

AL-RAQQA UNDER ATTACK

SYRIAN AIRFORCE STRIKES
AGAINST CIVILIANS

AMNESTY
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Cover photo: A man walks past a damaged mosque after what activists said were air strikes by forces loyal to Syria's President Bashar al-Assad in al-Raqqa, eastern Syria, which is controlled by the Islamic State armed group, on 25 November 2014. © REUTERS/Nour Fourat

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SUMMARY

Syrian government air strikes targeted the city of al-Raqqa repeatedly between 11 and 29 November 2014 in the context of the ongoing multi-party conflict in the country. According to local activists, the Syrian air force carried out two air strikes on 11 November, six on 25 November, seven on 27 November, three on 28 November, and five on 29 November. The Syrian Arab News Agency (SANA), the state-run media agency, reported on two occasions during the month of November that Syrian government forces had attacked and killed fighters affiliated to the armed group that calls itself the Islamic State (IS) in al-Raqqa, but did not acknowledge civilian casualties.

In reality, the Syrian government attacks in November 2014 appear to have killed dozens of civilians and injured many more. According to the Violations Documentation Centre, 115 civilians died: 14 children, 12 women and 89 men.

One local resident of al-Raqqa, Nazih, saw a MiG warplane soaring in the sky before it struck the Museum Market. He told Amnesty International that he carried 40 bodies to cars, ambulances and pick-ups and saw at least 50 other people with severe and minor injuries. A local resident from al-Mansour street, Farah, told Amnesty International that an air strike destroyed part of her house injuring her three-and-a-half-year-old daughter. She added that her house is in a residential neighbourhood and that she was not aware of the presence of IS fighters at the time of the attack.

By gathering witness testimony from local activists and residents and plotting targeted locations in relation to the known positions of IS-held facilities, Amnesty International researched 15 air strikes carried out on 11, 25, 27, 28 and 29 November and analysed its findings on the basis of Syria's obligations under international humanitarian law, the rules of war.

The conclusions are damning. In some cases, the evidence points to the Syrian government forces having violated international humanitarian law by directing attacks against civilians not directly participating in hostilities and civilian buildings. In other cases, the confirmed or likely presence of IS fighters or IS personnel of another description at the time of attacks that killed and injured civilians raises the question of whether the attacks were disproportionate, or otherwise indiscriminate. Making the civilian population or civilian buildings the object of attack is a serious violation of international humanitarian law and constitutes a war crime. Knowingly launching a disproportionate attack or indiscriminate attack resulting in death or injury to civilians also constitutes a war crime.

Amnesty International has documented serious abuses, including war crimes, committed by IS in both Syria and Iraq in recent months. But there can be no justification for its forces attacking al-Raqqa as if the whole city were an IS base, unlawfully killing civilians in their dozens, injuring many more and causing extensive damage to civilian objects. The Syrian government's evident lack of concern for civilians in al-Raqqa is reflected in their silence on civilian casualties. The few official statements on the attacks, have been limited to a terse claim that they have killed "terrorists", without providing details or acknowledging any

responsibility for the killing and injuring of civilians, damage and destruction to civilian buildings and infrastructure, let alone any indication that investigations will be carried out into any of the attacks.

Amnesty International calls on the Syrian government to halt aerial and other attacks that violate international humanitarian law; comply with UN Security Council Resolution 2139's demand that all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas; and grant the Commission of Inquiry access to Syria. The international community, especially countries such as Russia with influence over Syria, should push the Syrian government to do so. The Security Council should also refer the situation in Syria to the International Criminal Court, impose an arms embargo on the Syrian government and impose punitive measures on the Syrian government and all other parties to the conflict that violate the human rights-related provisions of Resolution 2139.

METHODOLOGY

Amnesty International conducted the research for this briefing between November and January 2015. The Syrian authorities have not permitted the organization's researchers to travel to areas they control since the start of the crisis in March 2011; while it was able to visit parts of northern Syria in 2012 and 2013, it has not sent researchers to such areas in 2014 or 2015, mainly due to heightened security concerns. It therefore undertook the work for this briefing remotely.

Amnesty International conducted interviews with witnesses to the attacks in al-Raqqa and local activists who monitor and report on abuses committed by the Syrian government and IS in al-Raqqa, living in the city of al-Raqqa, either by phone or by Skype. During a research visit to Turkey in December 2014, it also conducted interviews in person with witnesses to attacks in al-Raqqa and local activists who had fled to Turkey after the November air strikes.

Amnesty International also reviewed Syrian government statements, statements by third governments, reports by UN agencies, international NGOs and local monitoring groups, as well as media articles and posts on social media. It examined photo and video material provided by local activists and witnesses and cross-checked them against witness accounts. Based on information provided from activists on the ground in al-Raqqa city, Amnesty International has developed a map which shows the locations of the strikes.¹

BACKGROUND

After mass popular protests demanding reforms began in other parts of Syria in March 2011, al-Raqqa governorate also witnessed peaceful gatherings to demonstrate against the

¹ See map: <http://bit.ly/raqqamap>

authorities. Syrian government forces responded by attacking protesters with live ammunition and artillery shelling. When non-state armed groups emerged in the area at the end of 2012, the Syrian government resorted to air strikes using warplanes, helicopters and unguided bombs, including barrel bombs, on protesters and other civilians living in residential areas of al-Raqqa governorate. According to the Violations Documentation Centre, a Syrian monitoring group, these attacks killed 502 civilians between September 2012 and December 2014.² The attacks also injured thousands of others and destroyed hundreds of civilian homes. Syrian government statements have not once acknowledged the killing and injuring of civilians in al-Raqqa governorate, as far as Amnesty International is aware, and instead claimed either that its forces killed “terrorists” or that it was “terrorists” who were responsible for civilian casualties.

According to several eyewitness accounts, the Syrian government forces appear to have generally used MiG warplanes to attack al-Raqqa from the air. Analysis of bomb remnants was insufficient to identify the specific munitions used during bombing sorties, including the ones documented in this briefing. However, according to Jane’s Defence, recent Russian upgrades have given the Syrian air force’s MiG-29s the ability to carry a wider range of munitions, including laser-guided weaponry.³ These weapons appeared to be used against non-state armed groups for the first time in October 2014, in the south of the country, raising the question of whether they have been used in al-Raqqa in recent months; before that, according to weapon experts, the Syrian government had relied mostly on unguided munitions.⁴ According to the Oryx blog, which analyses open source military information, including field images and videos, between 2010 and 2013 Russia upgraded several Syrian government aircraft in order to provide them with “improved targeting, navigation, and fire control systems by replacing the plane’s old control systems.”⁵ In June 2014, Jane’s Defence reported that the Russian Aircraft Corporation (RAC) MiG’s 2011 annual report had included references (subsequently removed) to the opening of a RAC office near Mezze air base in Damascus to provide maintenance and repairs to the Syrian government’s air force.⁶

² See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1BU0N8YXBwcm92ZWQ9dmlzaWJsZXtleHRyYWRpc3BsYXk9MHxzdzGF0dXM9MXxwcm92aW5jZT04fGNavZE11bHRpPTEzfHN0YXJORGFOZT0yMDEyLTAxLTAxfgVuzERhdGU9MjAxNC0xMi0zMhw> (accessed on 1 December 2014).

³ IHS Jane’s 360, “Russia helps keep Syria’s MiG-29s flying”, 11 June 2014, <http://www.janes.com/article/39087/russia-helps-keep-syria-s-mig-29s-flying> (accessed on 30 January 2015).

⁴ The National, “From dumb bombs to precision weapons, Assad regime ramps up airstrikes on rebels”, 26 October 2014, <http://www.thenational.ae/world/middle-east/from-dumb-bombs-to-precision-weapons-assad-regime-ramps-up-airstrikes-on-rebels> (accessed on 4 January 2015).

⁵ Oryx blog, “The Syrian Arab Air force, Beware of its Wings”, 15 January 2015, <http://spioenkop.blogspot.co.uk/2015/01/the-syrian-arab-air-force-beware-of-its.html> (accessed on 19 January 2015).

⁶ IHS Jane’s 360, “Russia helps keep Syria’s MiG-29s flying”, 11 June 2014, <http://www.janes.com/article/39087/russia-helps-keep-syria-s-mig-29s-flying> (accessed on 30 January 2015).

In March 2013, non-state armed groups such as the Free Syrian Army, the al-Nusra Front and Ahrar al-Sham gained full control of al-Raqqa city, while the Syrian government remained in control of military bases in the city's suburbs. IS, then called the Islamic State of Iraq and al-Sham (ISIS), emerged in al-Raqqa governorate in May 2013 and gradually increased its territorial control, forcing other non-state armed groups to retreat.

In January 2014, as ISIS began expanding its presence in Iraq, both in Fallujah in Anbar province and areas near the Syrian border, it consolidated its control over al-Raqqa governorate.⁷ In April 2014, ISIS launched an offensive against other non-state armed groups in neighbouring Dayr Ez Zor and by July had been able to assert its control over that governorate, too.⁸ On 29 June 2014, ISIS proclaimed territory it held in Syria and Iraq as a caliphate with al-Raqqa city as its capital and renamed itself the Islamic State. IS created the position of "emir" to administer the governorate of al-Raqqa; the current emir is Awad al-Makhlaf, also known as Abu Hamza.⁹ It also divided al-Raqqa governorate into administrative sectors in each of which it appointed someone to run the institutions and courts established by IS and ensure that any violation of the interpretation of Shari'a law imposed by IS would result in strict punitive measures.¹⁰

Amnesty International and other international human rights organizations, along with the Independent International Commission of Inquiry on the Syrian Arab Republic (Commission of Inquiry), the Office of the UN High Commissioner for Human Rights and the UN Assistance Mission for Iraq, have all documented grave human rights abuses committed by IS in both Syria and Iraq, including war crimes and crimes against humanity.¹¹

⁷ Charles Lister, *Profiling the Islamic State*, Brookings Doha Centre, November 2014, <http://www.brookings.edu/research/reports2/2014/12/profiling-islamic-state-lister> (accessed on 5 December 2014). According to Charles Lister, in April 2014, "ISIS's operations in Iraq and Syria were becoming increasingly interrelated, with funds, fighters, and weapons crossing borders more frequently."

⁸ Charles Lister, *Profiling the Islamic State*, Brookings Doha Centre, November 2014, <http://www.brookings.edu/research/reports2/2014/12/profiling-islamic-state-lister> (accessed on 5 December 2014).

⁹ Ahmad al-Bahri, "ISIS Restructures Raqqa Under its New Ruling System", Syria Deeply, 17 November 2014, <http://www.syriadeeply.org/articles/2014/11/6388/isis-restructures-raqqa-ruling-system> (accessed on 5 December 2014).

¹⁰ Charles Lister, *Profiling the Islamic State*, Brookings Doha Centre, November 2014, <http://www.brookings.edu/research/reports2/2014/12/profiling-islamic-state-lister> (accessed on 5 December 2014).

¹¹ See, for example, on Syria: Commission of Inquiry, *Rule of Terror: living under ISIS in Syria*, 14 November 2014, http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/HRC_CRP_ISIS_14Nov2014.pdf (accessed on 5 December 2014); Amnesty International, *Rule of fear: ISIS abuses in detention in northern Syria* (Index: MDE 24/063/2013), 19 December 2013, <http://www.amnesty.org/en/library/asset/MDE24/063/2013/en/32d380a3-cc47-4cb6-869f-2628ca44cb99/mde240632013en.pdf> (accessed on 23 January 2015). See, for example, on Iraq:

With regards to al-Raqqa governorate specifically, the Commission of Inquiry issued a report in November 2014 that concluded that IS committed the crimes against humanity and war crimes of murder and torture and the crime against humanity of enforced disappearance between June and October 2014. The report documented cases of “violent acts perpetrated under the guise of corporal *hudud* punishments based on the group’s radical interpretation of Shariah law” including, public summary killings, amputations, and floggings carried out by IS. Victims of such punishments include those deemed to have transgressed the IS’s moral code, those suspected of affiliation with other armed groups, and others considered to be opposed to IS rule.¹² The report also provided details of cases in which – both in public places and in detention facilities – IS fighters tortured or otherwise ill-treated men and women who violated the dress code, smoked, possessed alcohol, or failed to fast during Ramadan. Furthermore, it described how IS recruited and trained child soldiers, and restricted rights such as freedom of assembly and movement.¹³ Local contacts in the city of al-Raqqa have told Amnesty International that many activists and other civilians have left the city since the takeover by IS due to restrictions on their freedom and threats of detention and torture. Tarek¹⁴, an activist and lawyer, told Amnesty International that he had decided to flee to Turkey at the end of 2013 because he received several verbal and written threats from known IS fighters for criticizing their policies on his Facebook account.¹⁵ One unresolved case in point is that of human rights lawyer Abdullah al-Khalil, who was taken away by unidentified armed individuals as he left his office in May 2013. ISIS was becoming more active in the governorate at the time and his family believe the group is responsible for the

United Nations Assistance Mission for Iraq, *Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June-5 July 2014*, 18 July 2014, http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC%20Report_FINAL_18July2014A.pdf (accessed on 23 January 2015); Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic Captivity in Iraq* (Index: MDE 14/02/2014), 23 December 2014, <http://www.amnesty.org/en/library/info/MDE14/021/2014/en> (accessed on 23 January 2015); Human Rights Watch, *Iraq: ISIS Executed Hundreds of Prison Inmates*, 30 October 2014, <http://www.hrw.org/news/2014/10/30/iraq-isis-executed-hundreds-prison-inmates> (accessed on 23 January 2015).

¹² See, for example: Commission of Inquiry, *Rule of Terror: living under ISIS in Syria*, 14 November 2014, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/HRC_CRP_ISIS_14Nov2014.pdf (accessed on 5 December 2014). On 15 December 2014, IS published a text called “Clarification regarding the Quranic punishments”, which lists a number of crimes and the related punishments it proposes to enforce. A copy of the text is available on MEMRI’s Jihad and Terrorism Threat Monitor, <http://www.memrijttm.org/memri-jttm-islamic-state-isis-publishes-penal-code-says-it-will-be-vigilantly-enforced.html> (accessed on 24 January 2015).

¹³ Commission of Inquiry, *Rule of Terror: living under ISIS in Syria*, 14 November 2014 http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/HRC_CRP_ISIS_14Nov2014.pdf (accessed on 5 December 2014).

¹⁴ Real name withheld for security reasons.

¹⁵ Skype interview, 28 November 2014.

abduction; he had become head of the local council for al-Raqqa governorate when armed groups that ISIS opposed took control of the city in March 2013.¹⁶

On 22 February 2014, the UN Security Council adopted Resolution 2139 which included demands that all parties to the conflict stop conducting direct attacks on civilians and indiscriminate attacks, release all arbitrarily held detainees, and lift sieges on civilian centres and allow unfettered access for humanitarian aid. Neither the Syrian government nor IS has respected the resolution. The Violations Documentation Centre has reported that 274 civilians were killed by government air strikes between the adoption of the resolution and 31 December 2014, many of them apparently in direct or indiscriminate attacks.¹⁷

On 22 September 2014, an international coalition led by the USA and also including Bahrain, Jordan, Qatar, Saudi Arabia and the United Arab Emirates began to strike IS targets in al-Raqqa governorate, as well as IS and other targets in the governorates of Dayr Ez Zor, al-al-Hasakah and Abu Kamal. US Central Command, reported that it had carried out 14 strikes on targets in al-Raqqa governorate between 22 September 2014 and 6 January 2015. According to the Syrian Network for Human Rights and Raqqa is Being Slaughtered Silently, two local monitoring groups, one civilian was killed on 28 September 2014 by a coalition air strike on a plastic factory in the suburbs of al-Raqqa city.¹⁸ Amnesty international has not been able to independently verify that report.

According to local activists, Syrian government air strikes stopped on 22 September, when coalition attacks began. The lull lasted until 11 November 2014; the Violations Documentation Centre did not report any civilian casualties during this period.

GOVERNMENT AIR STRIKES ON AL-RAQQA

Syrian government air strikes targeted al-Raqqa city repeatedly between 11 and 29 November 2014. According to local activists, the Syrian air force carried out two air strikes on 11 November, six on 25 November, seven on 27 November, three on 28 November, and

¹⁶ Amnesty International, *Fears for safety of human rights lawyer abducted in Syria*, 21 May 2014, <http://www.amnesty.org/en/news/fears-safety-human-rights-lawyer-syria-2013-05-21> (accessed on 16 January 2015).

¹⁷ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2l5bGVkX2RhdGV8c29ydGRpcj1ERVNdGFwcmHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmVzY2U9OHxjb2RNdWx0aT0xM3xzdgFydERhdGU9MjAxNC0wMi0yM3xlbmREYXRiPTIwMTQtMTItMzF8> (accessed on 16 January 2015).

¹⁸ Syrian Network for Human Rights, *The International Alliance's Airstrikes Killed 24 Civilians and Destroyed a Number of Vital Buildings*, 26 October 2014, <http://sn4hr.org/arabic/2014/10/25/2385> (accessed on 7 January 2015).

five on 29 November. While coalition air strikes took place in al-Raqqa governorate during November 2014, US Central Command did not report any coalition air strikes being conducted there on 11, 25, 27, 28 or 29 November.

The state-run Syrian Arab News Agency (SANA) reported on 11 and 28 November that Syrian government forces had attacked and killed IS fighters in al-Raqqa on those dates, without giving any details of the locations targeted or whether there had been any civilian casualties.¹⁹ It did not publish information on attacks carried out on other days in November.

The Syrian government attacks in November 2014 appear to have killed dozens of civilians. According to the Violations Documentation Centre, 115 civilians died: 14 children, 12 women and 89 men.²⁰ On 26 November, the US Department of State issued a statement saying it was “horrified by the reports” that Syrian government air strikes had “killed dozens of civilians and demolished civilian areas” the previous day.²¹ On 28 November, SANA reported the response of Syrian Minister of Information Omran al-Zoubi, who denied that Syrian government forces were attacking civilians in al-Raqqa or that they targeted civilians in general.²² He did not explicitly deny there had been civilian casualties, however.

Amnesty International has researched 15 air strikes carried out on 11, 25, 27, 28 and 29 November and analysed the findings against Syria’s obligations under international humanitarian law.

11 NOVEMBER

Syrian fighter jets identified by local contacts as MiG warplanes from their shape and sound carried out two strikes on al-Raqqa city on 11 November on the al-Heni neighbourhood. Mohammad²³, a local contact, told Amnesty International that at around 1.30pm one missile hit a residential house in al-Mansour Street, near the crossroads with 23 February Street, a few metres away from al-Salam hospital. Two other contacts, Mohannad and Bassima,²⁴ said

¹⁹ SANA, “Information Minister: Statement of US Department of State Ignores Criminal Acts of ISIS”, 28 November 2014, <http://www.sana.sy/en/?p=19763> (accessed on 28 November 2014) and SANA, “Army inflicts heavy losses upon terrorists in several areas”, 11 November 2014, <http://www.sana.sy/en/?p=17660?fe3e5380> (accessed on 9 January 2015).

²⁰ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9OHxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNC0xMS0wMXxlbmREYXRiPTlwMTQzMTEtMzB8> (accessed on 7 January 2015).

²¹ US Department of State, “Syrian Regime Attacks Against Civilians in Raqqah”, 26 November 2014, <http://www.state.gov/r/pa/prs/ps/2014/11/234459.htm> (accessed on 28 November 2014).

²² SANA, “Information Minister: Statement of US Department of State Ignores Criminal Acts of ISIS,” 28 November 2014, <http://www.sana.sy/en/?p=19763> (accessed on 28 November 2014).

²³ Real name withheld for security reasons.

²⁴ Real names withheld for security reasons.

another missile hit a residential house in al-Heni neighbourhood, a few metres away from al-Salam hospital, about half an hour later.

SANA reported on 11 November that Syrian government forces had “destroyed [a] hideout for terrorists in Raqqa, killing and injuring a number of them.”²⁵ However, all three contacts interviewed by Amnesty International said that there were no apparent military targets at or near the sites of the two strikes they witnessed.

Mohammad was able to identify four people, including two children, who were killed in the first strike: Reem al-Jaber, her two children Yazan and Obaida Abdelwahab al-Shamti, and Abdelmalek al-Shamti, the children’s uncle. Mohammad told Amnesty International that he knew the al-Shamti family, that they were not affiliated with IS in any way and that the four who died were all civilians. The Violations Documentation Centre published the names of 19 civilians killed in the two strikes, including the four names provided by Mohammad.²⁶

Mohammad told Amnesty International what he witnessed:

“On 11 November at around 1.30pm, two residential buildings were attacked by a Syrian government warplane. I was walking on the street when I heard the sound of the warplane. I looked at the sky and I saw a MiG warplane, which is very familiar to us by now. I saw the warplane dropping in altitude and firing a missile. I heard an explosion very close to me. Then, a few minutes later, I heard another explosion. It took two minutes to arrive at the site of the [first] attack. I checked if my relatives, who live on the same street, were okay and saw that their neighbour’s building had been hit. It was completely destroyed... I saw six bodies, four of them belonging to the al-Shamti family and the other two being civilians I didn’t know who happened to be walking on the street. The building is next to the al-Salam hospital. The hospital was not affected. It is a private hospital and there are no fighters in the hospital. I also saw at least 10 injured civilians but I didn’t know them.”²⁷

Mohammad explained that he was confident the two passers-by who were killed and the at least 10 others who were injured were civilians because they were dressed in civilian clothes and there were women and children among them.

Mohannad and his cousin Bassima were at home when the second missile struck nearby.

Mohannad told Amnesty International:

²⁵ SANA, “Army inflicts heavy losses upon terrorists in several areas”, 11 November 2014, <http://www.sana.sy/en/?p=17660?fe3e5380> (accessed on 9 January 2015).

²⁶ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2l5bGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkJzpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9OHxjb2RNdWx0aT0xM3xdGFydERhdGU9MjAxNC0xMS0xMXxlbmREYXRiPTIwMTQtMTMtMTF8> (accessed on 19 December 2014).

²⁷ Phone interview, 14 December 2014.

*"I was at home when the strike happened around 2pm. The whole house swayed from the blast. It was only about 300 metres away. The shrapnel came into our courtyard in the middle of the house, but it didn't reach where we were sitting. We were in the living room. When we found it [the shrapnel] later, it was still warm – too hot to touch. It was just small pieces of metal; it looked like scrap metal. The pieces were smaller than an ashtray. After 10 minutes, I went outside the house and I saw a lot of people, including children, and wounded people. They were being taken to the hospital. I didn't know how many, but it seemed like a lot."*²⁸

Bassima added:

*"I was at home, in the al-Heni neighbourhood, when the strikes occurred, with the family. I saw the plane, but I couldn't hear it – it was a MiG. There are a lot of people in our area. I was at home preparing lunch when I heard the first strike hit close to the [al-Salam] hospital. We wanted to go to the hospital to help the ones who were injured but relatives told me: 'Wait until the shrapnel hits the ground before you go out. Don't go now! If you go, they will drop another rocket on you.' So we waited, for something like five to 15 minutes, and then the next strike hit the residential building next door."*²⁹

Based on information from the three witnesses interviewed above, it would appear that the closest IS base to the area in which the two strikes occurred was the governorate building, approximately 1km away, and the closest locations where IS fighters congregate, such as internet access points and offices, were some 100 to 200 metres away from the strikes. All the contacts interviewed by Amnesty International knew of no reports that IS fighters had been killed or injured in either of the attacks. From the available information, the two strikes are likely to have constituted either direct attacks on civilians or civilian objects or indiscriminate attacks.

25 NOVEMBER

Syrian government forces carried out at least six air strikes on al-Raqqa city on 25 November. Three contacts told Amnesty International separately that the warplane used in the strikes was a MiG and was identifiable from its sound and shape. On the basis of interviews with eight witnesses and activists, Amnesty International understands that the locations hit were the Museum Market and the al-Heni mosque, both located in al-Raqqa city centre, as well as a transport hub known as the Pullman Garage, the Industrial City, the vicinity of a consumer products storage facility known as the Yellow Warehouse, and a residential building in the al-Mashlab neighbourhood, all located in areas on the periphery of al-Raqqa city.

Unlike on 11 and 28 November, SANA did not publish a statement to say it had attacked IS targets. The attacks on 25 November appear to have resulted in the heaviest civilian casualties of any day during November 2014. The Violations Documentation Centre

²⁸ Interview in Turkey, 11 December 2014.

²⁹ Skype interview, 15 December 2014.

published the names of 70 civilians killed by the strikes.³⁰ The Syrian Network for Human Rights, a local independent monitoring group, provided Amnesty International with the names of 73 civilians – three children, six women and 64 men – killed by what they believed to be eight strikes.

Two witnesses who were present at the sites of the attacks on the Museum Market and the al-Heni Mosque told Amnesty International that they were able to identify four civilians killed by the strikes. Amnesty International reviewed a video posted online which shows 34 bodies and three injured people in the aftermath of the strikes on the Museum Market and the al-Heni mosque; the casualties are men and children dressed in civilian clothes.³¹ There are no signs of weapons, military vehicles or equipment at the site of the destruction resulting from the strikes. Based on information from witnesses and activists, each of the sites was between 600 metres and 3km away from the nearest IS base. Some local contacts identified for Amnesty International possible locations where IS fighters might congregate, such as internet access points and offices, between 300 and 500 metres from the sites of the attacks.

Mustafa³², a 28-year-old media activist, visited the Pullman Garage minutes after it was attacked. He told Amnesty International:

*"I heard the warplane and when I went onto the balcony I saw it was a MiG warplane, white in colour. It was around 1 or 2pm when it started attacking. First, I went to the Pullman Garage. I got there a few minutes after the attack. The garage is located at the entrance to the city. It is where people take buses to leave the city. It is a heavily populated area. When I got there, I saw bodies of people everywhere. I helped in transferring the injured people to the hospitals. I transferred 20 bodies and many more injured. Cars and ambulances took the bodies to the National Hospital. There were women amongst the people injured but I can't remember how many. There were several buses on fire. There are no Islamic State checkpoints close or around the garage. There are Islamic State guards in the area but they don't carry weapons and you cannot differentiate them from civilians because they are in civilian clothes. They were not killed or injured. The closest IS office is 600 metres away and that was not hit."*³³

Mustafa then went to the National Hospital. He told Amnesty International that it was packed with injured people and there were not enough beds. He said that he saw around 50 bodies

³⁰ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNdGFwcmVkdVpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9OHxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNC0xMS0yNXxlbmREYXRlPTlwMTQtMTEtMjV8> (accessed on 16 December 2014).

³¹ Sham Islam, "The effects of *al-Nasiri* aerial bombing on al-Raqqa province" posted on 25 November 2014, <https://www.youtube.com/watch?v=1t55YKk8K6s> (accessed 27 November 2014). The man filming the video mentions that the date is the third day of the second month of the year 1436 in the Hijri calendar, equivalent to 25 November 2014.

³² Real name withheld for security reasons.

³³ Skype interview, 26 November 2014.

when he arrived at the hospital and, in addition, three pick-ups each carrying 10 to 15 injured people arrived when he was there.

The Violations Documentation Centre reported that 51 civilians were killed in the attack on the Museum Market.³⁴ Nazih³⁵, a 30-year-old local resident, told Amnesty International that he was near the Museum Market when it was attacked around 2pm. He said:

"I was one minute away from the Museum Market. I heard and saw the MiG warplane soaring in the sky. It was a white warplane and its shape was different from the ones of the coalition. I heard several explosions but one of them was extremely close to where I was. I felt the house swaying. We arrived at the museum a minute later to find out that the market next to the museum had been hit. It was a disaster since it is the main market in al-Raqqa and is usually packed with people during the day. I saw body parts everywhere. I carried 40 bodies to cars, ambulances and pick-ups that transferred them to the National Hospital, al-Muwatat hospital, Dar al-Shifa hospital, and the Modern Medicine hospital. I saw at least 50 people with severe and minor injuries. I saw women and men injured but I cannot give an exact number. The severe injuries included injuries to the extremities and deep shrapnel wounds. I also saw around 40 buildings damaged by the explosion. There are no checkpoints or military vehicles near or at the market. The nearest Islamic State base is at least 600 metres away. The closest front line is Kobani which is 130 km away. IS men are usually dressed in civilian clothes and they cannot be identified."³⁶

Mehdi³⁷, a 42-year-old media activist, was 500 metres from the Museum Market attack. He told Amnesty International:

"I was at the bus station 500 metres away from the museum. I saw the warplane. It fired two missiles. I went to the scene of the attack five hours later because we had to hide in the basement. When I arrived, I saw men still searching for bodies and transferring them to the hospital. I recognized two of the people killed from the bodies still there: Ammar al-Aziz and Ahmad al-Sheikh. The museum, the al-Saraya café and all shops in the market were affected by the explosion. The market is very crowded with shoppers and taxi drivers. The nearest IS base is the governorate building 1km away."³⁸

Mehdi mentioned that IS guards usually had a policing presence in the Museum Market, but that they are dressed in civilian clothes and so indistinguishable from ordinary shoppers. He

³⁴ Interview with Violations Documentation Centre staff member, 20 January 2015; Violations Documentation Centre, *Flash Report about Tuesday and Thursday's Massacres in Raqqa*, November 2014, <http://www.vdc-sy.info/index.php/en/reports/1418246112#.VLOfz0esVAY> (accessed on 1 December 2014).

³⁵ Real name withheld for security reasons.

³⁶ Skype interview, 26 November 2014.

³⁷ Real name withheld for security reasons.

³⁸ Skype Interview, 20 December 2014.

said: "I know that none of the IS guards was killed because I heard one of them saying over a wireless talking device: 'Thank God, nothing happened to any of our brothers.'"³⁹

Ossama⁴⁰, a 75-year-old resident, was 175 metres away from the site of the Museum Market attack. He told Amnesty International:

*"I was going to the coffee shop to buy some coffee when I heard the sound of the explosion. I didn't see anything. I was standing inside the door of the shop, and when I heard the sound, I ran inside and lay down on my stomach. I stayed there for 30 minutes to one hour, until everything had calmed down. Then I went to see the building that I own. The wall of my building was completely destroyed. The shops around the museum were also destroyed – 10 shops to the east of the museum were destroyed and seven or eight shops right next to the museum were destroyed too. I saw how people were using blankets to carry the injured and the dead. There were so many people who were hurt. There is a taxi station there, and 10 to 12 yellow taxis were destroyed. Islamic State came with cars, and they put the bodies in pick-ups. I think more than 100 were dead or injured. Many were dead before they arrived. It looked like 200. The Ottomans made our museum. It was so old. The museum wasn't destroyed inside, but there was damage on the walls from the shrapnel. There is no target there. There are no military targets nearby. The closest military place is in Tel Abyad – there is a checkpoint there. That's more than 1km away. Many members of the Ashai family were killed. And members of the al-Batchri family were killed, too. Otherwise many of the people killed were strangers in al-Raqqa – refugees."*⁴¹

Hussein⁴², a 27-year-old local teacher, was 75 metres from the al-Heni mosque when it was attacked. He told Amnesty International:

*"It was around 2.10pm. I was at the intersection between Moatez Street and 23 February Street. I was standing at the entrance of al-Salam hospital when I heard the sound of the warplane. I did not see it but by now we know so I quickly hid in the nearest building. A few seconds later I heard two explosions. I thought that the building had collapsed on my head. I checked that I was okay and went outside. I saw people running towards the al-Heni mosque. The mosque was destroyed. Buildings around the mosque were also destroyed. I started checking who was alive and who was not. I found Omar al-Aboud's body. He is the relative of a teacher I know. The closest Islamic State base is 2km away and there are no checkpoints or vehicles around the mosque. The attack was during prayer time and I heard that there were some Islamic State fighters praying but not more than eight. I am not sure if they were killed. I also saw two injured men who I know. Omar and my injured friends are civilians."*⁴³

³⁹ Skype Interview, 20 December 2014.

⁴⁰ Real name withheld for security reasons.

⁴¹ Interview in Turkey, 20 January 2015

⁴² Real name withheld for security reasons.

⁴³ Skype Interview, 26 November 2014

Fares⁴⁴, a 22-year-old media activist, was 150 metres away from the al-Heni mosque when it was hit. He told Amnesty International:

“The attack occurred around 2pm. I heard the warplane hovering and saw that it was a MiG. A few seconds later a missile hit the mosque. The explosion destroyed several buildings near the mosque. It was one of the deadliest attacks I have seen. It was prayer time and the mosque was full of people. I saw flesh on the ground and many bodies and injured people. I can’t remember the exact number because I was in a state of shock. I know one person who was injured in the head by a piece of shrapnel. Hussein al-Abed al-Ghatass, who I know, was killed. I saw his body. The mosque was 70% destroyed. The closest military target is the Islamic State’s headquarters, which is in the governorate building and is around 2km away. There are no other military targets. Four or five IS fighters were killed by the strike. They are not high-level commanders or anything of the sort. They were praying in the mosque.”⁴⁵

Mohammad⁴⁶, a 21-year-old student, was near the Industrial City when the missile hit the area. He told Amnesty International:

“The attack occurred at 2.14pm. I was a few metres away from the Industrial City. When I heard the explosion I went to the site. I did not see the warplane but people told me that it was either a Sukhoy or a MiG. I heard two explosions. When I arrived, I saw that the missile had hit a mechanical garage. The garage is 20 metres away from the Industrial City. I saw body parts everywhere, I saw bodies that were burnt and people who had injured extremities. I also saw a body hanging on the electricity wire, maybe from the blast. I can’t give an accurate number of injured people or killed but it was more than 10 for sure. The ambulances took the bodies and the injured to the National Hospital. I was in shock so I don’t remember how many bodies or injured people I carried. The area is very populated because everybody fixes their cars there, including Islamic State forces, but nobody can tell who is Islamic State is and who is not. The number of civilians there is much more than the number of Islamic State men. I know one of the men who was injured. He is a civilian. The closest IS base is the Islamic Court, 2km away, but it was not hit. And there are no checkpoints or military vehicles. Only regular cars.”⁴⁷

Fadi⁴⁸, a 39-year-old man, arrived at the Industrial City 10 minutes after the attack. He told Amnesty International:

“I was near the Islamic Court, 2km away from the site of the attack. When I arrived, I saw that the strike had hit the al-Nwairan mechanical shop, a family-owned business. People fix their cars there. I saw bodies being loaded into pick-ups and ambulances. I recognized the owner and his son among the people who had been killed; their family name is al-Nwairan.

⁴⁴ Real name withheld for security reasons.

⁴⁵ Skype interview, 12 December 2014

⁴⁶ Real name withheld for security reasons.

⁴⁷ Skype interview, 26 November 2014.

⁴⁸ Real name withheld for security reasons.

The area is very populated. Islamic State fix their cars and vehicles there. The destruction was massive; it covered an area of a radius of around 100 metres. I transferred some of the injured people to the hospitals.”⁴⁹

Information gathered by Amnesty International on four of the attacks that took place on 25 November – those on the Museum Market, the al-Heni mosque, the Pullman Garage and the Industrial City – indicates that the Syrian government attacked civilian buildings that were not being used for military purposes. In the case of the attack on the Pullman Garage, Amnesty International has been able to find no indication that IS fighters were present. In the other three of these attacks, witnesses interviewed by Amnesty International said they knew or thought that individuals who had an affiliation of some description to IS were present at the time of the attack. In the al-Heni mosque attack, witnesses identified some eight individuals killed as IS fighters who were participating in Friday prayers. In the Industrial City attack, they suspected that IS fighters might have been present and having their cars repaired. In the Museum Market attack, they believed IS guards engaged in policing-like functions were present but were not killed in the attack. In the case of attacks on the vicinity of the Yellow Warehouse and the al-Mashlab neighbourhood, Amnesty International does not have sufficient information to make a judgement.

Given that, according to reports from local sources, the IS-affiliated individuals were wearing civilian clothes, it seems unlikely that the Syrian government forces were aware that IS fighters were present at the time of the attacks. Even if they were, it seems highly improbable that there could have been any justification for attacking civilian buildings and locations, such as a mosque during Friday prayers, a market during business hours and a car-repair area when they would have known these places were going to be full of civilians. The attacks Amnesty International has researched therefore appear to have been at least disproportionate, or otherwise indiscriminate, attacks, if not direct attacks against civilians or civilian objects.

27 NOVEMBER

Activists working with Raqqa is Being Slaughtered Silently⁵⁰ told Amnesty International that warplanes they believed to be MiGs carried out seven strikes in al-Raqqa city on 27 November. The strikes hit the Old Bridge restaurant to the south al-Raqqa city centre, a residential building next to the Engineering School building, the Sakina High School for girls, a residential building in al-Mashlab neighbourhood, a location near Dar al-Salam preparatory school in the city centre, the National Hospital, Falafel Radwan restaurant in al-Mojamaa neighbourhood, and the Panorama public garden in the west of al-Raqqa city.

The activists who visited the site of the attacks said that at least six civilians were killed in a residential house next to the Engineering School building in which Mohammad Abdelaziz al-Bohabbal, a judge known not to be affiliated to IS, and his family lived. The Violations Documentation Centre reported that, in total, eight civilians were killed in the strikes: the wife of Mohammad Abdelaziz al-Bohabbal (name not recorded), Dawoud Mohammad

⁴⁹ Skype interview, 5 December 2014.

⁵⁰ Skype interview, 18 December 2014.

Abdelaziz al-Bohabbal and his wife and two sons (names not recorded), Mostafa al-Habib al-Darwish, and a woman known as Shaymea and her daughter (name not recorded).⁵¹

Based on information from local activists, Amnesty International identified possible IS targets between 75 and 400 metres away from the strikes, but found no evidence indicating that any of the buildings hit were military objectives at the time they were attacked. If this is the case, the two strikes are likely to have constituted either direct attacks against civilians and civilian buildings or indiscriminate attacks.

28 NOVEMBER

The Syrian air force carried out at least three attacks in al-Raqqa city on 28 November. According to local media activists, they hit locations in al-Mansour Street, in al-Baitra neighbourhood and on Clock Street next to the Clock Roundabout around noon.

SANA reported that the Syrian government “targeted ISIS hideouts and vehicles in Raqqa and kills dozens of them.”⁵² It did not, however, provide any details of the locations of the targets or whether there had been civilian casualties. The Violations Documentation Centre reported that six civilians were killed in al-Raqqa that day and published the names of three of them, all children: Sali Salah Abod Aziz, Mohammad Salah Abod Aziz and Mohammad Yussef Aziz.⁵³ Raqqa is Being Slaughtered Silently posted complementary information online that Sali Aziz and Mohammad Aziz were killed in the attack on al-Baitra neighbourhood, near the al-Sharaksa mosque, but did not mention the other deaths.⁵⁴

Farah⁵⁵, a local resident whose house was destroyed in the attack on al-Mansour Street, told Amnesty International that she was not aware of the presence of any IS fighters in the area on the day of the attack. Amnesty International was unable to speak to residents of the other areas hit that day, but reviewed a video posted online which shows the destruction of shops, civilian cars and what appears to be single-floor residential buildings, as well as medics

⁵¹ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9OHxib2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNC0xMS0yN3xlbmREYXRiPTIwMTQtMTFtMjE4>

⁵² SANA, “Syrian Arab Army continues its operations against terrorists across the country”, 28 November 2014, <http://www.sana.sy/en/?p=19817> (accessed on 28 November 2014).

⁵³ See the Violations Documentation Centre list of civilian casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9OHxib2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNC0xMS0yOHxlbmREYXRiPTIwMTQtMTFtMjE4> (accessed on 22 December 2014).

⁵⁴ See the post by Raqqa is Being Slaughtered Silently on Facebook: <https://www.facebook.com/Raqqa.SI/posts/906881642656421> (accessed on 1 December 2014).

⁵⁵ Real name withheld for security reasons.

collecting pieces of flesh from the ground caused by the strikes on al-Baitra neighbourhood and Clock Street.⁵⁶

Farah and other local activists told Amnesty International that they believed the timing of the strike that destroyed her house, which occurred during Friday prayers, suggested that a large mosque a few metres away might have been the target, in the same way that the al-Heni mosque appeared to have been targeted on 25 November.

Farah told Amnesty International:

"I have lived in al-Raqqa all my life. My husband is not affiliated with armed groups or Islamic State. I have two children, one three-and-a-half-year-old girl and one five-year-old son. We were all at home when suddenly a missile hit our house around noon. I was able to take my son and run out before the house fell apart but couldn't save my daughter, who was in the bathroom. The neighbourhood is a residential one and there are no IS offices near or in our house. We cannot tell who is with IS and who is not because they are dressed in civilian clothes. We don't see fighters in al-Raqqa city. IS people are usually based in their offices, for example in the governorate building or security branches or police stations, which are far away from my house. The big mosque is a few metres away my house. My house is an Arab house; it was completely destroyed by the strike. Nobody was killed but we removed my three-and-a-half-year-old daughter from under the rubble. She was severely injured and so we had to take her to Turkey because the National Hospital does not have the capacity. Now she is doing better. The destruction caused the injuries. She had some bone fractures."⁵⁷

Based on information from local activists, Amnesty International identified a location where IS fighters congregated located around 250 metres from Farah's house in al-Mansour Street, but could find no other reason indicating why Syrian government forces attacked this area or the area near al-Sharaksa mosque in al-Baitra neighbourhood, resulting in civilian deaths. Amnesty International was unable to obtain further information on the attack on Clock Street. On this basis, the strikes on al-Mansour Street and al-Baitra neighbourhood are likely to have constituted either direct attacks against civilians and civilian buildings or indiscriminate attacks.

29 NOVEMBER

Syrian government forces struck al-Raqqa city several times from the air on 29 November, hitting the Political Security branch, the Monitoring and Inspection Unit, the Tuberculosis Treatment Centre, the Central Bank building, the al-Hasba building, an administrative office which issues warnings against people it accuses of violating social norms, and the al-Nawawi mosque. Raqqa is Being Slaughtered Silently posted a video showing a warplane identified by

⁵⁶ al-Raqqa Media Centre, "al-Raqqa: Monitoring the blood and destruction after the *al-Nasiri* air strike on al-Baitra neighbourhood and Clock Street", 28 November 2014, <https://www.youtube.com/watch?v=1zOpwWnves&feature=youtu.be> (accessed on 4 December 2014). The person filming indicates that the date of the video is 28 November 2014.

⁵⁷ Phone interview, 5 December 2014.

local activists as a MiG hovering above the city at a low altitude that day,⁵⁸ indicating that this may have been the source of the strikes.

Raqqa is Being Slaughtered Silently and media sources published the names of seven civilians killed by the strikes on al-Nawawi mosque: Mohammad al-Mahid, Majed al-Mahid, Ahmad al-Hassan, Imad al-Sultan, Ahmad al-Hourani, Mohammad Ibrahim al-Kesha and Majed Ibrahim al-Kesha.⁵⁹

Saed⁶⁰, a 25-year-old worker from the neighbourhood, described the attack on the al-Nawawi mosque to Amnesty International:

*"I was 50 metres away from the site of the attack. I heard a MiG warplane coming from the north. Seconds later four missiles hit the city and one of them fell on the al-Nawawi mosque. I saw eight people killed. Two of them were electricians. I also found a woman but her corpse was burnt so we couldn't identify her name. There were a lot of injured people; all of them were taken to the private hospitals. A Red Crescent ambulance transferred the bodies. The missile destroyed most of the buildings around the site of the attack. The area is a very populated area. The nearest base to the site of the shelling is very far away – I think more than 3km – but there is an abandoned State Security branch close to the mosque. There was a seminar in the mosque. I think it was either for pharmacists or religious people. Some of them were injured and killed."*⁶¹

Amnesty International reviewed a video posted online that shows the aftermath of the destruction of three residential building near the al-Nawawi mosque.⁶²

Saed told Amnesty International that the nearest IS base to the location of this attack was around 3km away. Based on information available to Amnesty International from other contacts on the ground, there may additionally have been locations in which IS fighters congregate such as internet access points and offices between 300 and 600 metres from the al-Nawawi mosque. However, according to Saed, the most likely target in the vicinity may have been an abandoned State Security branch situated a few metres away from the mosque,

⁵⁸ See video posted by Raqqa is Being Slaughtered Silently on Facebook on 29 November 2014, <https://www.facebook.com/video.php?v=907416865936232&permPage=1> (accessed on 22 December 2014).

⁵⁹ See list of casualties on post published by Raqqa is Being Slaughtered Silently on Facebook: https://www.facebook.com/permalink.php?id=780110825333504&story_fbid=907538869257365; <https://www.facebook.com/mediaswedaa/posts/558547937610128> (accessed on 29 January 2015).

⁶⁰ Real name withheld for security reasons.

⁶¹ Skype interview, 23 December 2014.

⁶² al-Raqqa Media Centre, "al-Raqqa: The massive destruction caused by the *al-Nasiri* air strikes next to Imam al-Nawawi mosque", 29 November 2014, https://www.youtube.com/watch?v=0_UgDMfP14g&feature=youtu.be%20https://www.facebook.com/r.m.c.alraqqa7/photos/pb.269293196610284.-2207520000.1417712158./326459157560354/?type=3&theater (accessed on 1 December 2014).

which the Syrian government may have thought was being used by IS but which was not being so used at the time of the attack.

Other buildings targeted by Syrian government forces, such as the Monitoring and Inspection Unit and the al-Hasba building, appear to have been facilities currently or formerly administered by IS. The strike on the al-Nawawi mosque and possibly other strikes that day are likely to have constituted either direct attacks against civilians and civilian buildings or indiscriminate attacks.

DISREGARD FOR INTERNATIONAL HUMANITARIAN LAW

The fighting between Syrian government forces and the IS armed group is governed by international humanitarian law, also known as the laws of war, which applies only to situations of armed conflict. It contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians, but also certain combatants, including those who are wounded or captured (*hors de combat*). It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”⁶³ A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental principle of “distinction”.

For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.⁶⁴ Civilians are protected against attack unless and for such time as they take a direct part in hostilities.⁶⁵

⁶³ ICRC Customary IHL Study, Rule 1; see also Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 48, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 12(2).

⁶⁴ ICRC Customary IHL Study, Rule 5; see also Protocol I, Article 50.

⁶⁵ ICRC Customary IHL Study, Rule 6; see also Protocol I, Article 51(3); Protocol II, Article 13(3).

Civilian objects are all objects (that is, buildings, structures, places, and other physical property or environments) which are not “military objectives”, and military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”⁶⁶ Civilian objects are protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described become temporarily fulfilled.⁶⁷ In cases of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling, or a school, is being used for military purposes, it is to be presumed not to be so used.⁶⁸

Intentionally directing attacks against civilians not taking direct part in hostilities or against civilian objects is a war crime.⁶⁹ The principle of distinction also includes a specific rule that “acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”⁷⁰

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.⁷¹ Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.⁷²

International humanitarian law also prohibits disproportionate attacks, which are those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”⁷³ Intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack

⁶⁶ ICRC Customary IHL Study, Rules 8 and 9; Protocol I, Article 52.

⁶⁷ ICRC Customary IHL Study, Rule 10.

⁶⁸ Protocol I article 52(3). See also ICRC Customary IHL Study, pages 34-36.

⁶⁹ ICRC Customary IHL Study, Rule 156, pages 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii). See also discussion in ICRC Customary IHL Study, page 27.

⁷⁰ ICRC Customary IHL Study, Rule 2; see also Protocol I, Article 51(2) and Protocol II, Article 12(2).

⁷¹ ICRC Customary IHL Study, Rule 11; Protocol I, Article 51(4).

⁷² ICRC Customary IHL Study, Rule 12; Protocol I, Article 51(4)(a).

⁷³ ICRC Customary IHL Study, Rule 14; Protocol I, Articles 51(5)(b) and 57.

(that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.⁷⁴

The protection of the civilian population and civilian objects is further underpinned by the requirement that all parties to a conflict take precautions in attack. In the conduct of military operations, then, “constant care must be taken to spare the civilian population, civilians and civilian objects”; “all feasible precautions” must be taken to avoid and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.⁷⁵ The parties must choose means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.⁷⁶ Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.⁷⁷ Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population.⁷⁸

Parties must choose appropriate means and methods of attack when military targets are located within residential areas. This requirement rules out the use of certain types of weapons and tactics. The use of means (such as unguided bombs dropped on targets located in densely populated civilian areas) of combat that cannot be directed at a specific military objective may result in indiscriminate attacks and is prohibited. Choosing methods of attack (e.g. attacking objectives at times when many civilians are most likely to be present) that do not minimize the risk to civilians also violates international humanitarian law. Attacks which government forces carry out knowing that they will cause massive civilian casualties and destruction of civilian objects flagrantly violate the prohibition of indiscriminate attack and constitute war crimes. Shelling and bombardments of residential areas in which there are no opposition fighters or military objectives constitute direct attacks on civilians and are war crimes.

Warring parties have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary. As with precautions in attack, these rules are particularly important when fighting is taking place in areas with large numbers of civilians. Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁷⁹

However, Article 50(3) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), states: “The presence within the civilian population of individuals who do not come within

⁷⁴ ICRC Customary IHL Study, Rule 156, pages 599-601.

⁷⁵ ICRC Customary IHL Study, Rule 15. See also Protocol II, Article 13(1).

⁷⁶ ICRC Customary IHL Study, Rule 17.

⁷⁷ ICRC Customary IHL Study, Rules 16-19.

⁷⁸ ICRC Customary IHL Study, Rule 20.

⁷⁹ ICRC Customary IHL Study, Rule 23; see also Protocol I, Article 58(b).

the definition of civilians does not deprive the population of its civilian character.” The fact that IS fighters in al-Raqqa may be located within civilian areas does not in any way negate the Syrian government forces’ obligations with respect to civilians, including the principle of distinction, the prohibition on indiscriminate or disproportionate attacks, and the precautions in attack detailed above.

CONCLUSION AND RECOMMENDATIONS

In conclusion, Amnesty International’s findings show that Syrian government forces carried out a series of attacks against al-Raqqa city on 11, 25, 27, 28 and 29 November 2014 that violated international humanitarian law. In most cases, there were no military targets in the vicinity of the locations that were struck, indicating that they were either direct attacks against civilians and civilian objects or indiscriminate attacks. In other cases, the confirmed or likely presence of IS fighters or other IS personnel at the time of attacks that killed and injured civilians suggests that the attacks may have been disproportionate, or otherwise indiscriminate. And even in some of the attacks in which IS fighters appear to have been killed, it was unclear whether Syrian government forces were aware of their presence and were in fact targeting them. In any event, direct attacks on civilians not taking part in hostilities and on civilian objects, disproportionate attacks, and indiscriminate attacks causing death and injury to civilians are war crimes.

Indeed, the picture is a damning one for the Syrian government. However atrocious the crimes committed by IS forces in both Syria and Iraq have been in recent months, there can be no justification for Syrian forces attacking al-Raqqa as if the whole city was an IS base, unlawfully killing civilians in their dozens. Activists and residents in al-Raqqa have told Amnesty International that they believe the main objective behind the government air strikes was to punish the population of the city for “agreeing” to live under IS rule. This would be consistent with a pattern of such attacks carried out repeatedly over three years by government forces on towns and cities that have come under the control of opposition forces such as Homs, Idlib and Aleppo. These government tactics go back to long before the emergence of IS as a significant force in the Syrian conflict.

Amnesty International calls on the Syrian government to halt aerial and other attacks that violate international humanitarian law, comply with the provisions of UN Security Council Resolution 2139 related to human rights and international humanitarian law, and grant the Commission of Inquiry access to Syria. The international community, especially countries such as Russia with influence over the Syria government, should push the Syrian government to do so. When it adopted Resolution 2139 in February 2014, the Security Council members committed to “take further steps” should the parties to the conflict in Syria fail to implement the resolution. More than a year later, the time is long overdue for the Security Council to enforce its decision, including by imposing targeted sanctions against those responsible for war crimes and crimes against humanity, in violation of Resolution 2139. The Security Council also should refer the situation in Syria to the Prosecutor of the International Criminal Court and impose an arms embargo on the Syrian government.

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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I WANT TO HELP



AL-RAQQA UNDER ATTACK

SYRIAN AIRFORCE STRIKES AGAINST CIVILIANS

Syrian government air strikes on the eastern city of al-Raqqa in November 2014 killed dozens of civilians and injured many more. State-run media on two occasions reported that Syrian government forces had attacked fighters affiliated to the armed group that calls itself the Islamic State, which controls the city, but did not acknowledge civilian casualties. Since the end of 2012, Syrian government air strikes have repeatedly targeted the city in the context of the ongoing multi-party conflict in the country.

Amnesty International's research into 15 attacks that took place between 11 and 29 November 2014 points to the Syrian government forces having committed violations of international humanitarian law, including war crimes. In some cases, they appear to have directed attacks against civilians not directly participating in hostilities and civilian buildings. In others, they appear to have carried out disproportionate or otherwise indiscriminate attacks.

Amnesty International calls on the Syrian government to comply with UN Security Council Resolution 2139's demand that that all parties immediately cease all attacks against civilians. The international community, especially countries such as Russia with influence over Syria, should push the Syrian government to do so. The Security Council should also refer the situation in Syria to the International Criminal Court, impose an arms embargo on the Syrian government and impose punitive measures on the Syrian government and all other parties to the conflict that violate the human rights-related provisions of Resolution 2139.

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