated to the FSA and others which are not affiliated to it. The laws of war contain the rules and principles that seek to protect anyone who is not actively participating in hostilities: notably civilians and anyone, including those who were previously participating in hostilities, who is wounded or surrenders or is otherwise captured. They set out standards of humane conduct and limit the means and methods of conducting military operations.

Under international criminal law, individuals, whether civilians or members of the military, can be held criminally responsible for certain violations of international humanitarian law and human rights abuses. Leaders and commanders of armed groups must be particularly diligent in seeking to prevent and repress such crimes. Military commanders and civilian superiors can be held responsible for the acts of their subordinates.<sup>52</sup>

## **RECOMMENDATIONS**

### **On arms transfers to armed opposition groups in Syria**

In light of the abuses documented in this briefing, Amnesty International urges any state considering supplying arms to armed opposition groups in Syria to first carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted. The monitoring mechanism should recommend strong mitigation measures to be adopted in relation to a potential recipient so as to remove any substantial risk the arms would be misused for serious violations of international human rights law or international humanitarian law. This mechanism should also allow for any arms transfer subsequently approved to be rapidly halted should evidence emerge that the arms are being or will be used to carry out serious human rights abuses, or are being transferred or diverted to third parties.

The mechanism should also include a system for limiting arms supplied to only those weapons, munitions and related equipment which are not inherently indiscriminate, such as anti-personnel land mines or cluster bombs.

There should also be a system for ensuring that those who receive the arms are first equipped with the practical knowledge and awareness of international human rights and humanitarian law to understand their obligations to uphold the relevant standards and their criminal liability under international criminal law should they fail to do so.

### **To all armed opposition groups**

In the face of the ongoing and flagrant violations of international humanitarian law by armed opposition groups in Syria, Amnesty International is calling on all such groups operating in Syria to:

- condemn publicly, and take action to stop, all human rights abuses and violations of international humanitarian law, in particular summary and other unlawful killings, abductions, hostage-taking, torture and other ill-treatment, and forbid members from committing such acts in all circumstances;
- inform families of the fate of abducted relatives, including those who have died, disclosing the circumstances of their deaths and the location of their burial;
- immediately release any person held solely on the basis of their religion, ethnicity, or political opinion and to cease holding any person as a hostage;
- remove from their ranks any member suspected of involvement in summary killings and other abuses.

### **To all governments**

Amnesty International is also calling on all governments to:

- condemn human rights abuses by armed oppositions groups including those affiliated to the FSA and others;
- accept a shared responsibility to investigate and prosecute crimes against humanity and other crimes under international law committed in Syria or anywhere in the world. In particular, seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty;

- as part of this shared responsibility, establish joint international investigation and prosecution teams to investigate crimes under international law committed in Syria to improve the effectiveness of investigation, improve the chances of arrest and co-ordinate prosecutions.

### **To the UN Security Council**

Finally, the organization is calling on the UN Security Council to:

- refer, as a matter of urgency, the situation in Syria to the Prosecutor of the International Criminal Court for investigation of crimes under international law;
- demand that the government of Syria grant prompt and unfettered access to the independent international Commission of Inquiry, humanitarian and human rights organizations, and to international media.

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<sup>1</sup> Armed opposition groups not affiliated to the Free Syrian Army include a variety of Islamist and jihadist groups such as Jabhat al-Nusra.

<sup>2</sup> The first such killing of which Amnesty International is aware was in July 2011, before the situation in Syria was declared to have evolved into a non-international armed conflict across much of the country in July 2012.

<sup>3</sup> Among Amnesty International's documentation of war crimes and other serious human rights violations by Syria's government and pro-government forces are the reports: *Crackdown in Syria: Terror in Tell Kalakh*, July 2011, Index: MDE 24/029/2011, <http://www.amnesty.org/en/library/info/MDE24/029/2011/en>; *Deadly detention: Death in custody amid popular protest in Syria*, August 2011, Index: MDE 24/035/2011, <http://www.amnesty.org/en/library/info/MDE24/035/2011/en>; *The long reach of the mukhabaraat: violence and harassment against Syrians abroad and their families back home*, October 2011, Index: MDE 24/057/2011, <http://www.amnesty.org/en/library/info/MDE24/057/2011/en>; *Health crisis: Syrian government targets the wounded and health workers*, October 2011, Index: MDE 25/059/2011, <http://www.amnesty.org/en/library/info/MDE24/059/2011/en>; *"I wanted to die": Syria's torture survivors speak out* March 2012, Index: MDE 24/016/2012, <http://www.amnesty.org/en/library/info/MDE24/016/2012/en>; *Deadly Reprisals: Deliberate killings and other abuses by Syria's armed forces*, June 2012, Index: MDE 24/041/2012, <http://www.amnesty.org/en/library/info/MDE24/041/2012/en>; *All-out Repression: Purging dissent in Aleppo, Syria*, August 2012, Index: MDE 24/061/2012, <http://www.amnesty.org/en/library/info/MDE24/061/2012/en>, 23 August 2012; *Civilians bearing the brunt in the battle for Aleppo*, August 2012, Index: MDE 24/073/2012, <http://www.amnesty.org/en/library/info/MDE24/073/2012/en>; and *Indiscriminate attacks terrorize and displace civilians*, 19 September 2012, Index: MDE 24/078/2012, <http://www.amnesty.org/en/library/info/MDE24/078/2012/en>

<sup>4</sup> Scores, if not hundreds, of armed opposition groups, composed of Syrian army defectors and volunteers, are operating in many parts of Syria today. Many are acting under the general banner of the Free Syrian Army (FSA) but in reality are only loosely connected with the FSA and operate largely independently of the FSA and of each other. Others have no link to the FSA at all. Amnesty International is aware that not all members of armed opposition groups are committing abuses.

<sup>5</sup> Several alleged summary killings by opposition groups that Amnesty International is aware of have been excluded from this briefing as insufficient credible evidence has been gathered. However, the organization is continuing to seek further information about these killings and will raise any concerns in the future should sufficient information be obtained. At the same time, Amnesty International is aware that some apparent abuses may be criminal acts carried out by individuals or groups bearing arms who are not connected to the armed opposition.

<sup>6</sup> Due to the serious human rights abuses, including war crimes, happening in Syria every day, Amnesty International exercises extreme caution while collecting and publicizing information on Syria and, where necessary, has not named or given any other information in this briefing that may identify interviewees or put people at risk.

<sup>7</sup> Information provided by a Syrian human rights organization.

<sup>8</sup> See for example <http://uk.reuters.com/video/2012/11/08/rebles-attack-mezzeh?videoId=238996235>. The Syrian Observatory for Human Rights reported that at least three civilians were killed in the attack.

<sup>9</sup> Amnesty International, *Syria: Armed group carries out summary killing of security forces in Idlib*, 1 November 2012. <http://www.amnesty.org/en/for-media/press-releases/syria-armed-group-carries-out-summary-killing-security-forces-idlib-2012-11>

<sup>10</sup> As stated by UN High Commissioner for Human Rights spokesperson, Rupert Colville on 2 November 2012. For more information, see: GENEVA / SYRIA – SUMMARY EXECUTIONS, <http://www.unmultimedia.org/tv/unifeed/2012/11/geneva-syria-summary-executions/>

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<sup>11</sup> Yara al-Saleh and Abdullah Tubara were freed by the Syrian army following clashes between the FSA group that had abducted them and the Syrian army. Hussam Imad remained in the custody of the FSA group following the clash, but escaped the following day by reportedly leaping from a window. Hatem Abu Yehyeh is reported to have been killed on the first day of captivity, although accounts of how he was killed vary and his body has not been returned or found.

<sup>12</sup> Alawite Muslims are generally regarded as an off-shoot of Shi'a Islam. Alawite and Shi'a Muslims together are believed to constitute around 13 per cent of Syria's population. The name Alawite stems from the community's veneration of Ali Bin Abi Taleb, the fourth caliph after the death of the Prophet Mohammad who is considered to be the first Imam in Shi'a Islam.

<sup>13</sup> See for example the report of the UN independent international Commission of Inquiry, 5 February 2013, Index: A/HRC/22/59, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf)

<sup>14</sup> For example, acclaimed author Samar Yazbek is an Alawite Muslim who supported the opposition in the early days of the unrest of 2011 and who was arrested five times by the Syrian authorities before she left the country. Mounzir Makhous, the envoy of the Syrian opposition to France is an Alawite Muslim.

<sup>15</sup> The al-Baraa' Brigade accused the Iranian nationals of belonging to the Iranian Revolutionary Guard Corps and of being in the country to provide military support to the Syrian government. The Iranian government insisted that the men - some of whom they said were retired Revolutionary Guards officials - were pilgrims who were travelling to the Sayyida Zainab shrine in the suburbs of Damascus.

<sup>16</sup> Amnesty International was unable to confirm whether that number of prisoners and detainees were indeed released, but is aware of the release of four women as part of the exchange. See Syria: Further information: Syrian "Peace Brides" released from detention, 11 January 2013, Index: MDE 24/003/2013, <http://www.amnesty.org/en/library/info/MDE24/003/2013/en>

<sup>17</sup> These included recognition of the FSA by the Lebanese government, for Hassan Nasrallah, head of the Lebanese organization Hizbullah, to apologise for his support of the Syrian president Bashar al-Assad and for the Syrian government to release some 500 prisoners. Most recently, on 1 March 2013, the group issued a statement demanding the release of women detainees held by the Syrian government in return for the release of the Lebanese hostages.

<sup>18</sup> The UN independent international Commission of Inquiry found in its report published on 5 February 2013 that "[t]here were comparatively more reports of killings by anti-Government armed groups during the period under review [15 July 2012 to 15 January 2013]. Most accounts emanated from Damascus and Aleppo governorates. Several of those interviewed also spoke about killings in Dara'a, Homs and Dayr az Zawr". (paragraph 61). [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf)

<sup>19</sup> The International Committee of the Red Cross announced in July 2012 that the internal armed conflict previously confined to Homs, Hama and Idlib had spread to other areas of the country.

<sup>20</sup> Interview conducted by Amnesty International in Lebanon on 1 December 2012.

<sup>21</sup> Its full name is Jabhat al-Nusra li Ahl al-Sham min Mujahidi al-Sham fi Sahat al-Jihad which officially announced its formation in late January 2012. It is not affiliated to the FSA.

<sup>22</sup> Jabhat al-Nusra statement can be seen on <http://archive.org/details/jbht-n9rh-13-19>; last seen by Amnesty International on 13 March 2013.

<sup>23</sup> As issued in a statement by Jabhat al-Nusra on 15 October 2012: [http://archive.org/stream/JN.123/JN\\_press121#page/n0/mode/1up](http://archive.org/stream/JN.123/JN_press121#page/n0/mode/1up); last seen by Amnesty International on 13 March 2013.

<sup>24</sup> Such as in statements issued by Jabhat al-Nusra in February, including 15 February 2013. <http://www.hamafree.com/index.php?name=news&op=view&id=4147>

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<sup>25</sup> The UN Independent International Commission of Inquiry on the Syrian Arab Republic stated in its 5 February 2013 report (paragraph 63) “[as] the State law enforcement and justice system have disintegrated in certain areas of the country, anti-Government armed groups have turned to traditional social structures, often based around religious institutions, to fill the vacuum. According to descriptions received, these mechanisms do not meet international judicial standards as defined under international humanitarian law. Passing sentences or executing without due process is a war crime.”

<sup>26</sup> Phone interview conducted by Amnesty International on 11 March 2013.

<sup>27</sup> Phone interview conducted by Amnesty International on 1 March 2013.

<sup>28</sup> Video published on YouTube on 9 December 2012; last seen by Amnesty International on 10 March 2013: <http://www.youtube.com/watch?v=dE7luGRe9Ag&feature=youtu.be&bpctr=1362921340>

<sup>29</sup> Interview conducted by Amnesty International in Lebanon on 3 January 2013.

<sup>30</sup> The FSA brigades relocated to the Homs neighbourhoods of Jobar and al-Sultaniyeh, close to a major checkpoint in Homs called Kfar ‘Aya, following their loss of the Homs district of Baba Amr to the Syrian army in early March 2012.

<sup>31</sup> Interview conducted by Amnesty International in Lebanon on 30 November 2012.

<sup>32</sup> Last seen by Amnesty International on 12 March 2013: <http://www.youtube.com/watch?v=g-cdUyWjOIU>

<sup>33</sup> Interviews conducted by Amnesty International in person in Lebanon and by phone on 3 January, 28 February, 2 March and 3 March 2013.

<sup>34</sup> Phone interview conducted by Amnesty International on 10 March 2013.

<sup>35</sup> Phone interview conducted by Amnesty International on 28 February 2013.

<sup>36</sup> Phone interview conducted by Amnesty International on 2 March 2013.

<sup>37</sup> Footage seen by Amnesty International on 3 March 2013.

<sup>38</sup> Phone interview conducted by Amnesty International on 2 March 2013.

<sup>39</sup> Interview conducted by Amnesty International in Lebanon on 26 December 2012.

<sup>40</sup> Jabhat al-Nusra’s statement on his killing. <http://www.as-ansar.com/vb/showthread.php?t=67569>; last seen by Amnesty International on 13 March 2013.

<sup>41</sup> <https://www.facebook.com/HomsumAlhnaien/posts/427894347272723>

<sup>42</sup> Yara al-Saleh reiterated this to Amnesty International.

<sup>43</sup> See Amnesty International, *Syria: Attack on TV station condemned as UN report finds violence worsening*, 27 June 2012, <http://www.amnesty.org/en/news/syria-attack-tv-station-condemned-un-report-finds-violence-worsening-2012-06-27>

<sup>44</sup> Members of these communities are commonly perceived by opposition forces to be supportive of the government and/or of President Bashar al-Assad, in Homs although Amnesty International is aware that not all members of these communities hold such views.

<sup>45</sup> An example of the rising tensions in Homs is demonstrated by an attack on a Shi’a Muslim family in al-Bayada neighbourhood of Homs during the funeral of an opposition fighter, Khaled al-Dandal al-‘Afnan. He had been killed on 11 July 2011 in the Khaldiyyeh neighbourhood of Homs. Angry mourners near his home in al-Bayada attacked a nearby house belonging to a Shi’a Muslim family while around 14 women and children were in the

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house. The family hid in one of the rooms and relatives jumped onto the roof and broke a window to allow them to escape through their neighbour's home. The family left al-Bayada the same day, according to a relative. One man who was a relative of this family told Amnesty International that his family and a few other Shi'a Muslim families also left al-Bayada after this attack.

<sup>46</sup> Phone interview conducted by Amnesty International on 3 March 2013.

<sup>47</sup> Phone interview conducted by Amnesty International on 1 March 2013.

<sup>48</sup> Phone interview conducted by Amnesty International on 2 March 2013.

<sup>49</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic submitted at the Human Rights Council on its twenty-second session on 5 February 2013.

<sup>50</sup> Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of some of these crimes are included in the Rome Statute of the International Criminal Court (Rome Statute).

<sup>51</sup> Rome Statute to the ICC, Article 8(2)(c)(i).

<sup>52</sup> Article 86 (2) of Protocol I, states: "The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach."