

# The Most Notable Violations by the Parties Participating in the Constitutional Committee During Its Second Round of Meetings

The Deaths of 32 Civilians, all  
Killed by Syrian-Russian Alliance  
Forces Coincided with Two Rounds  
of Discussions

# 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. Introduction

On Monday, September 23, United Nations Secretary-General António Guterres [announced](#) at a press conference held at the UN's permanent headquarters in New York that the Government of the Syrian Arab Republic and the Syrian Negotiations Commission had agreed to establish a credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva as part of the political process to end the conflict ongoing since 2011; [a letter from](#) the UN Secretary-General addressed to the Security Council on September 27 clarified the terms of reference and Rules of Procedure of this Committee.

The Sochi Conference of Russia, held on January 30, 2018, constitutes the reference for the formation of the Constitutional Committee, arguing that this is the main way to end the conflict, even though the Syrian political opposition refused to participate in that conference. The idea of the Constitutional Committee was later adopted by former international envoy Staffan de Mistura, with the current UN envoy to Syria, Mr. Geir O. Pedersen, following the same path; the Syrian Network for Human Rights (SNHR) sent him [a letter](#) immediately after he took office, requesting him to return the course of the negotiating process to its normal sequence, starting with the formation of a transitional governing body from which a constitutional committee and election committee would emerge, with the transitional governing body being the reference of those committees, rather than following the plan put forward by Mr. de Mistura which approaches the situation from a back-to-front perspective.



On October 30, 2019, the meetings of the Constitutional Committee Large Body, consisting of 150 members (50 of them from the Syrian government, 50 members representing the opposition and 50 representatives of civil society organizations selected by the UN envoy's office according to undeclared policies and determining factors which are set by the UN envoy and are frankly incomprehensible, with this group containing figures with no knowledge of constitutional law, human rights, transitional justice, etc.) were launched at the UN Headquarters in Geneva, headed by both Ahmad Kuzbari of the Syrian regime delegation and Hadi al Bahra of the opposition delegation and attended by Mr. Geir O. Pedersen, the UN special envoy to Syria.

At the conclusion of this meetings of the Constitutional Committee Large Body on Friday, November 1, 2019, Mr. Pedersen announced an agreement on the formation of the Syrian Constitutional Committee Small Body, consisting of 45 members (15 of each party) to begin its work on November 4, when it would set about preparing and drafting a constitutional reform document for public approval, a task scheduled to take no longer than a week, as a contribution to the political settlement in Syria and to the implementation of [Security Council resolution 2254](#).

The first meeting of the Constitutional Committee Small Body was held on November 4, for a week; at the conclusion of the meeting, Mr. Geir O. Pedersen in [a press conference](#) that the Committee discussed many important issues, foremost of which are the sovereignty, dependence, unity and territorial integrity of Syria, in addition to continuing the fight against terrorism, pointing out that the discussions were professional and successful.

On November 22, 2019, Mr. Geir O. Pedersen, in his [briefing](#) to the UN Security Council, expressed his full support for the work of the Syrian Constitutional Committee, but warned: "As confidence is necessary between all parties, the dynamics on the ground need to change." He also expressed deep concern about the renewed violence in Idlib and other areas, suggesting confidence-building measures that include release of detainees and clarification of the plight of missing persons

In a press conference held on November 29 at the conclusion of the second round of meetings, the UN envoy to Syria [announced](#) the failure of the parties of the Syrian Constitutional Committee to reach an agreement, stating: "We have just concluded the second session of the Constitutional Committee; it was not possible to call for a meeting for the Small Body of 45 because there has been no agreement on the agenda."



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

“These reports, which reflect only violations and crimes committed during the period of the negotiations’ rounds, aim to emphasize that while a draft national contract is being discussed, Russian and Syrian Regime forces continue to bomb hospitals and vital facilities, and carry out arrests, enforced disappearances, and torture; they continue with their ultimate goal of gaining more time to rehabilitate the Syrian regime according to the logic of military victory, and any of the negotiation process’s outputs will not be respected then. The international community and the United Nations should press the negotiating parties to stop the violations in case they are serious in the political process.”

**Methodology:**

This report aims to outline the most notable violations that the SNHR team was able to document committed by the parties involved in the Constitutional Committee (Syrian Regime forces, the regime’s Russian ally, and factions of the Armed Opposition) During the two rounds of discussions of the Committee’s Small Body, the first held from November 4 to November 9, 2019 and the second held from November 25 to November 30, 2019; due to these criteria, this report does not include any data on violations by Syrian Democratic Forces, the US-led Coalition forces, or the Operation Peace Spring forces (Turkish forces and the Syrian National Army) during this period. The report outlines the most notable incidents of violations committed by the participating parties in conjunction with the meetings of the second session of the Committee’s Small Body in particular.

In gathering this information, we have relied on our field researchers, taking first-hand testimonies from survivors or victims’ relatives, aid workers and media activists, based on our extensive network of contacts built up during eight years of continuous work.

The Syrian Network for Human Rights works to document violations on a daily basis, and considers homicide to be the gravest crime and one which is therefore a key indicator in assessing the impact of agreements, as well as in documenting the targeting of vital civilian facilities. This report only records the civilian toll of victims and catalogues these according to where they were killed rather than their governorate of origin. Readers are welcome to find out more about SNHR’s methodology in documenting victims<sup>1</sup>.

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<sup>1</sup> “Syrian Network for Human Rights Methodology”, Syrian Network for Human Rights, <[http://sn4hr.org/public\\_html/wp-content/pdf/english/SNHR\\_Methodology\\_en.pdf](http://sn4hr.org/public_html/wp-content/pdf/english/SNHR_Methodology_en.pdf)>



SNHR also analyzes videos and photographs that were posted online, or submitted by local activists via e-mail, Skype, or social media platforms. These videos uploaded by activists show the sites of the attacks, the victims' bodies, the injured and the extent of the destruction caused by the attacks.

We also retain copies of all the videos and photographs included in this report in a confidential electronic database, as well as keeping hard disk backup copies. We do not claim, however, that we have documented all cases, given the severe prohibitions, restrictions and persecution by the Syrian Regime forces and some other armed groups.

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

## **II. Parties Participating in the Constitutional Committee Should Abide by International Laws and Cease Perpetrating Violations**

The Syrian society expected that the frequency and severity of violations committed against it would decrease after the constitutional process began. The constitutional process usually takes place after the cessation of conflict and the start of negotiations, until the parties involved reach a mutually agreeable settlement after which they draft a constitutional declaration document based on this. In Syria's case, however, the conflict is still ongoing, and the Syrian regime and its allies continue to perpetrate various types of violations, with some of these constituting crimes against humanity and others constituting war crimes; these ongoing atrocities include torture inside detention centers and regular bombardment of vital facilities, most notably medical centers. In addition, the fate of the forcibly disappeared hasn't been revealed by the negotiating parties.

Since the beginning of the sessions of the Constitutional Committee, the SNHR team monitored violent and indiscriminate bombardment in many locations, carried out by Syrian Regime forces in the southern suburbs of Idlib, the western suburbs of Hama, and the northern suburbs of Aleppo, with an increase in the frequency of bombardment in and around the cities of Kafranbel and Jisr al Shoghour in Idlib suburbs. SNHR hasn't recorded any decrease in the frequency of ground shelling by the Syrian regime since the recent military campaign began on April 26.



In addition, on November 4, we recorded the first fixed-wing raid by Syrian Regime forces in nearly six weeks. The raids lasted for four days and then ceased again. We have recently noted an increase in the frequency of barrel bomb attacks on civilian areas, causing significant material damage to vital facilities such as the al Kabir Mosque in Kansafra village in the southern suburbs of Idlib on November 24, and the al Rawda Hospital in Kafranbel city in the southern suburbs of Idlib on November 26.

We also documented the use of ballistic missiles by Syrian Regime forces, the most notable incident using such missiles being an attack on Qahh IDP Camp near the Syrian-Turkish border on November 20, which resulted in a horrific massacre; we will issue a special investigation into the incident in the coming days.

Although the Constitutional Committee is a Russian idea, while the Geneva sessions have been taking place, Russian forces have been conducting fierce and concentrated bombardment on several towns in the southern and western suburbs of Idlib; the frequency of Russian air strikes, followed by ground attacks by Syrian Regime forces, increased, resulting in the death of dozens of civilians. On October 30, 2019, we released [a report](#) documenting the most notable violations in the de-escalation zone as a result of the recent military campaign.

Syrian Regime forces have also continued their policy of arrests during this week, which have been concentrated mainly in Damascus Suburbs governorate, primarily targeting people who had previously settled their security situation.

The last third of November saw an increase in the pace of displacement, with the inhabitants of some villages and towns that had not previously been fully displaced starting to flee northwards as a result of Russian forces escalation of their air attacks on areas in the southern and western suburbs of Idlib; an estimated 30,000 civilians have been displaced to northern Syria.

### **III. Executive Summary**

#### **A. Massacres and Other Unlawful Killings**

We documented the deaths of 32 civilians, including 14 children, two women (adult female), and one massacre committed at the hands of the Syrian-Russian alliance forces during the two rounds of discussions of the Constitutional Committee Small Body, distributed as follows:



1: Coinciding with the first round, from November 4 to November 9, 2019:

We documented the deaths of 22 civilians, including 10 children, two women (adult female), and one massacre committed at the hands of the Syrian-Russian alliance forces. The death toll is distributed according to the perpetrator parties as follows:

- **Syrian Regime forces (army, security, local militias, and Shiite foreign militias):** Nine civilians, including five children, distributed across governorates as follows:

- Idlib governorate: Eight.
- Hama governorate: One.

- **Russian forces:** 13 civilians, including five children, two women, and committed one massacre, distributed across governorates as follows:

- Aleppo governorate: Eight.
- Idlib governorate: Five.

2: Coinciding with the second round, from November 25 to November 30, 2019:

We documented the deaths of 10 civilians, including four children, at the hands of the Syrian-Russian alliance forces. The death toll is distributed according to the perpetrator parties as follows:

- **Syrian Regime forces (army, security, local militias, and Shiite foreign militias):** Seven civilians, including three children, distributed across governorates as follows:

- Idlib governorate: Four.
- Aleppo governorate: Three.

- **Russian forces:** Three civilians, including one child, all killed in Idlib governorate.

**B. Arbitrary arrest and enforced disappearance:**

We documented 22 cases of arrests during the two rounds of discussions of the Constitutional Committee Small Body, all by Syrian Regime forces, distributed as follows:

1: Coinciding with the first round, from November 4 to November 9, 2019:

We documented the arrest of at least nine individuals by Syrian Regime forces.

2: Coinciding with the second round, from November 25 to November 30, 2019:

We documented the arrest of at least 13 individuals by Syrian Regime forces.

**C. Attacks on vital civilian facilities:**

We documented at least 41 incidents of attacks on vital civilian facilities in the period covered in this report, including four on schools, eight on medical facilities, eight on places of worship, nine on Civil Defense Centers (facilities and vehicles), one on a market and one on an IPD camp, distributed as follows:



#### 1: Coinciding with the first round, from November 4 to November 9, 2019:

We documented at least 35 incidents of attacks on vital civilian facilities, including four on schools, seven on medical facilities, seven on places of worship, seven on Civil Defense Centers (facilities and vehicles), one on a market and one on an IPD camp, all at the hands of Syrian-Russian alliance forces. These were distributed according to the main perpetrator parties as follows:

- **Syrian Regime forces:** 30 attacks, including six on places of worship, four on schools, five on medical facilities, one on a market, and seven on Civil Defense Centers (facilities and vehicles), distributed across governorates as follows:

- Idlib governorate: 27.
- Aleppo governorate: Two.
- Hama governorate: One.

- **Russian forces:** Five attacks, including one on a place of worship, two on medical facilities, and one on an IDP camp, all in Idlib governorate.

#### 2: Coinciding with the second round, from November 25 to November 30, 2019:

We documented at least six incidents of attacks on vital civilian facilities, including one on a medical facility, one on a place of worship, and two on Civil Defense Centers (facilities and vehicles), all in Idlib governorate at the hands of Syrian-Russian alliance forces. These were distributed according to the main perpetrator parties as follows:

- **Syrian Regime forces:** Four attacks, including one on a place of worship, one on a medical facility, and two on Civil Defense vehicles.

- **Russian forces:** Two attacks.

### **D. Indiscriminate attacks and attacks using outlawed weapons:**

SNHR documented that Syrian Regime helicopters dropped at least 117 barrel bombs during the two rounds of discussions of the Constitutional Committee Small Body, distributed as follows:

#### 1: Coinciding with the first round, from November 4 to November 9, 2019:

We documented that Syrian Regime's air force dropped at least 35 barrel bombs, all on Latakia governorate.

#### 2: Coinciding with the second round, from November 25 to November 30, 2019:

We documented that Syrian Regime's air force dropped at least 82 barrel bombs, distributed across governorates as follows:

- Idlib governorate: 64
- Latakia governorate: 18



We did not record any bombardments that caused material or human casualties by factions of the Armed Opposition on areas controlled by the Syrian regime during the period covered in this report.

## **IV. Outlining the Most Notable Violations by the Parties Participating in the Work of the Constitutional Committee in Light of the Second Round of Meetings of the Committee's Small Body, According to the SNHR's Database**

### **A. The most notable extrajudicial killings:**

On Tuesday, November 26, 2019, fixed-wing warplanes, which we believe were Russian, fired a number of missiles at Karsa'a village in the southern suburbs of Idlib governorate, resulting in the deaths of two civilians, one of whom a child. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

### **B. Arbitrary arrest and enforced disappearance:**

#### **1. Syrian Regime forces:**

On Wednesday, November 27, 2019, Syrian Regime forces carried out a raid and arrest campaign in the towns of Douma, Harasta and Irbeen in Damascus Suburbs governorate. SNHR documented the arrest of [seven individuals](#) who were taken to an undisclosed location. We note that they were among those who had previously settled their security situation.

On Friday, November 29, 2019, Syrian Regime forces arrested two individuals near Deir al Asafir town in Damascus Suburbs governorate and took them to an undisclosed location.

### **C. Attacks on vital civilian facilities:**

#### **1. Syrian Regime forces:**

On Tuesday, November 26, 2019, Syrian regime helicopter dropped a barrel bomb that fell in front of al Mustafa Mosque in Kfarrouma village in the southern suburbs of Idlib governorate, partially destroying the mosque building, and caused moderate material damaged to its furniture. Kfarrouma village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Tuesday, November 26, 2019, Syrian regime helicopter dropped a barrel bomb that fell in front of al Rawda Children's and Women's Hospital - a private hospital - in Kafranbel city in the southern suburbs of Idlib governorate, partially destroying the hospital building, and caused [severe material](#) damaged to [its equipment and tools](#). We note that the hospital's



work has been suspended after being previously attacked several times as a result of the ongoing Syrian-Russian alliance forces' attacks on the fourth de-escalation zone since April 26, 2019. Kafranbel city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

## 2. Russian forces:

On Monday, November 25, 2019, fixed-wing warplanes, which we believe were Russian, fired missiles at al Eman automatic Bakery northeast of Beneen village in Jabal al Zaweya in the southern suburbs of Idlib governorate, [partially destroying the bakery's building](#), causing [significant material damage to its equipment](#), and [igniting fire](#) in the fuel section inside the bakery, putting it out of service. The city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.



Damage to al Eman automatic Bakery caused by a Russian air strike on Beneen village, Idlib - November 25, 2019



## V. Conclusions and Recommendations

1. The Syrian-Iranian-Russian alliance forces undoubtedly violated UN Security Council Resolutions 2139 and 2254 to stop indiscriminate attacks, violated a wide range of customary international humanitarian law rules, and also violated articles 7 and 8 of the Rome Statute by committing intentional homicide, all of which crimes constitute war crimes and crimes against humanity.
2. The incidents of bombardment have incidentally caused civilian casualties, including injuries, as well as causing significant damage to civilian objects. There are very strong indications suggesting that the damage was extremely excessive in comparison to the intended military benefit, with the attacks failing to discriminate between civilians and combatants in most cases. Also, it seems that some of the attacks appear to have deliberately targeted vital facilities and civilian areas.
3. The report issued by the delegates to the 2005 Summit states unanimously that each country had a responsibility to protect its population from crimes against humanity and war crimes. This responsibility entails the prevention of such crimes, the prevention of incitement to commit them by all possible means, and when the state clearly fails to protect its population from egregious crimes, or itself is committing such crimes as in the case of the Syrian regime, it is the responsibility of the international community to intervene to take protective measures in a collective, decisive and timely manner.

### **Recommendations:**

#### **The United Nations special envoy to Syria**

- Condemn the perpetrators of crimes and massacres, and those who are primarily responsible for obstructing the political process.
- Re-sequence the peace process so that it can resume its natural course after Russia's attempts to divert and distort it, empowering the Constitutional Committee prior to the establishment of a transitional governing body.
- Request that the Syrian regime, its Russian ally, and opposition factions to stop all violations and secure good faith measures by stopping the bombing and at least to disclose the fate of the forcibly disappeared persons.

#### **UN Security Council**

- The Security Council must take additional steps following its adoption of Resolution 2254, which clearly insists that “ all parties immediately cease any attacks against civilians and civilian objects as such.”



- The Syrian issue should be referred to the International Criminal Court and all those who are responsible for violations should be held accountable including the Russian regime whose involvement in war crimes has been repeatedly proven.
- Ensure peace and security and implement the principle of responsibility to protect civilians' lives and to save the Syrian people's heritage and historical artefacts from destruction, looting and vandalism.
- Request that all relevant United Nations agencies make greater efforts to provide food, medical and humanitarian assistance in areas where fighting has ceased, and in internally displaced persons camps, and to follow-up with those States that have pledged voluntary contributions.

### **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 by protecting them from daily killing and by lifting sieges, as well as by 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 who were involved.
- SNHR has repeatedly called for the implementation of the 'Responsibility to Protect' in dozens of studies and reports and 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 have 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 hindering 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 to 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 since these attacks were perpetrated by the parties to the conflict.



- Train Syrian organizations to undertake clearance of mines and other unexploded ordnance, and raise local awareness of the dangers of such ordnance.
- Establish a platform that brings together a number of Syrian organizations active in documenting violations and humanitarian assistance, in order to facilitate an exchange of skills and experiences within Syrian society.

### **Independent International Commission of Inquiry (COI)**

- Launch investigations into the cases included in this report and previous reports. SNHR is willing to cooperate and provide further evidence and data.
- Clearly identify those responsible for the attacks in the event that results reached are likely, especially Russian forces; the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic are virtually devoid of accidents that are responsible for air strikes, with the exception of only one in three years of Russian intervention in Syria.

### **The Syrian regime**

- Stop violating the Syrian constitution by killing Syrian citizens, destroying their homes and disappearing and torturing tens of thousands of them.
- Stop indiscriminate shelling and targeting of residential areas, hospitals, schools and markets, and end the use of outlawed weapons and barrel bombs.
- End the acts of torture that have caused the deaths of thousands of Syrian citizens in detention centers.
- Ensure compliance with UN Security Council resolutions, customary humanitarian law and the Syrian constitution and law.

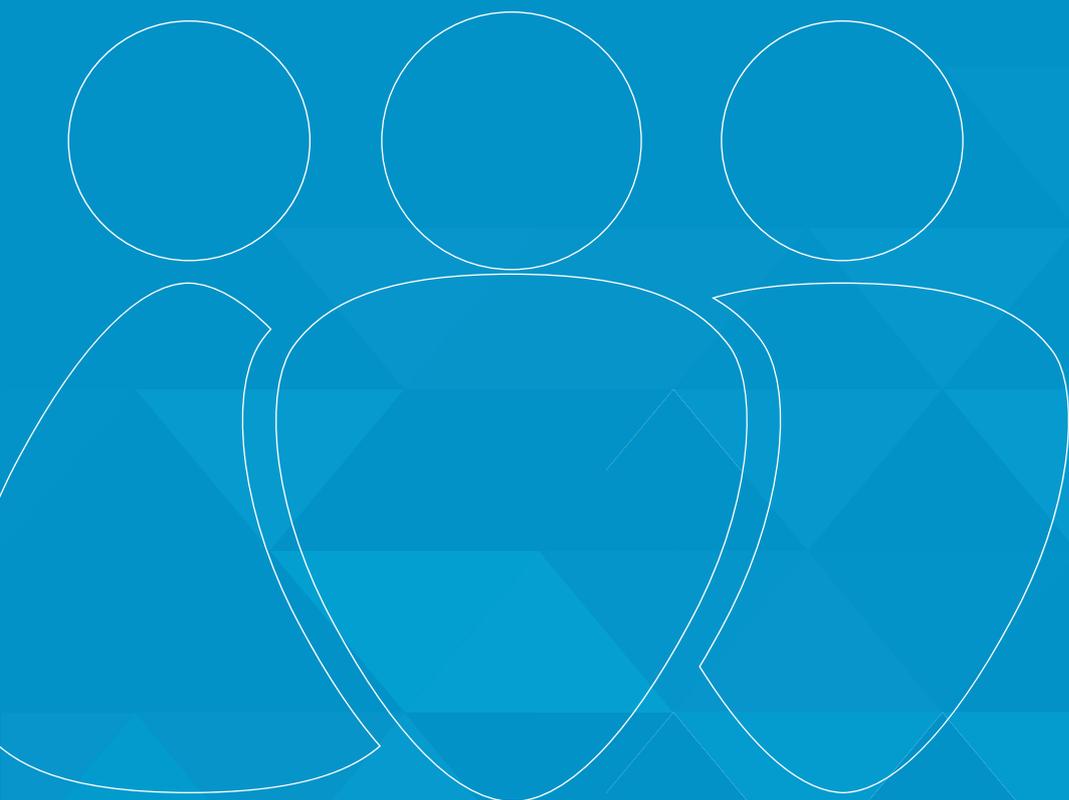
### **The Russian regime**

- Launch investigations into the incidents included in this report, make the findings of these investigations public for the Syrian people, and hold the those responsible accountable.
- 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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