

On the Third Anniversary of the UN Board's Report on Syrian Regime and Russian Forces' Attack on the Humanitarian Aid Convoy in Aleppo Suburbs, the UN Should Follow Up on its Investigation

The UN Headquarters Board of Inquiry's Report on the Attack Is Inadequate and the Russian and Syrian Regimes Must Be Prosecuted

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

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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. Targeting Humanitarian Organizations and Their Workers Has Become a Repeated Pattern in the Syrian Conflict

Working for humanitarian organizations is considered one of the noblest callings, especially when those organizations carry out essential life-saving work in conflict zones. Usually, parties to a conflict will avoid targeting humanitarian organizations and their personnel out of respect for the importance of their presence in the field and their value and the urgent necessity for them to continue their work ; in Syria, however, Syrian Regime forces weren't satisfied with the cruelty of besieging areas containing tens or hundreds of thousands of people, but also prevented local and international humanitarian organizations from entering with humanitarian aid and providing medical services, even bombing the centers that provide these services within those besieged areas. In this aspect, the Syrian regime has far surpassed the level of barbarism shown by many other violent and dictatorial regimes. Following their intervention in Syria on September 30, 2015, the Russian forces adopted the same policy, deliberately bombing medical and Civil Defense centers both inside and outside the besieged areas, as well as bombing and hindering relief convoys and preventing them from reaching their beneficiaries. This monstrous targeting of humanitarian organizations did not stop at restricting or prohibiting their work, but far exceeded that, reaching the level of arrests, prosecutions, and very deliberate targeting and bombing of these organizations' facilities and personnel. All of these factors pose a grave challenge to existing humanitarian personnel and to anyone wishing to work with these organizations, whether local or international, as well as to donors and international partner organizations.



One such attack by Syrian Regime forces, targeting a humanitarian aid convoy supervised by the Syrian Red Crescent on September 19, 2016, was a shock to the humanitarian, human rights, and media communities. In the wake of the attack, the United Nations quickly established an internal UN board of inquiry, aiming to investigate the crime; this board issued a report two months after the attack on December 21, 2016. Now, coinciding with the third anniversary of [the report](#) issued by the United Nations board of inquiry on this attack, SNHR aims, through issuing this report, to remind the United Nations of this incident and to underline that no serious effort was made to take any action against the responsible parties after the UN's report was issued. This failure discredits the UN's investigative and reporting system on Syria, showing their ineffectual nature. In this report, we also analyze the results of the United Nations board investigations and expose their most prominent weaknesses.

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

“We did not expect that the killing of relief workers and the destruction of the contents of the relief convoy east of Urm al Kubra village, actions very deliberately carried out by Russian warplanes and Syrian regime helicopters, would be allowed to go unpunished. The perpetrators were fully aware that this was a relief convoy, and yet this atrocity has been forgotten as if it did not happen; the United Nations and its Secretary-General have not explicitly and clearly condemned the Russian regime, and there have been no requests or moves to prosecute it, nor has there been any condemnation of the Syrian regime. Three years have passed since the United Nations report was issued, and the victims' families and others in Syrian society affected by this crime are still waiting for these most heinous criminals who, barbarically and in cold blood, bombed a humanitarian relief convoy to be held accountable.”

II. The Record of the Most Notable violations against Workers in Humanitarian Organizations Since March 2011 to Date

The Aleppo suburbs attack was not the first of its kind, with Syrian-Russian alliance forces perpetrating multiple and regular violations against humanitarian organizations and their personnel, primarily in the form of extrajudicial killings, arbitrary arrests, and torture, in addition to carrying out deliberate attacks on humanitarian organizations' centers.

1- Extrajudicial killing:

SNHR documented the deaths of 979 humanitarian workers at the hands of Syrian-Russian alliance forces in Syria from March 2011 to December 20, 2019, distributed as follows:

- Syrian Regime forces (army, security, local militias, and Shiite foreign militias): 882
- Russian forces: 97



2- Arrest and enforced disappearances:

SNHR documented at least 3,847 humanitarian workers as being still detained or forcibly disappeared at the hands of Syrian Regime forces from March 2011 to December 20, 2019.

3- Incidents of Attacks on vital humanitarian facilities:

SNHR documented at least 1,447 attacks on vital humanitarian facilities at the hands of Syrian-Russian alliance forces from March 2011 to December 20, 2019, distributed as follows:

- Syrian Regime forces: 1,044
- Russian forces: 403

III. The Syrian Regime and Russian Forces' Attack on the Humanitarian Aid Convoy in Urm al Kubra Was Planned and Deliberate, and Constitutes a War Crime

On Monday, September 19, 2016, Syrian regime helicopters and fixed-wing warplanes, which we strongly believe were Russian, took part in a concentrated attack that comprised multiple airstrikes on a Red Crescent humanitarian aid center in eastern Urm al Kubra village, with the bombardment lasting for three hours.

The Syrian regime helicopters dropped at least four barrel bombs while the fixed-wing Russian warplanes carried out at least nine airstrikes in which they used missiles and heavy machine guns, meaning it was a joint attack carried out by both the Russian and Syrian regimes.

The bombardment targeted mainly the Syrian Red Arab Crescent (SARC) center, destroying a convoy of trucks loaded with aid provided by the UN that was supposed to be unloaded in warehouses belonging to the Red Crescent center, which had been intended to benefit nearly 78,000 people. Additionally, the bombardment also targeted rescue and Civil Defense teams that tried to rescue the wounded and injured relief workers.

SNHR documented the deaths of 12 civilians, who were all relief workers and truck drivers, in these attacks. Among the victims were Omar Barakat, the head of the Red Crescent in the village. Furthermore, the Red Crescent building there was largely destroyed and at least 10 trucks loaded with aid were completely burned.

Although the United Nations Office for the Coordination of Humanitarian Affairs issued [a statement](#) expressing its disappointment at the attack that targeted the Red Crescent center and the aid convoys near it, this statement failed to address the type of attack or even the party responsible for it. One of the most important things mentioned in the statement was that **“the route and location of the delivery were shared with relevant parties to the conflict.”**

We issued a special [report](#) documenting the incident.



As with similar attacks that we have documented, Russian forces [denied](#) the attack on the convoy despite all the evidence to the contrary; the official spokesman for the Russian Ministry of Defense, Major General Igor Konashenkov, stressed that Russia had studied video footage from the scene from ‘activists’ in detail, and said: **“We did not find any signs of any ammunition having hit the convoy. There are no craters, while the vehicles have their chassis intact and they have not been severely damaged, which would have been the case from an airstrike. All of the video footage demonstrates that the convoy caught fire, which strangely happened almost at exactly at the same time as militants started a large scale offensive on Aleppo”**

IV. The UN Board’s Report Fell Short of Identifying Responsibility for the Attack

On October 21, 2016, the United Nations established a Board of Inquiry, which included experts on the ongoing conflict in Syria, humanitarian operations, international law, and weapons systems and munitions; the Board announced that it was only able to conduct field visits in Syria between December 5 and 9, 2016, given that the Syrian regime apparently deliberately delayed the issuance of visas, which were only confirmed on November 28, 2016. The board members were also not allowed to visit the location of the incident in Urm al Kubra, subsequently explaining that the Syrian regime had informed them that it would be unable to ensure the board members’ safety in view of the ongoing military operations in that location.

On December 21, 2016, the UN Secretary-General outlined the report in a letter addressed to the President of the UN Security Council, with the report providing a detailed account of the attack and the death toll, and confirming that the attack was carried out using multiple types of ammunition by multiple warplanes of more than one type. It further confirmed that the munitions used included improvised bombs with container warheads and / or smaller air-to-ground incendiary explosive weapons, which could be shells, missiles, or sub-munitions in the form of small bombs.

Perhaps one of the report’s main weaknesses lies in its lack of any precise identification of who was responsible for the attack. The Board had concluded that it was not possible to identify the perpetrator or perpetrators even though the incident was caused by an air attack while it indicated that all warplanes operating within the framework of the US-led coalition and the Russian Federation’s and Syrian Regime forces’ warplanes had the capabilities necessary to launch this type of attack, including night-time attacks, while Armed Opposition groups do not have the ability to carry out air strikes. The report also indicated that the US-led coalition was unlikely to be involved in this attack.



The report failed to confirm the responsibility of the Syrian-Russian alliance forces for the attack, using general and non-specific terms to ascribe responsibility, despite ruling out the involvement of the US-led coalition and affirming the Armed Opposition's inability to carry out such an attack.

[Human Rights Watch](#), [Amnesty International](#), the [Bellingcat blog](#) and the Syrian Network for Human Rights have all released reports outlining their investigations into the incident, with all these and other reports clearly proving the Syrian-Russian alliance's or Syrian Regime forces' responsibility for the attack. It clearly cannot be accepted that these organizations have greater capacity, tools, and expertise to identify responsibility than those possessed by the United Nations.

Identifying responsibility is the most important step in deciding accountability and thus in achieving justice. One can only ask what is the meaning or use of establishing a commission to investigate such a heinous crime and issue a report on it without reaching a conclusion that determines who carried out the killing and bombing? Simply confirming that the bombing, killing and burning of an aid convoy took place is a simple act which does not require the formation of a committee to investigate and issue a report, with the presence of a number of photos, videos, and eyewitness testimonies being adequate. Failure to identify the responsibility of the perpetrator of the crime strengthens a culture of impunity, and encourages the Russian and the Syrian regimes to commit further similar atrocities.

V. Conclusions and Recommendations:

- International humanitarian law is clear in granting powers to provide protection for relief work of a humanitarian nature in internal or international armed conflicts, especially when civilians suffer from difficulties due to scarcity of basic supplies such as medical and food materials; this has happened in dozens of areas and cities in Syria since March 2011 to date, as stated in (Protocol (II), Article 18-2; Geneva Convention 4, Articles 17, 23, and 59; Protocol (I), Article 70). This fundamental right has been transformed into a customary rule in customary humanitarian law, which states in Rule 55: “The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control”, as well as Rule 56, which states: “The parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions. Only in case of imperative military necessity may their movements be temporarily restricted.”



- The deliberate attacks against medical units, medical personnel, clearly identified individuals and facilities marked by emblems protected by the Geneva Convention, and those working in the humanitarian field or with peacekeeping groups, are war crimes, and it is part of the International Criminal Court's duties to hold the perpetrators accountable, according to Article 8 of the court's charter, as well as constituting a breach of the rules 31, 32, 45, 55, 56 of the International Customary Humanitarian Law.
- The Urm al Kubra attack, and other attacks on humanitarian workers, unquestionably constitute breaches of UN Security Council resolutions 2139 and 2254 calling for the end of indiscriminate attacks, and breaches of Article 7 and Article 8 of the Rome Statute through intentional homicide, all of which constitute war crimes.
- The Urm al Kubra attack is a breach of UN Security Council resolution 2286 calling for an end to violations and transgressions committed in armed conflicts against workers in the medical field as well as in humanitarian relief, who are specifically performing medical tasks, and against their transportation vehicles as well as their equipment, hospitals, and other medical facilities.
- This attack targeted unarmed civilians, and therefore, the perpetrators have violated the provisions of International Human Rights Law, which protects the right to life. In addition, it was committed in a non-international armed conflict, meaning that this attack constitute a war crime, as it fulfills all the criteria for this categorization.
- The Urm al Kubra attack, and other attacks on humanitarian workers, are considered a violation of International Customary Humanitarian Law, as the shells were fired at facilities and vehicles used for humanitarian purposes and the shells did not target a specific military object.
- The bombings have accidentally caused losses of civilian lives, injuries, and severe damage to civilian objects.

Recommendations:

The UN Security Council:

- The Security Council must reevaluate the level of risk of violations of human rights and the level of threat posed to international and regional peace and security, and revert to Article Seven to protect humanitarian workers and facilities in Syria.
- The Security Council must take extra steps after issuing resolutions 2139 and 2254, as there appears to be no commitment to stopping the indiscriminate bombing, and all parties must be made to comply with this, in addition to complying with the International Humanitarian Law rules.



- The Syrian crisis should be referred to the International Criminal Court and all those responsible for related crimes should be held accountable including the Russian regime whose involvement in war crimes has been repeatedly proven.
- The current sanctions should be expanded to include the Syrian, Iranian, and Russian regimes as all are directly involved in war crimes and crimes against humanity against the Syrian People.
- The militias fighting alongside the Syrian government, which are responsible for committing mass slaughter, such as the Iranian militias, the Lebanese Hezbollah, other Shiite militias, National Defense army, and Shabiha, should be placed on the international terrorists list.
- The Syrian government should no longer be classified as a legitimate official party in regard to any relief efforts, given its responsibility for multiple crimes against humanity, and should no longer be supplied with large amounts of financial or any other relief, which mostly fails to reach those who desperately need and deserve this aid, instead being distributed to Syrian government supporters who have no need of it.

The International Community:

- In light of the split within the Security Council and its utter inability to take any effective action, action should be taken on the national and regional levels to form alliances to support the Syrian people through protecting them from daily killing and lifting the sieges, as well as increasing support for relief efforts. Additionally, the principle of universal jurisdiction should be enacted in local courts regarding these crimes in order to conduct fair trials for all those involved.
- SNHR has repeatedly called for the implementation of the ‘Responsibility to Protect’ doctrine in dozens of studies and reports and as a member of the International Coalition for the Responsibility to Protect (ICRtoP) after all political channels, from the Arab League’s plan to Mr. Kofi Annan’s plan, proved fruitless, along with the Cessation of Hostilities statements and Astana agreements that followed. Therefore, steps should be taken under Chapter VII of the Charter of the United Nations, while the norm of the ‘Responsibility to Protect’, which was established by the United Nations General Assembly, should be implemented. The Security Council is still actively obstructing the protection of civilians in Syria.
- Renew pressure on the Security Council to refer the case in Syria to the International Criminal Court.
- Work on fulfilling justice and achieving accountability in Syria through the United Nations General Assembly and the Human Rights Council and activate the principle of universal jurisdiction.



OHCHR

- The OHCHR should submit a report to the Human Rights Council and other organs of the United Nations on the incidents mentioned in this report and previous reports as flagrant evidence in light of sporadic daily smaller violations, and try to implement the recommendations included in this report.

Independent International Commission of Inquiry (COI)

- Launch investigations into the incidents detailed in this report and previous reports. SNHR is willing to cooperate fully and to provide further evidence and data.

International, Impartial, and Independent Mechanism (IIIM)

- Study the incidents detailed in this report and previous reports, and the SNHR is fully ready to cooperate and to work on supplying more evidence and details.

The European Union and United States of America

- Take concrete collective steps towards holding the Russian regime accountable for this hideous crime.

The Syrian regime

- Stop treating the Syrian state as a personal family possession.
- End the terrorizing of the Syrian community through killing workers in the medical, rescue, and relief fields.
- Stop the bombing of hospitals and protected objects, as well as civilian areas, and respect Customary Humanitarian Law.
- Accept full accountability for the legal and financial costs of its actions, and compensate the victims and their families via the state's assets.

The Russian regime

- Launch investigations into the incident included in this report, make the findings of these investigations public for the Syrian people, hold those responsible accountable, and apologize for the victims and their families.
- Compensate all the damaged centers and facilities, rebuild and rehabilitate them, and compensate all the families of victims who were killed by the current Russian regime, as well as all the wounded.
- Completely cease the bombing of hospitals, protected objects, and civilian areas, and respect customary international law.





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