



The Syrian Regime Targets the Last Medical Point in Madaya Town The Least the UN could Do is to Protect Medical Facilities

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I. Introduction

Madaya town is affiliated to Damascus suburbs governorate, and is located to the northwest of Damascus city. It is populated currently by no less than 40,000 people who are mostly IDPs from Al Zabadani city. The town has been under a siege by the Syrian regime and the pro-government foreign Shiite militias since the end of 2013. With the beginning of July 2015, the siege has become something more of a collective prison where military checkpoints enclosing the town, in addition to some military bases around it, banned any of the residents from getting any food or medical supplies or fuel into the city. Additionally, Syrian regime forces planted hundreds of anti-personnel mines in the agricultural lands around the town.

The town was the subject of a truce that commenced on 24 September 2015. One of its items was to allow the passage of food and medical supplies to the town. However, no food supplies entered the city until 18 October 2015 when the first UN-sponsored convoy entered the city. The expired biscuit that was distributed among the relief aids caused at least 200 poisonings in Madaya town, and we have [published a report](#) on that matter in which we called on the United Nations to launch an investigation and hold the individuals responsible for distributing rotten food supplies accountable which haven't happened yet.

On Sunday 18 December 2016, [a new agreement](#) was announced between the Russian and Iranian regimes, on one side, and the Turkish regime and armed opposition factions, on the other side where one of the items stated that 1500 individuals would be evacuated from Madaya and Al Zabadani town, and in exchange, civilians from Kafrayya and Al Fou'a would be evacuated in coordination with evacuating gunmen rebels and residents from the eastern neighborhoods of Aleppo city.





In this report, we document the targeting of the last medical point in Madaya town by government forces helicopters. SNHR team contacted a number of residents, eyewitnesses, survivors, and local media activists. This report includes two accounts. We have explained the purpose of these interviews for the eyewitnesses who gave us permission to use the information they provided in this report.

Also, we have reviewed the pictures we received and verified their authenticity. These pictures show the great destruction in the medical point and the damages to the equipment that resulted from the bombardment.

The investigation mentioned in this report have proven that the targeted areas were civil areas where no military centers or weapon warehouses for extremist Islamic groups were found before or during the attack.

This report only covers the bare minimum, which we were able to document, of the magnitude and severity of the violation that occurred. It doesn't also cover the social, economic, and psychological ramifications.

II. Details

Sunday 4 December 2016, Syrian regime forces and pro-government militias (Mainly Hezbollah militias) launched a military campaign against Madaya town that involved barrel bombs, mortar shells, and surface-to-surface rockets that were fired from military checkpoints surrounding the city - most notably: "Qal'at Al Tal checkpoint, Qal'at AL Kursi checkpoint, and Al Hersh checkpoint..."

We recorded huge destruction in the town's infrastructure in this military campaign. In addition, no less than eight individuals have been killed including three children and two civil defense members from 4 December until the date of this writing. Also, no less than 58 individuals were injured including two civil defense members and 36 critical cases. According to some residents from Madaya town, the campaign came as a retaliation to armed opposition factions shelling the pro-regime Kafrayya and Al Fou'a towns after government forces intensified the shelling in Idlib governorate, so regime forces and Hezbollah militias retaliated by shelling Madaya town.

Monday 5 December 2016, around 17:00, government forces helicopters dropped two barrel bombs near the last medical point in Madaya town which was providing medical services for more than 40,000 individuals in the town. After civil defense and aid teams arrived, government forces helicopters resumed the bombing by dropping two more barrel bombs. The bombing resulted in great destruction in the medical point building and damaged its equipment. As a result, the medical point was rendered out of commission. Additionally, the surrounding and nearby residential houses were heavily destroyed.





We spoke to Hasan Younes, a civil defense member, via Facebook who provided us with his account:

“Government forces helicopters dropped four barrel bombs. Two of the barrel bombs targeted the last medical point that was providing health care for the residents of Madaya. The other two barrel bombs were dropped in the same area after our teams arrived which killed two members while two others were injured; one of them was injured by shrapnel in the head while the other civil defense member was hit by shrapnel in his feet. The medical point building was damaged and rendered out of commission. Even though there are no military presence in the area, the regime and its militias targeted the area.”

We spoke to Mr. Abu Al Qasem, a resident from Madaya town, via Facebook who provided us with his account:

“This was the last place where we can receive some sort of health care and find some equipment, medications, and a medical staff that consists of anyone with any experience in the concepts of first-aid or any other medical qualifications. The medical point wasn’t safe from the regime’s barrel bombs that targeted it twice in 5-7 minutes. The airstrikes killed two civil defense members and one other civilian, and a number of civil defense members were injured. The medical point was destroyed and rendered out of commission.”

“The regime started its military campaign against our town in retaliation of the rebels shelling Kafrayya and Al Fou’a towns. They are targeting us with barrel bombs, missiles, and shells from the surrounding checkpoints. They are also planting landmines around the town to prevent us from escaping and getting out.”

III. Attachments

Video showing the damages in the medical point



Video of a medical staffer announcing that the medical point is out of commission





IV. Conclusions and Recommendations

Legal conclusions

1- The Syrian regime has, beyond any doubt, violated Security Council Resolutions 2139 and 2254 which both state that indiscriminate attacks must be halted. Also, the regime violated Article 8 of Rome Statute through the act of willful killing which constitutes war crimes. Additionally, the regime violated a number of the main rules of the customary international humanitarian law.

2- We can confirm that the bombardment mentioned in this report has targeted armless civilians. Therefore, the Syrian forces have violated the rules of the international human rights law which guarantee the right to life. Additionally, these violations were perpetrated in a non-international armed conflict which amounts to a war crime where all elements were fulfilled.

3- The attacks mentioned in this report, which were carried out by the Syrian regime, are considered a violation of the customary international humanitarian law as the shells were fired at a populated area rather than a specific military object.

4- The bombardment operations have caused collateral damages that involved casualties or injuries, and significant damages to civil facilities. There are strong indicators suggesting that the damage was too excessive compared to the anticipated military benefit.

Recommendations

The Security Council

- The Security Council has to take additional steps after Resolution 2139 was adopted and no pledges to cease the indiscriminate bombardment operations have been made. All the conflict parties must respect these steps and adhere to the rules of the international humanitarian law.
- The Syrian case must be referred to the International Criminal Court and all those who are responsible must be held accountable
- Instill security and peace in Syria and implement the norm of the Responsibility to Protect in order to protect the lives, culture, and history of the Syrian people from being destroyed, looted, and ruined.
- Expand the sanctions to include the Syrian and Iranian regimes who are directly involved in committing crimes against humanity and war crimes against the Syrian people.

The Office of the United Nations High Commissioner for Human Rights

The Office must submit a report to the Human Rights Council and other organs of the United Nations on this massacre specifically and the massacres that preceded considering that these massacres are an explicit and glaring sign among daily sporadic and less severe massacres. Also, the Office should try to implement the recommendations in the report.





The International Community

- In light of the split of the Security Council and its utter inability, Steps must be taken on the national and regional levels to form alliances to support the Syrian people that would protect them from the daily killings and siege, and enhance the support for the relief efforts. Additionally, the principle of universal jurisdiction must be activated in local courts regarding these crimes in order to conduct fair trials for all those who were involved.
- SNHR has repeatedly called for the implementation of the Responsibility to Protect in tens of studies and reports as a member of the International Coalition for the Responsibility to Protect (ICRtoP) after all political channels through the Arab League's plan and then Mr. Kofi Annan's plan were drought out. Therefore, steps under Article 7 of the Rome Statute must be taken and the norm of the Responsibility to Protect, which was established by the United Nations General Assembly, must be implemented. The Security Council is still hindering the protection of civilians in Syria.
- Renew the 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 work on activating the principle of the universal jurisdiction.

Acknowledgment

Our thanks and condolences for the families and local activists who contributed to this report majorly.

