

Physicians for
Human Rights

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No Peace Without Justice in Syria

PHR

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About Physicians for Human Rights

For 30 years, Physicians for Human Rights (PHR) has used science and medicine to document and call attention to mass atrocities and severe human rights violations.

PHR is a global organization founded on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to stop human rights violations.

PHR's investigations and expertise are used to advocate for persecuted health workers and medical facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.

Cover: A man evacuates a child from a building following a reported barrel bomb attack by Syrian government forces on the northern Syrian city of Aleppo, on May 30, 2015.

Photo: Karam al-Masri/AFP/Getty Images.

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A Shameful Anniversary

The world is marking the fifth anniversary of the Syrian conflict – a conflict that, had the UN Security Council and international community taken action sooner, might never have erupted, would never have lasted this long, would never have cost so many lives, would never have spilled over borders to destabilize other countries, would never have obliterated Syria's civilian infrastructure, and would never have besieged whole cities to the point of starvation.

The world has all but decided that justice for Syria is optional. It is time for the international community generally, and the UN Security Council specifically, to acknowledge the horrendous costs of their failure to maintain international peace and security – and to commit to delivering justice for the Syrian people. President Bashar al-Assad and his allies bear responsibility for committing war crimes and crimes against humanity against the people of Syria. But the UN Security Council bears responsibility for failing to prevent the carnage.

As the international community drags its feet, the tally of attacks on Syria's medical facilities – a particularly evil and unlawful aspect of the conflict – continues to climb. 2015 was the worst year so far, accounting for more than one third of all attacks since the fighting began. Physicians for Human Rights (PHR) has been documenting attacks on medical facilities and medical personnel from the very beginning of the protests in Syria in March 2011; our new analysis [pdf] of data from 2015 shows a dramatic increase in these assaults, in direct violation of the laws of war.

Through December 2015, 246 medical facilities had been hit in 346 separate attacks – 122 attacks in 2015 alone. The vast majority of these assaults were by Syrian government forces and their allies, with Aleppo and Idlib governorates bearing the brunt of the attacks: 95 in Aleppo and 64 in Idlib. Russia's military entry into the conflict on September 30, 2015 escalated the assaults: Russian forces carried out at least 15 strikes on hospitals through the end of 2015.

Doctors and other medical personnel have also been specifically targeted in the conflict: PHR documented the killing of 107 medical personnel in 2015, bringing the total for the five years to 705. The Syrian government and its allies were responsible for 83 of the deaths in 2015.

The self-proclaimed Islamic State and opposition groups killed 16 and seven medical workers, respectively – a dramatic increase from previous years. PHR was unable to determine the perpetrator in the remaining eight cases. Over the course of the conflict, approximately half of the deaths have been the result of military attacks – shelling or bombing – on hospitals and other civilian locations. One in four medical workers were shot, particularly early in the conflict, when snipers were very active in urban areas. One hundred others were tortured to death – brutally stark evidence that the government is punishing medical professionals for treating people it believes are opposed to Assad's rule.¹

Nowhere to Hide

All these attacks, whether a targeted assault on a medical facility or an indiscriminate attack on a civilian area, are war crimes. The Geneva Conventions confer protected status on medical facilities, personnel, and infrastructure. But in the Syrian crisis, the Red Crescent and Red Cross – symbols that are intended to identify hospitals, clinics, ambulances, and medical workers – have become targets, rather than shields.

As a result, hospitals and clinics in opposition-held areas of Syria try to avoid detection and identification. This is difficult for numerous reasons. First, all hospitals established prior to the start of the conflict were either run by or registered under the Syrian Ministry of Health. Many of these hospitals are still functioning, meaning government forces know their exact coordinates. Second, for hospitals to serve their purpose of treating the injured and the sick, they must be rapidly and easily accessible. In this conflict, all that Syrian government forces have had to do in order to identify newly established field hospitals, clinics, and medical points is drop a bomb, and then watch where the wounded are taken.

The prohibition against targeting civilians and civilian objects has been flagrantly violated by all sides in the Syrian conflict – by government forces and their allies, by the Islamic State with its exhibitionist violence, and by the opposition. However, the evidence clearly shows that the attacks by the Syrian government are systematic in nature, and therefore, collectively, constitute crimes against humanity.

The Laws of War

The laws of war are defined by two key principles. The first is the principle of distinction that requires parties to a conflict to always distinguish civilians and civilian objects from combatants and military targets. It is never lawful to aim at or target civilians or civilian objects. The second is the principle of proportionality, which requires parties to a conflict to weigh whether the military advantage of a strike against a legitimate military object outweighs the risk of harm to civilians.

Background

From the moment Syrian protesters took to the streets on March 15, 2011 demanding the release of youths who had been detained and tortured for painting revolutionary graffiti, the government's response was brutal. Peaceful protesters were shot in the streets even as others were rounded up in security sweeps, detained, imprisoned, tortured, and, in some, cases killed.²

Caught up in the hope created by the Arab Spring, which swept across the region in the wake of protests in Tunisia that lead to the removal of its autocratic president, protestors in Syria began demanding freedom, democracy, and justice. By July 2011, tens of thousands of protestors were risking detention, torture, and death at the hands of government security forces. The government proposed, but did not follow through on, a national dialogue on reform, and released a few political prisoners. But these gestures fell far short of the protestors' demands, and the situation developed into an armed conflict.

In the five ensuing years, President Bashar al-Assad has continuously and systematically violated the human rights of the people of Syria, showing a profound disregard for the right to life and the right to be free from torture.



A young Syrian boy cries as he sits on the rubble after a missile fired by Syrian government forces hit a residential area in the Maghayir district in the old quarter of the northern Syrian city of Aleppo on July 21, 2015.

Photo: Karam al-Masri/AFP/Getty Images

The extent of the government's cruelty was highlighted by the 2014 release of the more than 50,000 "Caesar" photos. These appalling images, taken by a former military police photographer who smuggled them out of Syria, include pictures of the bodies of people who were killed or died in custody; in many cases, the photos show clear signs of torture and ill-treatment.

Parallel to the violence it is meting out in Syria's detention centers is the government's contempt for the lives and livelihoods of civilians in the conflict zones. Men, women, and children, particularly in opposition-held areas, have been relentlessly pounded by both targeted and indiscriminate attacks. The targeted attacks include strikes against civilian facilities such as schools and hospitals. Indiscriminate attacks, which are inherently unlawful, take the form of barrel bombs – drums filled with shrapnel and nails which are hurled from helicopters and cause catastrophic injuries – cluster munitions, and chemical weapons, including chlorine.

But the attacks on civilians have not stopped there. Hundreds of thousands of Syrians – by some estimates, as many as a million – are being besieged, the vast majority by government forces, and a smaller number by the Islamic State and opposition groups.³ Besiegement is a life-threatening form of collective punishment against civilians based on their supposed support for one or another party to a conflict. Syrians living in besieged areas – unable to receive food, medicines, or other supplies necessary for life – are being slowly starved to death. It is a war crime to obstruct the delivery of medical supplies or people's ability to access health care.

Under customary international law: "Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works."⁴

As a result of these tactics, Syrians who are not trapped are fleeing to find shelter – both within the country, in informal camps for internally displaced persons (IDPs), and across borders as refugees. Fully half the population of Syria has been displaced by the conflict. Millions are in need of humanitarian assistance and support, according to the United Nations. Yet, despite the passage of two resolutions by the UN Security Council – one calling for all parties to stop violating the laws of war, and specifically citing attacks on hospitals and schools and the use of barrel bombs and other indiscriminate or banned weapons, and another calling for immediate and unhindered delivery of humanitarian assistance for those in need, including directly to people living in opposition-held areas – civilians are still paying the highest toll in the conflict.

The Future

With the fragile cessation of hostilities agreement in effect for now, it is critical to ensure that lifesaving aid, including food, medicine, and medical supplies, gets to all besieged areas. This includes areas besieged by the government and those besieged by other parties to the conflict.

Several parties to the conflict are meeting to define the parameters for a resolution to the conflict. It is imperative that, in this process, justice not be traded off in the pursuit of peace. In fact, it is hard to imagine how to negotiate a sustainable peace settlement without ensuring that those responsible for war crimes are brought to justice.

There must be justice for the people of Syria. Those who have placed civilians in the crosshairs of this conflict and shredded long-standing norms, such as ones that protect medical personnel and medical facilities and infrastructure in times of conflict, must be held accountable.

There must be a clear message that crimes under international law will be addressed, and that those who are responsible for planning, ordering, and perpetrating these crimes will face justice for the profound human suffering that they have caused. Specifically, the UN Security Council has the mandate to refer the situation of Syria to the International Criminal Court – but that option has been limited by the willingness of Russia and China to abuse their veto power as permanent members of the Security Council. Therefore, the international community must endorse, support, and fund an ad hoc tribunal with jurisdiction over the conflict, including the ability to investigate crimes in neighboring countries that are related to the spill-over of the conflict. This would include jurisdiction over crimes committed by, among others, the Syrian government, opposition forces, and the Islamic State.

If we fail in this endeavor, we effectively endorse these violations as legitimate forms of pursuing war, and condemn civilians in future conflicts to suffer the same hideous crimes that are being perpetrated on the people of Syria.



People carry a stretcher amidst debris after a hospital supported by Doctors Without Borders (MSF) was hit by suspected Russian air strikes near Maaret al-Numan, in Syria's northern province of Idlib, on February 15, 2016.

Photo: Omar Haj Kadour/AFP/Getty Images

ENDNOTES

¹ PHR has interviewed numerous doctors and medical personnel throughout the conflict who have testified to countless detentions of doctors for the “crime” of treating people in need of care without regard to their political affiliations or identity.

² UN Commission of Inquiry on Syria Report 2016.

³ Siege Watch, First Quarterly Report on Besieged Areas in Syria, February 2016, The Syria Institute/PAX.

⁴ Additional Protocol II Geneva Conventions Article 14.