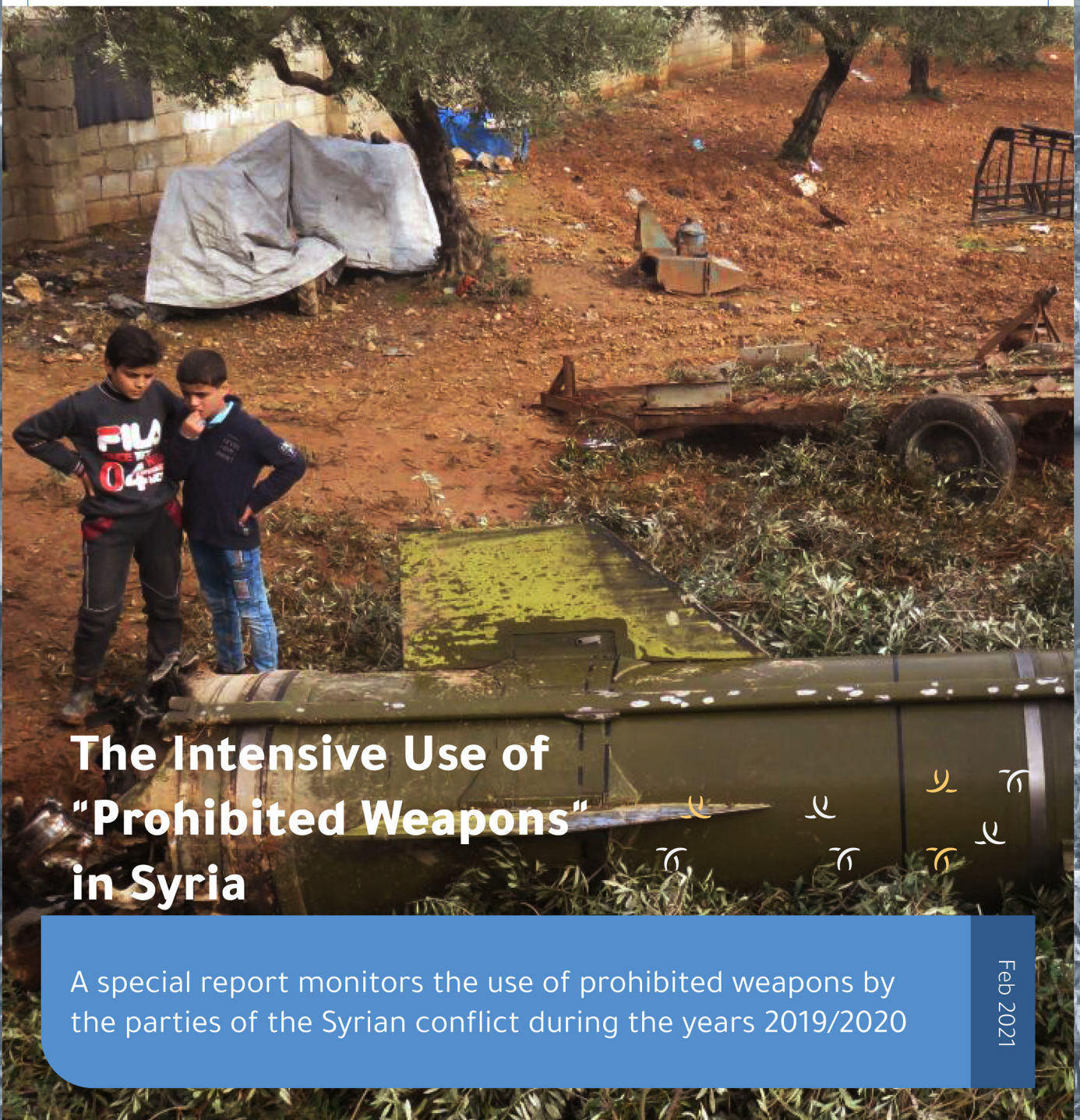


Syrian Center for Media and Freedom of Expression

مركز توثيق الانتهاكات في سوريا
Nanvenda Belgekirina Binpekirinan II Suriya
Violation Documentation Center in Syria

Cover Image: VDC



The Intensive Use of "Prohibited Weapons" in Syria

A special report monitors the use of prohibited weapons by the parties of the Syrian conflict during the years 2019/2020

Feb 2021

About the Center

About the Violations Documentation Center: The Center was established in April 2011 as one of the projects of the Syrian Center for Media and Freedom of Expression (SCM). The Center monitors and documents human rights violations in Syria and, at the same time, it promotes and disseminates the culture and concepts of human rights in Syria.

The center operates with almost thirty activists from inside and outside of Syria, most of whom are present inside Syria in various Syrian provinces, cities, and towns, whereas they monitor and document violations by all parties of the conflict-regardless of the perpetrator or the victim, such as the names of the victims, detainees, missing or kidnapped people in Syria. The Violations Documentation Center also works to monitor violations against Syrian refugees in countries of immigration.

The Violations Documentation Center operates as one of the projects of the Justice and Rule of Law unit at the Syrian Center for Media and Freedom of Expression, which includes the Strategic Litigation Project and the Victims Associations Support Project.



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executive summary

The Violations Documentation Center presents this report about the attacks in which prohibited weapons were used during the years 2019-2020. The report reviews the extensive use of banned weapons by the parties of the conflict, including barrel bombs, explosive containers, cluster bombs, and incendiary munitions.

The Center would like to point out that this report does not mention any of the attacks that the Center's documenters were unable to conduct a detailed and thorough investigation about, even if they were mentioned in media reports from local media offices or social media, with mentioning civilian casualties. This is due to the unreachability of several sources about the same attack, but this does not mean that the Center denied the occurrence of these attacks.

The field team working at the center recorded a remarkable increase in the use of «ballistic missiles equipped with cluster bombs» by the Syrian government forces and their loyalist groups in northwestern Syria in early 2020, whose weights range from 500 to 1000 kg, and were directed at civilian targets. The center's team managed to record (26) attacks by all the conflict parties in Syria, and in this report, the center ruled out all the targets that were proven to have a military nature.

The center's team documented (11) attacks with cluster munitions and cluster bombs by the Russian forces and the Syrian government forces and their affiliated groups. It also documented (5) attacks with incendiary munition by the Russian and Syrian government forces. The center's team recorded at least two incendiary munition attacks by Turkish forces in northeastern Syria. It also documented (8) attacks using barrel bombs and explosive devices by the Syrian government forces.

Parties of the conflict mentioned in this report have committed violations of international humanitarian law, such as attacks on protected objects and forcible displacement of civilians. Medical and educational workers have been targeted, and in some cases, civilians have been terrorized by using car bombs in civilian areas.

The incidents documented in the report could be considered war crimes according to Article 8 of the Rome Statute of the International Criminal Court.



Preamble

The Conflict in Syria is filled with frequent violations of international humanitarian law, ranging from indiscriminate attacks to sieging cities, attacks on cultural property, medical teams, health care facilities, etc., which are often accompanied by using prohibited weapons with disastrous consequences for the civilian's lives. Those attacks extended to civilian infrastructures, such as bridges, water pipes, power stations, hospitals, and schools, and turned dozens of Syrian cities, villages, and towns to rubble. They destroyed the infrastructure and productive sectors, while weapons remnants remained threatening the lives of civilians, preventing them from returning to their homes, which exacerbated humanitarian needs and prolonged displacement and disrupt any form of economic recovery.

All parties carry out acts of war that violate international humanitarian law and the principles of proportionality, necessity, and distinction, and contradicts the basic goal of the law to reduce human suffering and to provide protection to the civilian population and former combatants who are no longer taking a direct part in hostilities, such as prisoners of war and the wounded, and based on the rule of distinction between civilians who must be provided with protection, and combatants who are legitimate targets of attack, it is strictly prohibited to target any civilians or civilian objects (such as residential buildings, schools, and hospitals), and it is prevented to start any attack that cannot distinguish between civilians and combatants or may cause disproportionate damage as well.

The laws of war also prohibit using weapons and attacks that cause indiscriminate or disproportionate losses to civilians and civilian objects, and the parties are obligated to take all feasible precautions to minimize harming civilians. While there is no specific ban on the use of explosive weapons in populated areas, some weapons, especially those whose effects cannot be adequately limited, may be illegal.

This report documents the widespread use of illegal explosive weapons, which have a Widespread range, in populated areas in Syria. It documents the use of explosive weapons dropped from the air by both the Syrian and Russian governmental forces, which causes great losses among civilians and damage properties, as well as the tremendous human losses and the great harm that affected civilians by the Syrian government forces use of barrel bombs on the larger scale.

Despite using the weapons to commit or facilitate serious violations of international humanitarian law and international human rights law, the international community is so far unable to stop their flow to the conflict parties in Syria, as among the seven types of weapons prohibited by international agreements are «cluster bombs and chemical weapons that include gases of Chlorine, sarin, mustard, white phosphorous weapons, biological weapons, incendiary fumes shells, vacuum bombs, and nuclear bombs. Six types of these weapons were used during the years 20192020- by the parties to the conflict, which we will be respectively mentioned in this report.



Report methodology

The report methodology was based primarily on testimonies obtained wherever possible and directly from survivors and witnesses of grave violations of international humanitarian law, and from field activists; those testimonies were collected by the Violations Documentation Center correspondents in Syria, and to make the report more comprehensive and brief about the banned indiscriminate and weapon attack during the years 2019-2020-, the specialized team in the center analyzed dozens of videos and pictures that were taken by media activists during the attacks on residential areas. The report also relied secondly on dozens of news and news reports from the bombed areas which were documented with pictures or news that was «verified and accurate» which show or describe different forms of killing and destruction that followed each airstrike on different residential areas all over the country.

The center adopts an advanced technology to examine and analyze the data related to violations of international humanitarian law that the monitoring team collects through two stages, the first stage: the initial verification of the incidents that the monitoring team in the center collected from various regions, and all information was recorded and sent to the website management team.

The second stage: completing the information and ensuring its authenticity and collecting additional details about the victims or remnants of the attacks or any other details by the team supervising the website, then communicating with independent collaborators according to their regions to complete what is missing from the information in case of availability, such as a photo or video, this stage faced some challenges that appeared mainly on two levels:

The first level: represented by the inability to monitor air attacks and bombing operations sometimes in terms of determining responsibility between the government air forces and the Russian air force, and the difficulty in determining the exact party responsible for the violation.

The second level: emerges in the special nature of monitoring such type of violations, which produces various forms of effects in different degrees on correspondents and monitors who, in addition to the state of panic caused by the bombing, are exposed to inhalation of the gases resulted from the explosion, and are threatened by remnants of weapons and bombs, or the renewal of bombing on the area, which doubles the riskiness of their work which is already extremely complex.



The First Section: the legal dimensions of the use of banned weapons in the Syrian conflict.

Chapter One: The Conceptual or Legal Framework of the Syrian Conflict.

The ongoing conflict has negatively affected the human rights situation in Syria country, the serious violations of the provisions and principles of international humanitarian law for military actions, especially the principles of distinction and proportionality, and the failure of international mechanisms to prevent the continuation of fighting and reaching a settlement highlight the pressing need for accountability of the perpetrators, which in turn requires the legal adaptation of the armed conflict in Syria, in order to clarify the paths of justice and equity for the victims of the conflict, hold the perpetrators of the violations accountable, and identifying the aspects of the legitimacy of the various external interventions, which is what will be built upon in the future for determining the responsibility and claims for compensation for the victims, as well as the dedication of the principle of the responsibility to protect, which is the responsibility of all parties, noting that regardless of their nature (international or non-international), it is incumbent upon the parties participating in the conflict to strictly adhere to the rules of international humanitarian law, which do not require or presuppose reciprocity principle, that is, the parties participating in the hostilities must abide by these rules, whether or not the other side complied with them.

On July 16th, 2012, the International Committee of the Red Cross announced that the conflict in Syria had entered a phase of non-international armed conflict, to which the rules of customary international humanitarian law apply and have a mandatory capacity to confront all parties of the conflict and impose restrictions on the conduct of hostilities. Later, Later, an opinion emerged in international legal jurisprudence calling for considering the Syrian conflict of a special legal nature, which places it within the category of internationalized armed conflicts that are originally internal armed between internal parties, but that under certain circumstances become internationalized through one or more external armed interference, to support one or more parties of the conflict, to influence the outcome of this conflict and achieve specific interests, whether this intervention is overt or covert.

In April 2017, the International Committee of the Red Cross settled the controversy and described the situation in Syria after the US missile strikes on the "al-Shairat" military airport in the eastern countryside of Homs as an international armed conflict, given the fact that any military operation of a state on the territory of another country without its consent amounts to an international armed conflict, and which, according to Article 2 which is common in the four Geneva Conventions, is « all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.»

Consequently, there is a full legal jurisdiction of the international humanitarian law - and the four Geneva Conventions and their additional protocols, as well as a series of conventions and treaties which cover certain aspects, and rules of customary international humanitarian law - all over the Syrian geography from the beginning of the conflict to its end, which is what the International Criminal Tribunal for the former Yugoslavia referred to:

There is an armed conflict every time there is recourse to armed force between states, or a prolonged armed conflict between governmental authorities and an organized group or between armed groups; among them within the state. International law is applied from the beginning of the armed conflict and continues even after the cessation of hostilities, until peace is finally achieved, or even reaching a peaceful solution to internal conflicts.

Chapter Two: The Legal Basis for Prohibiting the Use of Internationally Banned Weapons

International humanitarian law can be defined by a set of imperative principles and rules that aim to limit using violence in armed conflicts, protecting combatants in war operations, or those who have ceased to participate in them, such as the wounded, and prisoners, and protecting civilians and civilian objects, by restricting violence in military battles to necessary actions that achieve the military objective, as the belligerents do not have the absolute right to harm the opponent or to choose the means and methods of combat, and the use of means and methods that are random or excessive in harm should be avoided.

International humanitarian law, which is applied in armed conflicts «law of war», is based on some principles, aimed to limit the harm caused by military operations on civilians and combatants as well. Although the main task and primary goal of any armed forces is to achieve victory and superiority in the field over enemy forces, this goal must be achieved with the least wasting of the humanitarian principles established by the Geneva Conventions of 1949. Therefore, military commanders adhere to principles that together constitute the principles of war, which begin with the principle of humanity and then distinction, followed by the principle of proportionality and military necessity.

Humane treatment: This principle is considered the essence and content of international humanitarian law, as it affirms the necessity to avoid acts of cruelty and brutality in fighting, especially if using these methods does not help in achieving the goal of the war, which is achieving victory and defeating the enemy.

Military necessity: This principle is based on the use of means of violence and cruelty to the necessary extent for achieving the main purpose of the conflict, that is, to exhaust the enemy, weaken its resistance, and force it to surrender as soon as possible. If the aim of the war is achieved, he shall refrain from continuing to direct hostilities against the other side.

Proportionality: The rules of international humanitarian law refrain the conflicting parties from launching indiscriminate attacks against civilian property and cultural objects, take the necessary precautions before carrying out their operations, and follow the principle of proportionality during military operations against the enemy. This principle seeks to establish a balance between two opposing interests: the first is the necessary military considerations, and the second is the humanitarian requirements so that there are no absolute rights nor prohibitions.

Distinction: The principle of distinction is considered the foundation of the provisions of the two Additional Protocols of the Geneva Conventions of 1977, as Article 48 of the First Protocol stipulates: “the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.»

Among the aspects of protecting combatants and reducing unnecessary pain and suffering during armed conflicts, the use of certain weapons has been prohibited and the use of non-prohibited ones has been restricted in a certain way, with changing in the perception of war and its goal and limiting it to destroying and weakening the military force of the enemy, without the culture of revenge, and non-humanistic treatment that existed in previous times, which stated in the preamble to the St. Petersburg declaration of 1868: « That the only legitimate object which States should endeavor to accomplish during war is to weaken the military forces of the enemy;

That for this purpose it is sufficient to disable the greatest possible number of men; That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable.

Chapter Three: Internationally Prohibited Weapons.

International humanitarian law generally prohibits any weapon of a nature that causes unnecessary injury or suffering, as well as any weapon that may cause severe or indiscriminate damage. Based on the principle: « In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.» First Protocol of the Article 35 of Protocol Additional to the Geneva Conventions of 1949.

Customary international humanitarian law also regulates the use of weapons. Rule 70 of the rules of this law, published by the International Committee of the Red Cross in 2005, states: “The use of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering is prohibited.” Rule 71 also states that “The use of weapons which are by nature indiscriminate is prohibited.” Although international humanitarian law does not provide a specific definition or restriction to indiscriminate weapons, the International Committee of the Red Cross sets two standards for weapons that are indiscriminate in nature, that cannot be directed at a military target, or that its effects cannot be counted, as required by international humanitarian law.

In addition to the previous standard, there are categories of weapons that have been agreed to be banned internationally with specific treaties prohibiting the use of weapons categorized as of a banned nature, such as the Chemical Weapons Convention of 1993 and the 1980 United Nations Convention on Certain Conventional Weapons which annexed by adding «the Protocol on Non-detectable, the Protocol on prohibition or restriction on the use of mines booby-traps and other devices, the Protocol on prohibition or restriction on the use of incendiary weapons, the protocol on limiting the use of anti-personnel mines”, and the convention on prohibiting the use of cluster munitions of 2008.

However, despite the development of international texts and treaties in this regard, the number of weapons recognized to be prohibited by their nature remains very small when compared to global production of weapons, and classifying weapons within this category or other categories is a complicated work that requires full familiarity of the details of the used weapon and the attack, because it is not sufficient to classify a complete type of the weapons as indiscriminate or prohibited, without a clear and comprehensive analysis of each incident separately.

Perhaps the clearest example of the problematic classification of weapons is the case of barrel bombs: widely used by the Syrian government air force, which is considered one of the most lethal and destructive weapons in addition to the low cost of their manufacture, which is done by using oil barrels and gas cylinders and filling them with high explosive materials and cutting of scrap metal and then throwing them randomly from helicopters.

One of the defectors, who is a lieutenant colonel, spoke in detail in a previous report about the nature of the barrels that the Syrian government forces dumped on populated areas, he explained that there are two types, one of which resembles «rounded cylinders» and the other in the form of square containers, both of which are filled with high explosive materials. These include TNT, C4, and small metal parts, nails, and shrapnel to cause the largest possible damage in the targeted area. The defense factories in “al-Sefira” are one of the main places where this type of weapon is manufactured.

Barrel bombs are not classified as an indiscriminate or prohibited weapon in nature, as they are similar in composition to conventional bombs that also contain scrap metal and a high-explosive charge, their effect may be limited if they are directed against a military target, taking into account the precise targeting and the expected effect, therefore the legal conditioning to the unlawfulness of their use result from the nature of the attack, not because of the type of weapon, since throwing them from high altitudes on populated areas in a manner that seems extremely difficult to direct against a specific military target and to implement the principle of distinction between military and civilians¹.

Chapter Four: prohibited attacks and protection of civilians.

The rules of international humanitarian law prohibit the targeting of civilians or exposing them to battle losses. The International Committee of the Red Cross has defined civilians as: All persons who are not related to the following groups:

- Individuals other than the armed forces or auxiliary or complementary organizations.
- Persons who do not belong to the forces referred to in the previous paragraph, but who participate in the fighting.

As for Article 3 that is common with the four Geneva Conventions, it defines civilians as “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.»

One of the aspects of protecting civilians are restricting the use of certain types of weapons that permissible to use only in military operations, with imposing some restrictions to protect civilians and civilian objects, which initiated with the Hague Regulations, that included some of the principles relating to protecting civilians during hostilities, and supplemented by the fourth Geneva Convention which included restrictions on using non-prohibited weapons, whereas it authorized the conflict parties to establish neutralized zones to protect the wounded, sick combatants and non-combatants, civilians and persons taking no active part in the hostilities, therefore it is not allowed to use the means of fighting against these areas, whether these weapons prohibited or not prohibited.

Among the aspects of protection of civilians is prohibiting attacks against persons and protected objects that must be protected during armed conflict, on the international and national levels, as well as the prohibit launching deliberate attacks and retaliations against them, according to the principle of distinction, and prohibit indiscriminate or disproportionate attacks that are not directed towards specific military objectives, or those who use a weapon that cannot be directed at a precise military purpose, which is defined and prohibited by Article 51 of the first Protocol that annexed to the Geneva Conventions as well as rules 11, 12 and 13 of the customary international humanitarian law study prepared by the International Committee of the Red Cross.

Indiscriminate attacks also include bombing entire areas, by artillery or any other means that deal with several distinct and dispersed military objectives in an area containing densities of civilians and civilian objects, as a single military target, the attacks that violate the principle of proportionality is also prohibited, especially which lead to collateral loss of civilian lives or damage to civilian objects that exceed the concrete and direct military advantage anticipated from the attack.

Chapter Two: The International Responsibility of Conflict Parties (Perpetrators)

The acts mentioned in the report and the violation of the rules of international humanitarian law that it contains, fulfil the legal element of an international crime that may reach a full-fledged war crime, due to the actual existence of an international armed conflict, and to the commission of an act or actions prohibited in Article 8 of the Rome Statute, which are the acts that constitute the material element. The moral element is realized by the occurrence of the act, due to the availability of the general criminal intent, which consists of knowledge and will. International criminal law differs from an internal criminal by the availability of criminal intent in all international crimes and there is no place for unintentional or accidental crime.

The statute of the International Criminal Court defines war crimes as “grave breaches of the laws and customs during international armed conflicts.” Articles 5 and 8 are about war crimes, Article 8 stipulates the acts that constitute the crime and pertains to violations of each of the four Geneva Conventions, and the Additional two Protocols, which include deliberate attacks against civilians, as well as attacks using prohibited weapons that could cause «unnecessary suffering» such as cluster bombs.

Chapter One: The responsibility of the Syrian government.

The Syrian government bears international responsibility for attacks against civilians and the use of prohibited weapons, as a contractual responsibility for deviating from the internationally recognized rules of war, which mean failure to commit to a contractual obligation that requires responsibility, and negligent liability arising from acts or actions of state authorities or its public bodies that violate the rules of international law. For a state to be held responsible the following three main conditions must be met:

- Unlawful action: it means any occurrence of a breach of an international obligation, where responsibility is incurred by the international person as a result of his breach of an international obligation following the provisions of international law, and the breach of the obligation includes doing an act prohibited by international law, for example, “targeting civilians during hostilities”, or neglecting the rules of international law, for example, «failure to take precautions and follow the established rules of distinction between military and civilians during military operations².»

- Causing harm by the unlawful act: the harm here is the important pillar on which the international responsibility is established to compensate for the consequences of it or to remove its harmful effects otherwise the international liability regime would be useless without it.

- Attributing the illegal work to the state: Attribution in international responsibility means returning the violation committed by an ordinary person to the international person himself, and international law considers the act attributable to the state if it is issued by its various legislative, executive, or judicial authorities, whether it is a positive or negative behavior. The jurisprudence has settled on the notion that the international assertion that there is no dispute over the state’s responsibility for the actions carried out by its employees by order or permission from their government, or within the limits of their jurisdiction established in the laws and regulations if these acts violate one of the international duties³.

Article 3 of the Hague Convention of 1907 stipulates that the state is responsible for “A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces,” the armed forces are considered an organ of the state, just like any other entity of the state’s executive, legislative, or judicial powers. The application of this general rule is reflected in the ratio of responsibility to international humanitarian law, in the four Geneva Conventions, which hold responsibility for the state in addition to the necessity to prosecute individuals for committing grave violations.

Chapter Two: Responsibility of the intervening parties in the conflict.

The intervening parties in the Syrian conflict bear full responsibility for any violations of the provisions of international humanitarian law, since the obligation to respect its rules, is general for all states, under Article 1 that is common to the Geneva Conventions and customary rules that oblige the parties involved in the conflict, directly or indirectly, to respect the conventions. The parties participating in an active role in the armed conflict are bound by international humanitarian law in their actions, and according to the legal advisors of the International Committee of the Red Cross, the provision of assistance and aid does not necessarily mean leading military operations on behalf of the failing state, but it may take forms of financing and providing weapons, logistical and intelligence services to the state involved⁴.

International criminal responsibility is confirmed against the intervening parties in the Syrian conflict, regardless of the nature of the intervention and its legal legitimacy. However, the implications of compensation for damages arising from their actions may require discrimination to determine who is responsible for compensation in the future. According to Article 91 of the First Additional Protocol to the Geneva Conventions as: « A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces. .» To this end, states and international organizations can directly claim their right for compensation.

► Responsibility of the Russian Federation:

The Russian Federation Council authorized the Russian forces to use military air force abroad, under the concept of «intervention by invitation» and on 30 September 2015, the Russian Air Force began directing airstrikes in the Syrian territories, announcing the beginning of its military intervention that preceded by the signing of an agreement between Moscow and Damascus in In August of the same year, allowing Russia to establish the «Khmeimim» airbase in the Lattakia governorate, prelude for launching its military air attacks from there.

The intervention that developed into a kind of guardianship over the Syrian decision in all its political, military, and economic aspects, and despite the slogan of legitimacy raised by the Russian Federation that its intervention was carried out at the request of the Syrian government to provide military aid in its war against terrorism, it raises a lot of question marks from the legal point of view regarding its conformity with the three universally recognized conditions for the legitimacy of the intervention, which are: «that it takes place at the invitation of the legitimate government, that it defines its objective and subject matter, and that determine its duration and geographical scope.»

- What is meant by legitimacy in the first condition is legal legitimacy without considering the ethical or political criteria. The Syrian government, given international law, is a sovereign entity that has the right to request military intervention from any country or party, as it enjoys international recognition, and it still has a membership in the United Nations, but the nature of the invitation, which has not been officially announced, makes it tainted with nullity. As for the agreements which are considered as an excuse for the intervention without specifying which agreement as an additional supporter of the intervention, most of which is a legacy of the Soviet Union that the Russian Federation inherited, they are also tainted with nullity, since these agreements were based on the mandate that the people granted to the government as the source of sovereignty, which was no longer valid after 2011, as the new reality in Syria produced political legitimacy that is alternative to the government and recognized in the Geneva process and other international decisions, which means that the previous and subsequent agreements of 2011 are also tainted with nullity.

Also, the Russian intervention in light of the escalation of human rights violations and international humanitarian law in Syria nullifies any agreement concluded with the Syrian government according to the Vienna Convention: « A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law .»

Additionally, Moscow's behavior contradicts its declaration that the purpose of the intervention is to fight the Islamic State in Syria. It did not limit its strikes to the terrorist organization. Rather, it joined the Syrian government in its battle against the armed opposition, and its mission was not defined in time or territory, which means surpassing the framework of international law and the absence of Legality.



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The Intensive Use of "Prohibited Weapons" in Syria

Between 2019 and 2020

26

Attacks that the Centre team was able to register by all parties to the conflict in Syria

The VDC excluded in this report targets that were confirmed to be military targets

Among them

11



Attacks with incendiary munitions and cluster bombs

By the Syrian Government and Russian Forces

5



Attacks with incendiary munitions

By the Syrian Government and Russian Forces

2



Attacks with incendiary munitions

By Turkish Forces in Northern East of Syria

2



Attacks using Barrel Bombs

By the Syrian Government

► The Iranian Republic:

What applies to the legality of the Russian intervention in international law applies to the intervention of Iran, which sent security officers in 2011, and with moving toward the phase of militarization, Iran began to send combat militias, then a division of the Revolutionary Guards, leading to the announcement of participation in 2013, based on the joint defense agreement signed with Damascus in 2006.

In 2018, the Syrian government signed bilateral agreements in economic sectors, and a military agreement aimed at strengthening the capabilities of the Syrian air defenses, and a new military agreement on July 8, 2020, without publishing the details of these agreements, which also makes these interventions legally nullified.

► The Turkish Republic:

Turkey's responsibility, like other international parties intervening in the conflict, is based on the provisions of international humanitarian law, but being an occupying power also entails the duties of the occupying power as defined in the Hague Regulations (Articles from 4256- and the Fourth Geneva Convention (Articles 2734- from 4778-)), And the provisions of The First Additional Protocol and customary international humanitarian law.

International humanitarian law has emphasized the responsibility of the occupying power to protect civilians, and considered it an inalienable right, according to Article 47 of the Fourth Geneva Convention, « Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory .»

Section 3: Prohibited Weapons Used in Conflict within the Context of the Report

Chapter 1: Cluster Munitions and Bombs.

- Cluster munition is defined in the "Convention on Cluster Munitions" to mean "a conventional munition that is designed to disperse or release unguided explosive submunitions". Damage from cluster bombs is not restricted to the moment it falls on the target or the moment of the rocket's explosion but exceeds that to the following days after the bombardment incident. In many times, there are a lot of bombs that do not explode immediately upon falling and pose a grave threat to civilians, especially children among them, and more so the children who see the red ribbon connected to the unexploded munitions, which could lead to deaths and severe injuries that lead to limb amputation and disfigurement.

- Cluster bombs were originally banned because of the large randomness and grave damages that are conflicted to the individuals making them in many cases suffer limb amputation or permanent disfigurements which causes human and psychological suffering that would stick to them until death.

- According to the annual report of the Cluster Munition Coalition 2008,⁵ the number of cluster munition victims amounts to 1000 individuals, and most of them are civilians. Also, the use of such munitions in Syria led to an increase in the number of victims, and most of the 1000 reported individuals in 10 countries were in Syria.

There are 119 countries that have signed the Cluster Munition Treaty in August 1st, 2010.⁶ Despite Syria and Russia are not parties to the treaty, they are compelled not to use cluster munitions according to the humanitarian international law or warfare laws that ban random attacks.

● Subsection 1: The Main types of cluster bomb/munition used in Syria

- The first recorded use of cluster bombs in Syria was by governmental forces in July 2012. The Violation Documentation Center in Syria recorded the use of more than 16 types of cluster bombs/munitions by the Syrian and Russian government forces alike.

SPBE-D RBK-500 Type Bombs

These bombs are generally used by Russian fighter crafts vastly in many cities and towns in Northwestern Syria.

The first recorded use of this type of bomb was on October 15th, 2015 in the cities of Saraqib, Ma'arat al-Nu'man, and Kafr Nabl in Idlib Governorate. This type of munitions is normally used against tanks and armored vehicles.

AO-2.5RT Submunitions

These are anti-individual cluster bombs with a fatal range of 1020- meters, oval-shaped with 4 pinions that contribute to its rotational movement towards a target direction to activate the igniter. It consists of two parts separated by a frame, each having the role of an individual cluster bomb upon explosion. The use of this type of bomb was recorded in many regions in Syria within the territories and towns of Hama, Idlib, Daraa, Aleppo, and Damascus Countryside Governate.

49-M27K Cluster Rockets

This is a rocket with a cluster warhead that carries 30 fragmentation bombs, each weighing 1.8 Kg with a delay time of up to 110 seconds, and the bomb has a dual effect against individuals and vehicles. It is usually launched from the Russian rocket launcher BM-27 URAGAN. Use of this type was recorded in multiple territories of Idlib, Hama, and Daraa Governates.

● Subsection 2: Documented attacks.

- On April 4th, 2019, Syrian government forces launched a focused attack on the popular market in Kafr Nabl town, Idlib's Southern countryside. The bombardment used cluster rockets launched from BM-30 Smerch heavy rocket launcher. According to the database of the Violation Documentation Center, the bombardment led to the killing of 11 civilian people including 3 children, and mass destruction in buildings and shops. [Pictures taken](#) by Syrian Civil Defense two children who were killed in the attack.

- On April 7th, 2019, governmental forces launched an attack [on the towns of the southern countryside of Idlib](#) using BM-27 Uragan rockets and another rocket of the type BM-30 Smerch MLRS equipped with cluster bombs. The attack led to casualties among civilians and destruction in residential buildings.



Syrian Center for Media and Freedom of Expression

مركز توثيق الانتهاكات في سوريا
Nawendo Belgokina Binpekriinan li Suriya
Violation Documentation Center in Syria

The Intensive Use of "Prohibited Weapons" in Syria

Between 2019 and 2020

16

Types of cluster munitions

were used by the Syrian Government and Russian Forces documented by the VDC

Anti-personnel fragmentation bombs
AO-2.5RT



Bombs used by Russian fighters
SPBE-D RBK-500



Rocket launcher
BM-27 URAGAN
IN SYRIA



Cluster Bombs
4-9M 27K



9M79M
Tochka SYRIA



Rocket launcher
BM-30 Smerch SYRIA



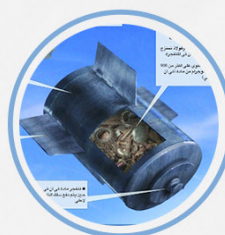
Burning napalm



White phosphorous



Barrel bombs



- On October 9th, 2019, Syrian governmental forces attacked a school and residential buildings in the town of Bara, Idlib countryside, with a cluster rocket, leading to the injury of 4 children. [Pictures](#) taken by the Syrian Civilian Defense show the remainders of the cluster munitions used by the governmental forces while attacking the town of Bara.

- On October 14th, 2019, two civilians, a child and a woman, and four others were injured, as a result of targeting civilian houses and a bakery in midtown Bara, Idlib countryside, with cluster rockets, which led to casualties and much destruction in civilian properties and fires in agricultural lands.

- On October 20th, 2019, groups affiliated with the Syrian government attacked “Qah” refugee camp along the Syrian/Turkish border with a ground-ground rocket of the Russian-made model M79 Tochka9. The bombardment was followed by multiple explosions resulting from exploding cluster munitions that were carried by the rocket. The violation documentation center did a [brief report](#) about this attack. ([Photos](#) from the Syrian Violation Documentation Center).

- On December 20th, 2019, rockets equipped with cluster munitions launched through a Russian made BM-27 Uragan launchpad were used in the bombardment of “Maarrat al-Nuoman” The [picture](#) taken by Ghouta Media Center shows the remainders of a rocket carting cluster munitions, and the center’s team has recorded the return to using this type of rockets with their massive destructive force in numerous cities and towns in Idlib and Hama Governorates. The team documented the last use of this type of rockets in April 2019.

- On an incident documented December 29th, 2019, Syrian artillery forces launched an attack that targeted parts of Sarja, Mount Zawiya (Idlib), which led a woman to be injured and vast destruction in the structure and shops.

- On January 1st, 2020, 9 civilians were killed, among which are 5 children and two women, including a teacher and two displaced individuals from Maarrat al-Nuoman, Southern Idlib, as a result of the attack of Syrian government’s forces based in Al-Baraghithi Village, West of Abu Al-Zuhoor, eastern Idlib. The attack utilized two ballistic “Tochka” missiles, targeting Sarmin, Eastern Idlib. [One of the missiles](#) targeted “Abdo Salama School” and a displaced refuge center, leading to the death of [9 civilians](#), and the injury of 16 others, among which are three children and three ladies including a pregnant teacher in a dangerous state, in addition to the partial destruction of the school’s and the center’s buildings, and the street leading up to them.

- On January 10th, 2020, groups affiliated with the Syrian government bombarded the towns of Southern Idlib countryside with 49-M27K rockets carrying tens of various cluster munitions as evident from the effects on civilians and civilian properties

- On January 2nd, 2020, governmental forces targeted the town of Maraand, Jisr al-Shugur, with a 9M79M Tochka rocket equipped with a warhead carrying cluster munition and containing 50 small 24N9 fragmentation bombs. The rocket landed on civilian residential buildings in town and casualties were recorded among civilians with partial destruction in the town’s residential area. It should be noted that the used rocket is of the same type used in “Abdo Salama School” bombardment in Sarmin on January 1st, 2020.

The center has published [a report] about the attack on the school which led to the killing of 10 civilians including 5 children and tens of severe injuries.

- Eyewitness testimonies interviewed by the center show that the attacks on residential quarters documented in this report have only hit civilian targets, and the testimonies confirmed that these territories are completely empty from any headquarters, military training centers, and munition or weapon repositories. Also, the repeated use of these highly explosive weapons, with the wide effect on vast pieces of land, in civilian-inhabited territories, strongly suggests that the government forces and their allies have deliberately used warfare methods that show no distinction between civilians and fighters, in a clear violation of the international humanitarian law.

Chapter 2: Incendiary Munitions, “White Phosphorus”

- Incendiary weapons are defined: “Munitions that were designed in the first place to set human bodies on fire or to cause burning injuries to people through flame or heat or a combination of the two”. They are produced through a chemical reaction of a material connection to the target and comes in multiple forms: flame throwers, hand grenades, balloon bombs, cluster munitions, rockets, and artillery shells. They can all be designed to inflict a burning effect on the target. Despite that, the weapons which have a secondary incendiary effect, such as smoke production systems, lighting, or tracking devices⁷. Incendiary weapons were used in numerous Syrian territories. In addition to being used by most conflict parties, white phosphorus attacks were recorded by the international coalition led by the United States of America in Al-Raqqah⁸, in addition to recording multiple documented incidents by the Turkish forces during Operation Peace Spring.⁹

The peak of incendiary weapons’ use was reached mid-2019, when governmental and Russian forces both used incendiary phosphorus munitions in their military campaign on Hama Northern Countryside.

Data from the Violation Documentation Center indicate the use of incendiary weapons at least 32 times within 2019, including attacks on territories controlled by the opposition in Aleppo, Idlib, Hama, and Al-Raqqah Governates. The center had published a report about the use of incendiary bombs in Aleppo and Daraa Governates titled “الموت حرقاً - Death by Burning.”¹⁰

- Napalm bombs killed tens of civilians

- Incendiary napalm is considered one of the most dangerous and most widespread incendiary weapons. It is characterized by its inconsistent viscosity and has kerosene in its composition. Napalm is a substance that sticks to the human bodies and solid bodies however smooth or soft they are and leads to severe burns and disfigurements accompanying those who survive death.

- According to the database of the Violation Documentation Center, the first use of incendiary weapons in the conflict in Syria was recorded in late 2012, when governmental forces used incendiary napalm bombs against civilians in Homs Governate, specifically in Al-Qusayr. It was then used extensively and vastly. The peak of Napalm use was reached in 2018 while the government forces supported by Russian military fighters launched military operations against large territories in Eastern Ghouta, where tens of civilian inhabitants’ deaths were recorded due to them being targeted by napalm attacks.

Syria did not join the Convention on Certain Conventional Weapons of 1980, and its protocol for incendiary weapons. It is not known that Syria produces or exports incendiary weapons, and the size of its incendiary weapons arsenal is not known, but it is likely of Soviet origins.

In November 2018, some countries largely condemned the use of incendiary weapons in Syria in a meeting for the Conventional Weapons' agreement.¹¹ More than 12 countries sought the allocation of time in future meetings to discuss their concerns and how to prevent more human suffering from happening because of these cruel weapons, which burn their victims and ignite fires that destruct the infrastructure. Despite that, Russia prevented suggestions to keep the third protocol of the agreement regarding the incendiary weapons on the schedule of 2019. Russia was also able to obstruct more interest about the other urgent humanitarian concerns related to the weapons, like antivehicle landmines.

Documented attacks:

- On May 13th, 2019, governmental forces attacked the city of Kafr Zita with rockets containing incendiary substances. The rocket is shown exploding in the city's sky producing tens of burning flame spheres before it landed on the residential buildings.

- On June 6th, 2019, Russian military fighters attacked the town of Zaka in Hama's Northern Countryside with RBK-500 ZAB 2.5CM missiles loaded with incendiary munitions. The picture shows the moment of the missile's explosion in mid-air and the ignition of tens of small munitions forming tails of flame before landing upon residential buildings of the town.

- In January 2020, the use of incendiary munitions increased. especially Napalm bombs by the government forces and their allied groups during the ongoing military campaign on vast areas of Southern Idlib Governate. Use of incendiary munitions was also recorded in the towns and cities of Maarrat al-Nu'man, Khan Shaykhun, the villages of Bustan, Alheraki, and Abu Sharji, Northwestern Tell Dam and AlBurj North of Sarja Gharbiya, and the two hills of Harran West of Sarja Gharbiya.

- White Phosphorus

A weapon that burns the body keeping nothing but bones. Inhaling it for a short period irritates the lung and the trachea, while using it for longer periods causes injuries to the mouth, and breaks the jawbone. It is a yellowed white transparent waxy substance with a garlic-like smell and is manufactured from phosphates.

-Documented Attacks

- On May 25th, 2019, Russian military fighters attacked Al-Lataminah in Hama's Northern Countryside with a number of rockets containing white phosphorus. According to the [photos](#) taken at the moment of the attack on the town, the explosion left behind tens of radiating tails of weapons dropped from the air, which contained small incendiary munitions. Other indicators include small but fierce fires which were caused by each small bomb within the time it took to completely burn.

- On May 25th, 2019, Syrian governmental forces attacked the city of Khan Shaykhun, Idlib's Southern Countryside, with rockets loaded with white phosphorus substance. The picture shows the moment the city was targeted with white phosphorus and its explosion in the air before falling on the city's residential buildings' inhabitants.

Use of incendiary munitions by Turkish forces.

- On October 18th, 6 individuals including two children and 4 adult civilians were recorded as injured with first-degree burns because of being targeted by the Turkish forces with incendiary munitions suspected of being phosphorus.

The Violation Documentation Center has obtained the files of the injured through the Kurdish Red Crescent. They all show how they were exposed to varying degrees of burns with medical reports that confirm them being targeted with munitions that are thought to be incendiary without the center being able to determine what they are or of what kind they are.

Kamal Derbas, an administrative member in the Kurdish Red Crescent Association told the Violation Documentation Center:

“ In just one day, on October 18th, 2019, the medical centers received an estimated ten cases all injured with various degrees of burns. All the received cases confirm the doubts about the use of munitions that are thought to be incendiary phosphorus. ”

Chapter 3: Explosive Barrels and Cylinders

- The explosive barrel is considered one of the most destructive widely used weapons used by the Syrian Airforce, in addition to being cheap to manufacture and primitive.

According to the database of the Violation Documentation Center, the first use of explosive barrels by the Syrian government forces was recorded in July 2012.

Since that date, and until August 27th, 2020, the Syrian Violation Documentation Center recorded the death of at least 7724 civilian individuals due to being targeted by explosive barrels, but the real numbers could exceed that by many times because of how hard documentation is and it is always subject to consistent checking and update.

- Various forms and materials are usually used in manufacturing explosive barrels, such as metallic fuel barrels, gas cylinders, water heaters' cylinders, garbage containers, tanks filled with highly explosive substances, and metallic parts such as nails and small hardware used in car manufacturing. (see picture No. 2) to act as fragments that could conflict material damage to people and buildings, especially if the bombardment was sudden, and these are dropped from helicopters on the targeted area.

Picture no. 009 shows the drop of an explosive barrel /free fall/ that has steel balls and parts of metal junk over the city of Khan Shaykhun, South of Idlib city on May 24th, 2019, which could be added to more than 42 explosive barrels that were dropped on November 26th 2019, among more than 266 dropped in November alone, in which Syrian government forces' helicopters targeted the homes of civilians in Idlib and its countryside, and caused the death of two civilians and the injury of others.



Photo no. 009 shows the moment an explosive barrel was dropped by the helicopters of the Syrian government forces on the brinks of Kafar Roma town on January 15th, 2020. Source: Sa'ad al-Deen Zaydan

- In February 2014, the Security Council announced Resolution 2139,¹² which demands in the third section that all parties immediately stop all the attacks launched against civilians, in addition to random use of weapons in inhabited areas, including artillery and airstrike bombardment, and use of explosive barrels, but the increasing number of victims, which is documented by the Violation Documentation Center with the names and full details, indicates that the use of explosive barrels increased after the resolution. Despite the short-term effect of the resolution on the Syrian government, which led to the decrease of this weapon's use for a short period of time, but it soon went back to using it more than before. Among the most prominent characteristics of the explosive barrels is that they do not require technical guidance and are dropped from aboard helicopters on crowded inhabited residential areas, to cause a great deal of damage and a huge pressure accompanied with large masses of flame within a circle with a radius of hundreds of meters without any accuracy in hitting the target.

- The Syrian government usually uses explosive barrels in high population density areas to freak out the residents and cause heavy damage to the residential areas, using warfare methods that do not differentiate between civilians, which are protected by warfare laws, and the picture shows the remainders of an explosive barrel that was dropped by governmental forces helicopters without exploding.

This barrel weighs about 500 Kg, and is filled with fragmenting substances, like steel bars and metallic plates (junk), alongside bags filled with highly explosive TNT, and in the base of the barrel, there is an igniter that produces a spark when the barrel falls to start the explosion.

- Documented attacks:

- In an incident documented on July 25th, 2019, helicopters of the Syrian Airforce dropped an explosive barrel on civilian residences in Kafr Roma, which led to widespread destruction in the residential buildings, casualties, and injuries.

- On May 26th, 2019, helicopters of the Syrian Airforce dropped an explosive barrel on the town of Khan Al-Subul, Idlib Governate, without it exploding. The barrel contained a set of hoses filled with highly explosive TNT in addition to metallic parts and steel nails to achieve guaranteed casualties among civilians ([see attached photo](#)).

- On December 7th, 2019, helicopters of the Syrian Airforce attacked [residential homes](#) in the town of Abditā in Mount Zawyia, Idlib Countryside with explosive barrels. According to numbers from the Violations Documentation Center, the attack caused the death of 5 civilians, 4 children, and a woman, and the injury of 4 others, in addition to the widespread destruction in the residential buildings.

- On January 7th, 2020, the moment when explosive barrels were dropped above residential buildings in Ma'arrat al-Nu'man. The attack led, according to the center's reporter, to injuries and casualties and widespread destruction in the buildings and vital facilities in the middle of the city.

- On November 22nd, 2019, a helicopter of the Syrian Airforce dropped [an explosive barrel](#) over the civilian residences of Kafr Nabl, Idlib Governate, which led to the death of three civilian individuals, including one female child according to data from the Violations Documentation Center.

- In a separate incident documented on November 24th, 2019, a helicopter of the Syrian Airforce dropped an explosive barrel over the city sky of Kafr Nabl, Southern Idlib Countryside. The attack led to injuries, deaths, and widespread destruction in residential buildings.


- On January 4th, 2019, the Syrian Airforce launched an explosive barrel attack over the city of Ma'arrat al-Nu'man in the countryside of Idlib governate. The video taken at the time of the attack shows the widespread destruction in the residential buildings. The state of clear weather is usually exploited to launch airstrikes, especially for military airforce, above many towns and villages in Northwestern Syria by both the governmental and Russian forces.

- On January 22nd, 2019, a helicopter of the Syrian Airforce dropped [an explosive barrel](#) over the civilian residential buildings in Ma'arrat al-Nu'man, Idlib's Southern Countryside. The videotape clearly shows without a doubt the moment the barrel was dropped and its fall upon the civilian residences, and the mass destruction it produced to the residential buildings.






Recommendations:




The Syrian Government:

-  Immediate and complete halt of military operations and abiding by international legal resolutions and the related United Nations Security Council resolutions, to put an end to all the acts of violence which cause human suffering in Syria, and instant halt of any attacks against civilian targets and any attacks that may affect civilian targets.
-  Complete conformity to the rules of international humanitarian laws in case of planning and implementing the airstrikes and other attacks, that includes cancellation of all the strikes which include the dangers of being random, unbalanced, or any other danger that makes them illegal; complete cease of using explosive weapons with wide-area effects to reduce the civilian damages; and taking all possible precautions in case of imminent attacks that may affect civilian areas.
-  The Syrian government and all complicit parties which participated in the random attacks or that are directly responsible for them, including the armed groups which are not affiliated with any country and have taken part in the attacks against civilians or, are responsible for them, all have to release a confession under which they admit all their committed crimes and the damages that affected the civilians, offering a general comprehensive apology to all victims of the attacks, and referring perpetrators to criminal justice as an essential entry to begin a transitional justice process at the national level.
-  Commitment to the resolutions of the Vienna Convention on the Law of Treaties (VCLT) and the announcement of any agreements with the Russian Federation and the commitment to transparency to clarify the fact that Russian aviation staff are exempt from undergoing border checks, the immunities granted to Russian army from the Syrian civil and administrative judiciary, and the extent of the Syrian sovereignty over the Russian military bases on its territory, and to determine responsibility for any claims that may be made by third parties as a result of damages that are caused by the activities of the Russian Aviation Group and its staff.
-  Establishing the necessary mechanism to instantly offer full compensation to victims of violence and their families, including financial compensation, returning the rights to their owners, rehabilitation, appeasement, and ensuring that violations will not be repeated.
-  To accept and facilitate the conduct of independent and neutral investigations in the cases detailed in this report and others, wherever credible information is available regarding violations of international humanitarian law and complete collaboration with international human rights committees and observers in investigating all crimes included in international humanitarian law, violations and breaches of the international law for human rights and related United Nations Security Council resolutions.

Russian federation:

-  Immediate and complete halt of military operations outside the declared target of intervention in Syria, which means fighting against the Islamic State Organization, detecting the nature of the weapons that were experimented by the Russian Federal Army in Syria, and detecting their long-lasting effects on health, environment and vital resources, rebuilding what the Russian war machine had destroyed, and compensating the victims financially and incorporeally and apologizing to them publicly.
-  Commitment to block supplying weapons to the Syrian Government under the resolution 2170 of 2014 issued by the United Nations Security Council and immediately stopping the production, stockpiling, or use of cluster munitions, to begin destroying their stockpiles, and to join the treaty preventing the use of cluster munitions and publishing detailed maps of the sites where cluster munition attacks were launched in Syria.
-  To retreat from the withdrawal decision from the agreement on dealing with humanitarian projects during the events in Syrian territories and the humanitarian notification system for exchanging information with the conflict parties, and to confirm the commitment to the international humanitarian resolutions, including the rules of distinction, proportionality, and precautions regarding the protection of civilians, whether it participated in the notification system or not.

For the UN Security Council:

-  The issuance of a resolution preventing the use of cluster munitions in Syria that includes special proceedings to speed up the dismantling of the stockpile of cluster munitions in the Syrian Arab Republic and referring them to strict verification, and preventing the use, generation, production, and possession of cluster munitions in any other way, storage, retention, direct or indirect transfer, to other countries or non-state entities, to begin the accountability process for previous use, and to bring the perpetrators to international justice.
-  Issuing a resolution enforcing a comprehensive ban on the supply of weapons to Syria, adopting individual sanctions against government officials involved in the violations in light of the Syrian government's continued violation of international law and previous Security Council resolutions, and activating the items of Resolution 2139 of February 22, 2014, which stipulated the Council's determination to take additional steps in case of not responding to the resolution that enforced sanctions on individuals in the Syrian army and government, who are responsible for not complying.
-  Issuance of a resolution enforcing the Syrian Government to allow the entry of «The Independent International Commission of Inquiry on the Syrian Arab Republic», the humanitarian organizations, human rights organizations, and international journalists immediately and without obstacles into Syria to receive regular updates and objective information regarding the violations of the international humanitarian law which are caused by any conflict parties.

United Nations:

- Referring the Syrian file to the International Criminal Court based on United Nations General Assembly Resolution 377 of 1950, also called the «Union for Peace» resolution, which stipulated that in case of faltering the work of the Security Council due to the lack of consensus among its five permanent members acting as required to maintain international peace and security, the General Assembly can discuss the issue quickly and may issue any recommendations that would seem necessary in order to restore international peace and security, and if this does not happen at the time of the General Assembly session, an emergency session can be held according to «the emergency special session mechanism».
- To conduct a comprehensive survey of the internally displaced Syrians - indistinctive bombardment and disproportionate attacks are among the most prominent causes of displacement -, to explore their views and priorities regarding the mechanisms of return and reconstruction, not just approving the documents and records of the Syrian government and the controlling forces as the only source of information, and to employ the results of this study in the process of decision making for future reconstruction under the supervision of the United Nations. The donors should provide the necessary funds for the study efforts, as it is the theoretical basis on which reconstruction decisions will be made, in which the displaced Syrians must be involved.
- To compel the parties of any conflict to present their military plans in international and non-international conflicts to counsels who have expertise and knowledge of the principles and guidelines of the international humanitarian law resolutions to assess how well their plans conform to provisions of this law, according to Article 82 of the First Protocol to the Geneva Conventions, in regard of what these counsels form in preventive legal oversight over the forces to which they belong. Thus, reducing the violations which may happen during the occurrence of their military operations.
- The General Assembly to demand the consultancy of the International Court of Justice, to cancel or constrict the protection which was provided by laws banning the use of weapons during armed conflicts; not to respond to the considerations of military necessity; and giving priority to the humanitarian considerations, especially the idea of necessity, because it is subjected to the discretion of the conflict's parties. This idea is used as a pretext for violating the laws of war or overrunning the requirements of war and to justify violating the rules of banning and restricting the use.
- The international judiciary represented by the International Court of Justice to fill the gaps in international humanitarian law, especially in the issue of enforcing treaties to which most countries join, and emphasize the distinct nature of these treaties, the customary and commanding nature of the principles of this law, and the vested interest of all countries in establishing the customary agreement nature of its rules, considering that the violations of these rules damage the entire international community that always has a vested interest in respecting it.

- To the international judiciary represented by the International Court of Justice to be decisive on the legal and political issue surrounding the principle of international intervention, because of its inconsistency and contradiction with the principle of state sovereignty and non-intervention in its internal affairs which is stipulated in the Charter of the United Nations, and the inconsistency in the position of the states and the attitude of some of them to take intervention as a pretext for political and strategic motives, as is the case in Syria, to systemize the intervention, regardless of its justifications, to put regular frameworks with the aim of ensuring human security and maintaining human rights, and to prevent doubts and questions at the national, regional and international levels.
- The General Assembly of the United Nations, to vote on the process of restructuring the United Nations Security Council, its working mechanisms, and its relationship with the General Assembly as an effective framework for collective security and peacebuilding, after it failed to deliver on its responsibilities towards the Syrian events; to benefit from all proposals and projects such as preventive diplomacy, peacemaking, peacekeeping and peacebuilding, the expanded council and the proposal not to resort to the power of Veto in cases of crimes against humanity; and to activate United Nations General Assembly Resolution 377 (Union for Peace), in cases where the Security Council fails to deliver on its responsibility to maintain international peace and security.
- After it became clear that the opportunity for the success of the Syrian negotiations is dominated by international and regional foreign wills more than the wills of the parties, dealing with the Syrian issue as a global priority, and holding an international conference with full powers to implement the decisions which are related to Syria, especially the General Assembly and Security Council resolutions «2052-2328-2268-2254-2235-2209-2139-2118 2043--2042-2401-2336», provided that the conference oblige by the Geneva reference within time limits for negotiations and implementation, and an international frame of reference that guarantees the implementation of the obligations entrusted to the both sides in previous agreements.

➤ **The International Community:**

- The European Union, Japan, and the USA insist on linking the efforts of reconstruction in Syria to a political transition process that has credibility while blocking the support until the start of concrete procedures according to the five clear steps of the transitional phase which are stated upon in the statement of Geneva's Conference on Syria 2012 as a basis for these procedures, and to work according to a transparent comprehensive strategy to layout funding plans that adhere to human rights' standards first and foremost.
- The European Union and the USA to impose additional economic sanctions on the Russian Federation because of the violations committed in Syria which are enough to constitute the criminal requirements of the war crime as defined in the eighth article of the Rome Statute of the International Criminal Law, which led to waves of displacement that threaten the world's security and international peace, and because of their assistance to the Syrian government to breach the Security Council's resolutions including the ones related to prohibition of banned weapons and explosive barrels.

- The funding entities to support explosive risks management in Syria to apply the following:
 - 1- Unification of the programs and operations aiming at restricting and ending the risks of mines and explosive waste products with the coordination of United Nations Mine Action Service in Geneva, to acquire technical and political consultancy when needed.
 - 2- Providing special resources for the programs and business projects related to the removal of war wastes, including surveys and raising awareness towards the risks to reach a national comprehensive roadmap about the state of explosive risks to move based on.
 - 3- Creation of networks between the communities, local councils, and international and local nongovernmental organizations operating in Syria, and providing support and training about raising awareness towards the risks of mines, land remnants, and explosives from war remnants and waste.
 - 4- Supporting justice and accountability processes through supporting and empowering the Syrian human rights organizations that document violations of international human rights law and humanitarian conflict law, and supporting the efforts to create a comprehensive national database that documents the violations in Syria both financially through supporting funding programs, and practically through the release of intelligence information (intel) about the Syrian government's inventory of prohibited weaponry, and those regarding chains of command.
- The Organization of Islamic Cooperation and Arab, international, and Islamic nonofficial and official organizations to confirm that the Russian intervention is "an assault and occupation", and to send a clear message to the Russian government that their intervention in Syria means animosity against most segments of Islamic and Arab peoples, which now see it as a colonial power that stands against the will and choices of the people, in a way that surpasses the era of the Soviet occupation of Afghanistan.

● **Civil community and humanitarian organizations:**

- Exerting enough efforts to take care of people with special needs, especially those suffering from severed limbs because of injuries caused by battles, with the cooperation of international parties and civil community institutions to work on creating a mechanism for international cooperation to uncover the risks and treat the casualties that suffer from the use of munition that could contain poisonous, cancerous, and radiative substances, and to observe any potential long-term effect on the public health for the human and the environment.
- Exerting enough efforts to take care of the victims of explosive remnants and mines, and rehabilitating them to be socially and economically merged, while treating their psychological shocks and lack of self-confidence which is an immediate priority and a long-term need. In addition to the medical emergency care and physical rehabilitation, with special focus on most affected segments like women and children.

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- 11 Russia/Syria: prohibited munitions rain upon civilians, an exclusive Human Rights Watch report, seen via: [Here](#)
- 12 Russia/Syria: prohibited munitions rain upon civilians, an exclusive Human Rights Watch report, seen via: [Here](#)



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