Nearly 457 attacks by the Syrian and Russian Regimes Using Cluster Munitions were Documented, 24 of them since the Sochi Agreement

The Syrian Regime is the World’s Worst Offender in Terms of Cluster Munitions Use, which has left Thousands of Syrians Disabled
The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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**I. Introduction**

The Syrian regime has used various types of weapons from the Syrian Army institution’s arsenal against individuals, neighborhoods and areas that expressed their desire to change the system of governance in Syria from a hereditary dictatorship to a pluralistic democratically elected government, like the nations of the civilized world. Cluster munitions have been amongst the most widely and repeatedly used weapons, although the regime’s deployment of this type of indiscriminate weaponry has received virtually no international attention or condemnation, despite the enormous number of casualties that cluster munitions have inflicted in Syria.

By 2018, a total of 120 countries had signed the Convention on Cluster Munitions, with the international community celebrating the destruction of 99% of the reported stockpile of these terrible munitions. Whilst the use of cluster munitions in various other nations worldwide has significantly fallen, however, the Syrian regime continues to use them repeatedly and with apparent impunity, showing indifference to the condemnations of the General Assembly of the United Nations through several resolutions issued by a sweeping majority. According to a report by the Landmine and Cluster Munition Monitor organization, to which the Syrian Network for Human Rights contributed, the Syrian regime is considered to be the worst offender globally in terms of the use of cluster munitions. To date, the Syrian regime has relied on cluster munitions to spread terror and fear in areas outside its control, contrib-
uting to the displacement of thousands of Syrians and to the reluctance of many displaced persons and refugees to return to areas where these munitions have been widely and repeatedly used.

Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

“The use of cluster munitions by the Syrian regime and its Russian ally flagrantly violates several rules of international humanitarian law, given that the nature of these munitions does not distinguish between civilians and combatants, moreover the Syrian regime’s use of this weapon is directed mainly at residential and civilian areas. The ICRC and the United Nations must work effectively to help thousands of Syrians who are victims of the use of cluster munitions medically and psychologically, and most importantly to find a mechanism to prevent their use again.”

The following link contains reports documenting cluster munitions attacks by the Syrian-Russian alliance on various Syrian territories, including details of the incidents that we were able to document, such as the time, date and location of the attack, the toll of the dead and injured, the types of munitions used and eyewitnesses’ and survivors’ accounts, as well as a huge collection of photos and videos that we received whose authenticity we have checked and verified, in addition to other evidence:
Russian Forces are Worse than the Syrian Regime in Terms of Cluster Munitions Use
March 24, 2017

The Syrian Regime is The Worst in The World in Cluster...
October 18, 2014
On Saturday, 16 August 2014, the Landmine and Cluster Munition Monitor for 2014 published a report about the use of cluster munitions in the...

Cluster weapons must be destroyed as well
April 4, 2014
With the beginning of 2014, the Syrian regime has escalated unprecedentedly its use of the internationally-prohibited cluster bombs as if the Syrian regime was...

Substitute the Use of Chemical Weapons by the Use of Cluster...
March 26, 2014
Ukairbat is located to the eastern countryside of Hama. The government forces have shelled it repeatedly lately with cluster munitions. The team of the Syrian...

Government Forces Use Cluster Munitions in bombing Yabrud
March 13, 2014
The Syrian government is determined to continue using cluster munitions that remain in the land for decades after use and may continue to cause...

Victims of Cluster Munitions in Syria
February 2, 2014
Despite of the fact that more than 112 of the world countries condemned, through a decision taken by the UN general Assembly, the Syrian...

A weak reaction from the international community as the Syrian regime...
October 17, 2013
As the Syrian Network for Human Rights continues to report the daily violations in Syria carried out by the Syrian regime, we began documenting...
Methodology:
The report highlights the terrible reality of the use of cluster munitions in the Idlib de-escalation zone (consisting of Idlib governorate and parts of the governorates of Hama, Aleppo and Latakia) by Syrian-Russian alliance forces since the Sochi Agreement on September 17, 2018, and how this affects the lives of the population in those areas. The report also includes the record of the use of cluster munitions by the Syrian-Russian alliance forces since their first documented use of these munitions, from July 2012 until April 10, 2019.

It should be noted that the Syrian Network for Human Rights did not record any use of cluster munitions by the Kurdish-led Syrian Democratic Forces (the Democratic Union Party), by the Extremist Islamist groups or factions of the Armed Opposition, or by International Coalition forces.

This report draws upon the ongoing daily monitoring of news and developments by SNHR’s team, and on our extensive network of contacts with various sources that has been built up over the course of our work since 2011. Whenever we receive information or learn some news about violations via the internet or media outlets, our team works to follow up these reports and attempts to verify information and collect evidence and data. In some cases, researchers are able to visit the incident location promptly, although this is a rarity in light of the incredibly high security risks involved, and given the frequency of daily incidents and the scarcity of human and material resources to carry out this work. Therefore, the opportunities available to access evidence vary between one case and another, and consequently the level of certainty in classification of each incident varies. SNHR’s customary policy in such cases is to rely on accounts from survivors who experienced these violations firsthand, with whom we try to establish direct contact, as well as relying on those who witness or film these violations, in addition to analyzing materials available in open sources such as the internet, media outlets, and finally through speaking to medical personnel and rescue workers.

We were also able to talk to a number of central signal workers¹, eyewitnesses and members of the Syrian Civil Defense first responders’ organization. This report contains two accounts that we’ve collected through speaking directly with eyewitnesses, neither of which are cited from any open sources. We explained the purpose of these interviews beforehand to the eyewitnesses, who gave us permission to use the information they provided without us offering or giving them any incentives.

¹ These systems are used to capture aircraft radar signals and track calls between the pilot and the air base from which they take off. These observatories usually generalize the news of the departure of military warplanes from military bases and track their movement, and can distinguish the flight that departs from the military base of Hmeimim, which is considered a Russian military base, or from air bases in the Hama and Homs suburbs used by Syrian regime warplanes.
Also, SNHR endeavors always to spare the eyewitnesses the agony of remembering the violations as much as possible, as well as providing assurances that we will conceal the identity of any witness who prefers to use an alias.

We tried to distinguish between the attacks by the Russian regime and the Syrian regime as far as possible; however, in those attacks where we could not determine the perpetrator’s identity, we assigned responsibility collectively to the Syrian-Russian alliance.

We also reviewed and verified the authenticity of the photos and videos we received showing unexploded submunitions and the remnants of incubators loaded with cluster munitions, as well as excluding many attacks where there was no visual evidence or photographs of the remnants of these weapons.

We retain copies of all the videos and photographs included in these reports, which are also included in this report, in a confidential electronic database and in hard disk backup copies. For more details, please see our general work methodology.

Our investigations confirm that all of the attacks included in this report targeted civilian areas where we documented no military presence or armories before or during the attacks, and where the degree of force used by the perpetrators did not take into account the principle of proportionality in the use of force, meaning that many of these attacks constitute war crimes. Also, we have documented that the perpetrators failed to issue any warnings to civilians prior to any of the attacks as required by international humanitarian law.

This report only represents the bare minimum of the actual severity and magnitude of the violations that occurred. Also, it doesn't include any analysis of the profound social, economic, psychological, and demographic ramifications.

II. The nature of cluster munitions and the record of their use in Syria according to the Syrian Network for Human Rights’ database

Cluster munitions represent hollow weapons designed to explode into the air and disperse large numbers of bomblets or submunitions on a large area, with the modern types being dispersed across an area of approximately 2,500 square meters. Cluster munitions are launched either by ground platforms and artillery systems or by planes or helicopters. The number of munitions contained in each cluster bomb can range from several dozens to more than 600, the bulk of which are designed to explode on impact. These munitions are
indiscriminate and inaccurate, and their precision can be affected by weather and other environmental factors. These munitions often fall far short of the intended military target and are dangerous in their implications, which extend far beyond the era of war and conflict. In addition to the victims killed as a result of the immediate explosion of cluster munitions at the time of the attack, between approximately ten and 40 percent of these munitions remain unexploded but live, posing a lethal danger. The Syrian Network for Human Rights asserts that hundreds of cluster munitions in Syria have effectively been turned into landmines that kill or maim civilians and inflict serious injuries, with hundreds of pieces of shrapnel penetrating the victims' bodies, and potentially leading to amputation of bodily organs, and rupturing of veins and arteries, as well as inflicting injuries to the ears and eyes that can leave victims wholly or partially deaf or blind. We note that these remnants, which are still extensively widespread in Syria, constitute a major obstacle to the return of displaced persons and the movement of aid workers and Civil Defense rescue workers and their vehicles, as well as posing a threat to the process of reconstruction and development. Most dangerously of all, the munitions are often brightly colored and shiny, meaning they can attract the curiosity of children, making them the most vulnerable group. Over the past several years, the Syrian Network for Human Rights has documented the intensive and frequent use of cluster munitions in most Syrian governorates, targeting dozens of cities and towns, including both residential and agricultural areas.

The Syrian Network for Human Rights has documented at least 457 cluster munition attacks since the first documented use of these munitions in July 2012 up to April 10, 2019. These attacks have been documented in the Syrian Network for Human Rights’ database through an accumulated documentation process, in which each incident is recorded with all the information we were able to obtain, such as location, date and time of attack, type of munitions used, and the resulting victims and injuries. The record of the attacks is distributed according to the perpetrator party as follows:

- Syrian Regime forces: 216
- Russian forces: 233
- Russian/Syrian attacks: Eight

The cluster-munition attacks launched by the Syrian-Russian alliance between July 2012 and April 10, 2019 have resulted in the deaths of 955 civilians, including 345 children and 205 women (adult female).
We also documented the deaths of at least 357 civilians, including 107 children and 31 women (adult female), as a result of the explosion of munitions left from previous cluster munition attacks. Although it is difficult to determine the number of the injuries caused by cluster munition explosions, the Syrian Network for Human Rights estimates that approximately 4,200 civilians have been injured, many of whom have subsequently had to undergo amputation of limbs as result, requiring prosthetic limbs and a series of rehabilitation and support operations.

III. The reality of the use of cluster munitions since the Sochi Agreement

The Sochi Agreement, which entered into force on September 17, 2018, contributed to the suspension of air strikes carried out by the Syrian regime; however, ground attacks, with missile launchers mostly stationed in Abu al Duhour Airport and the villages of Abu Dali and E’jaz in the eastern suburbs of Idlib, have been incessant on villages and towns adjacent to the contact line, particularly targeting towns and villages in the northern suburbs of Hama and the southern suburbs of Idlib. It should also be noted, however, that the agreement succeeded briefly in stopping cluster munition attacks, since we did not record any cluster munitions attacks on Idlib area between the implementation of the agreement and early February 2019.

On February 7, 2019, however, the Syrian regime launched two cluster munition attacks, the first on al Tah village in the southern suburb of Idlib and the second on Talmennes village in the eastern suburb of Idlib. These two attacks marked the beginning of a series of cluster munitions attacks in the region. Following the conclusion of the fourth Tripartite Summit, which brought together the Heads of State of Turkey, Russian and Iran in Sochi on February 14, 2019, the SNHR observed a change in the bombing policy adopted by Syrian Regime forces, according to which the killing and bombardment of villages and towns far from the line of contact escalated, with fixed-wing Syrian regime warplanes engaging in air strikes for the first time since the Sochi Agreement entered into force. The escalation by the Syrian regime also included an escalation in launching cluster munition attacks.

The Syrian Network for Human Rights documented at least 24 cluster munition attacks between September 17, 2018, and April 10, 2019. These were distributed according to the executing party as follows:

- Syrian Regime forces: 23
- Russian forces: One

These attacks resulted in the deaths of at least 34 civilians, including eight children and six women (adult female), and injured at least 137 other civilians.
We also documented the deaths of at least seven civilians, including four children as a result of the explosion of munitions left from previous cluster munition attacks. These attacks took place in 13 areas, most of which are located in the southern suburbs of Idlib.

Map showing locations of areas that saw cluster munitions attacks from September 17, 2018, to April 10, 2019
IV. The impact of cluster attacks on the Idlib area

The military advantage in the use of cluster munitions lies in the fact that the delivery of a single explosive charge inflicts extreme damages on a very wide scale, although these munitions do not cause significant widespread material destruction, such as that inflicted by barrel bombs, Scud missiles and vacuum missiles, they can cause serious property damage, and ensure the killing and injury of as many people as possible in the surrounding area.

The use of these munitions by Syrian Regime forces in the Idlib area may not be part of a near-term military advance. Rather, it seems to us that the aim is to completely paralyze life in the areas under attack, with the areas targeted by government forces with cluster munitions being effectively transformed into minefields due to the presence of hundreds of cluster submunition bomblets that failed to explode on the initial impact. These remnants remain active until they explode spontaneously or when they’re triggered by anybody approaching them, meaning they can kill and maim dozens of innocent people. Meanwhile, civilians living in areas affected by cluster attacks will not be able to live in safety until the lethal remnants of these munitions in the areas around their homes, and in their streets, markets and farmlands are identified and completely cleared. This is, of course, an additional burden on already struggling local organizations that deal with such services, which require funding and specialist expertise in this field to deal with this challenge.

The recent cluster attacks have also targeted many residential areas and vital civilian facilities, with the explosion of munitions causing terrible damage to medical facilities, schools and markets; we have documented at least 16 cluster munition attacks on vital civilian facilities in the period between September 17, 2018, and April 10, 2019, all of which have contributed to an increase in the already terrible suffering of civilians and made life even more difficult for them, with the repeated attacks forcing more people to flee from their villages and towns. The Response Coordinators organization reported the displacement of at least 160,000 people from the Idlib area, particularly in the areas of al Dana, Ma’ret al Numan, Kafranbel and Ariha, between February 2, 2019, and April 8, 2019, with these displaced people heading to safer areas, especially villages on the Turkish border.

The Idlib area is a haven for hundreds of thousands of Syrian citizens who were previously displaced from their homes and areas prior to the displacement of more people from the three former de-escalation zones, which were brought under the complete control of Russia and the Syrian regime in the last third of 2018; as a result of these operations, tens of thousands more people from the governorates of Homs, Hama and Damascus Suburbs were displaced to Idlib. We estimate that the Idlib area now contains nearly 5 million Syrian citizens. The indiscriminate attacks and the use of improvised explosive devices and cluster munitions pose a major threat to the humanitarian situation in the Idlib area.
Syrian Regime forces recently stepped up the use of the BM-30 SMERCH and BM-27 URGAN series of missiles:
The Syrian Network for Human Rights has been able to monitor at least ten types of cluster munitions used by the Syrian-Russian alliance. Attacks involving the use of munitions fired from fixed-wing warplanes accounted for the largest proportion, particularly attacks launched by Russian forces, but the recent attacks, specifically since February 2019, has seen the Syrian regime using BM-30 SMERCH and BM-27 URGAN cluster munitions, mostly using these specific types (9M55K-9M27K-9M27K1), which are launched from stationary platforms. These munitions are characterized by the fact that the submunitions they contain, which can be of two types - 9N235 or 9N210 - are capable of large fragmentation and thus more extensive damage. According to a report published by Human Rights Watch on the use of these types of missiles, we were able to identify a number of the resulting submunitions and metal fragments:

Table showing BM-30 SMERCH and BM-27 URGAN types of missiles and the number of submunitions carried by each type:

<table>
<thead>
<tr>
<th>Missile</th>
<th>Submunitions Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>9M27K</td>
<td>Carrying 30 small submunitions of type 9N210, capable of fragmenting into 370 metal fragments</td>
</tr>
<tr>
<td>9M27K1</td>
<td>Carrying 30 small submunitions of type N235, capable of fragmenting into 95 metal fragments</td>
</tr>
<tr>
<td>9M55K</td>
<td>Carrying 72 small submunitions of type N235, capable of fragmenting into 95 metal fragments</td>
</tr>
</tbody>
</table>
There is no doubt that the large number of submunitions and their fragmentation capacity increases the risk posed by their use in populated areas, increasing the toll of victims and injured and the severity of injuries that may extend beyond amputation and rupture of the arteries. The use of cluster munitions in residential areas violates the principle of non-discrimination in international humanitarian law and is tantamount to a war crime.

V. The most notable cluster munition attacks since the Sochi Agreement:

On Thursday, February 7, 2019, Syrian Regime forces used a missile launcher to fire four URGAN-9M27K series missiles loaded with cluster munitions, which targeted al Tah village in the southern suburbs of Idlib governorate. The area is under the joint control of factions of the Armed Opposition and Hay’at Tahrir al Sham. The SNHR contacted a local media activist Hamoud Sultan, who told us: “The targeting happened at noon on Thursday, February 7th, with four missiles fired from the Syrian Regime forces’ camp in al Tama village near Abu Dali village. One of the missiles landed on my house and another on an agricultural field. The village is almost emptied of the population who were displaced as a result of the recent attacks by the regime forces. “ Hamoud added that the missiles caused a series of small consecutive explosions, and confirmed that the targeted area is free of any military presence of Armed Opposition fighters.

On Wednesday, February 20, 2019, Syrian Regime forces used a missile launcher to fire three missiles loaded with DPICM cluster munitions, which targeted Bdama town in the western suburbs of Idlib governorate. The missiles fell on an area of agricultural land, with no injuries recorded. The town is under the joint control of factions of the Armed Opposition and Hay’at Tahrir al Sham.
On Thursday, March 14, 2019, Syrian Regime forces used a missile launcher to fire a number of 9M55k missiles loaded with 9n235 cluster submunitions, which targeted Hass village in the southern suburbs of Idlib governorate, with no injuries recorded. The village is under the joint control of factions of the Armed Opposition and Hay’at Tahrir al Sham.
On Sunday, April 7, 2019, Syrian Regime forces, stationed in Abu al Duhour area in the eastern suburbs of Idlib, used a missile launcher to fire two SMERCH-9m55k missiles loaded with 9n235 cluster submunitions, which targeted al Janoubi neighborhood in al Nayrab village in the northern suburbs of Idlib governorate. The explosion of the munitions resulted in the deaths of seven civilians, including two children and one woman, all of whom were killed in different parts of al Janoubi neighborhood, while six others were injured. We also documented an explosion of several submunitions near the Mus’ab Bin Omair Primary School building at a time when the students were in school. The area is under the joint control of factions of the Armed Opposition and Hay’at Tahrir al Sham.

On Thursday, April 4, 2019, Syrian Regime forces used a missile launcher to fire three SMERCH-9m55k missiles loaded with 9n235 cluster submunitions. The missiles exploded in the air with their contents falling across an area covering 1.1 square km targeting the popular “al Khamis Market” and residential buildings in the center of Kafranbel city in the southern suburbs of Idlib. The explosion of the munitions resulted in the deaths of 13 civilians, including five children and two women, and injured more than 42 others. Some of the victims were killed in the market area, while others were killed inside their homes in the city center; the explosion of munitions also caused significant material damage to the market area. We also recorded an explosion of cluster munitions near the primary health care dispensary building and the Abu Bakr elementary school building in the center of Kafranbel city. The area is under the joint control of factions of the Armed Opposition and Hay’at Tahrir al Sham.

Nouriya and Khansaa Khaled al Kadaa, two female children, were killed as a result of a ground attack by Syrian Regime forces using cluster munitions on Kafranbel city, Idlib - April 4, 2019.
Bilal Bayoush, a local media activist from Kafranbel city, told the Syrian Network for Human Rights: “I was at home when the Observatories publicized that the Syrian regime’s artillery, which is stationed in Abu Dali in the southern suburb of Idlib, had fired missiles. It was around 10:40 am. Only minutes later, the sounds of explosions began to rise.” Bilal said he went up to the roof of the house to investigate the exact location where the missiles had landed and confirmed that they had landed in the center of the city.

Bilal went to the nearest hospital that received those injured in the attack, where he said he saw a group of injured people, including children, adding that their injuries were relatively moderate. After that, he went to al Khamis Market, which suffered the largest toll of casualties: “The attack took place on Thursday, the day when the vendors gather in this street and the area is full of civilians. The regime deliberately bombed the area on this day and at this time specifically to inflict as many casualties as possible”

Bilal said he saw the remains of three large missiles, adding that he counted 18 cluster bombs.

Map showing locations where cluster munitions spread out in Kafranbel city after the area was targeted by Syrian regime missile launchers on Thursday, April 4, 2019
The Syrian Network for Human Rights also spoke with Obaida Othman, director of the Civil Defense center in Kafranbel city, who recalled: “I went with the civil defense teams to aid the victims in the market area; we aided about 50 people who had various injuries, and we pulled out [the bodies of] about 12 victims from several areas. We also inspected the remnants of unexploded remnants, while the engineering teams of the civil defense collected and transport them outside the city then detonated them “, Obaida said the targeted location was a popular market packed with civilians since it was Thursday, and confirmed that it was free of any military presence. He added: “I was able to identify three of the missiles dropped on the city that day, and the attack was preceded by a flight of a reconnaissance plane belonging to the Syrian regime.”

Obaida described the form of the missiles that carried the cluster munitions, saying: “It had a large longitudinal shape with fins in its tail”, and added that it differed from the types of cluster munitions that had previously been fired on the area, which were small and oval in shape.

VI. Conclusions and recommendations

• The use of cluster munitions by Syrian Regime forces led by the commander of these forces, Lieutenant General President Bashar al Assad, as well as their use by Russian forces, violates both the principles of distinction and proportionality in international humanitarian law and is considered a war crime.
• The evidence contained in the incidents included in this report indicates that the use of cluster munitions was carried out by Syrian Regime forces, against civilian targets, not directed at serving any specific military purpose, and thus constitute war crimes.

Recommendations:

Security Council:

• The Security Council must adopt a special resolution banning the use of cluster munitions in Syria, similar to its prohibition on the use of chemical weapons, and include advice on how to remove the remnants of such dangerous weapons.
• Russia’s permanent membership in the Security Council must not prevent the Council’s efforts to hold Russia accountable; if it does so, the body will lose its remaining credibility.
• The use of cluster munitions by the Syrian regime threatens the security and safety of tens of thousands of members of Syrian society and the Security Council must immediately and urgently intervene to protect the Syrian people from the attacks by the ruling authority, which constitute war crimes.
Human Rights Council and International Commission of Inquiry (COI):
• Issue a statement condemning the use of cluster munitions by the Syrian-Russian alliance.
• Attend to the documentation of incidents indicating the use of cluster munitions by the Syrian-Russian alliance forces.
• Conduct extensive studies on the locations where Syrian-Russian alliance forces used cluster bombs to warn the peoples in these areas and expedite the clearance of unexploded ordnance. Thousands of hectares in Syria have been contaminated with cluster munition remnants, and the Syrian Network for Human Rights is ready to contribute to any such studies.

Friends of the Syrian People:
• Condemn the use of cluster munitions against Syrian society by the Syrian-Russian alliance forces, and pressure them to stop their repeated and ongoing attacks, which indicate that they are the official policy of the Russian state.
• Refuse to consider the Russian government as a party to the dialogue and political transition in Syria if it continues to insist on committing widespread and systematic violations against the Syrian people; these could not be any clearer than the repeated use of cluster munitions which provides blatant evidence of its violations.

The Russian Government:
• Immediately end the production of cluster munitions and stop using them in Syria, start destroying stockpiles, and accede to the Convention on the Prohibition of the Use of Cluster Munitions.
• Investigate all violations listed in this report, with the SNHR fully ready to assist and provide all the detailed evidence, and hold all those involved accountable.
• Publish detailed maps of locations where cluster munition attacks have been launched, provide these to the United Nations and inform the Syrian community about them, thus facilitating the disposal of unexploded ordnance.
• Compensate all affected members of Syrian society, in particular the victims and their families for all material and moral damage caused by these attacks.

High Commissioner for Human Rights:
• Condemn the widespread and excessive use of cluster munitions against civilians in the Idlib area, and submit a letter to the UN Security Council in this regard.
Acknowledgment and condolences

We offer our sincere condolences to all the families of the victims and those affected whose names we have been able to identify and document, and our thanks to the families and local activists and the families of the victims, without whose cooperation we would have been unable to build such a database and issue this report.