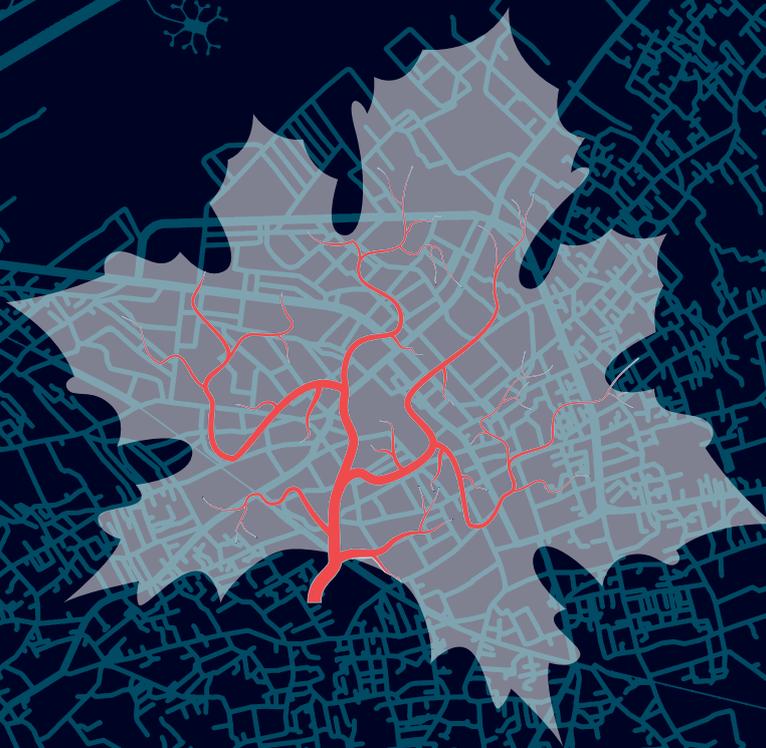


A Decade after Daraya: Documenting a Massacre



SYRIAN BRITISH
CONSORTIUM المجلس
السوري البريطاني



The Daraya Massacre
Tenth Anniversary

الذكرى العاشرة بخمسائة داريا



The Daraya Massacre Tenth Anniversary

الذِكْرَى العاشرة لمجزرة دارايا

A Decade after Daraya: Documenting a Massacre (داريا بعد عقد من الزمن: توثيق مجزرة)

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The Syrian British Consortium (SBC) serves as a voice for Syrians, British nationals and UK residents who are committed to the establishment of a free and democratic Syria. United in our shared values of democracy and universal human rights, we work with our partners to inform the British government policy towards achieving this aim.

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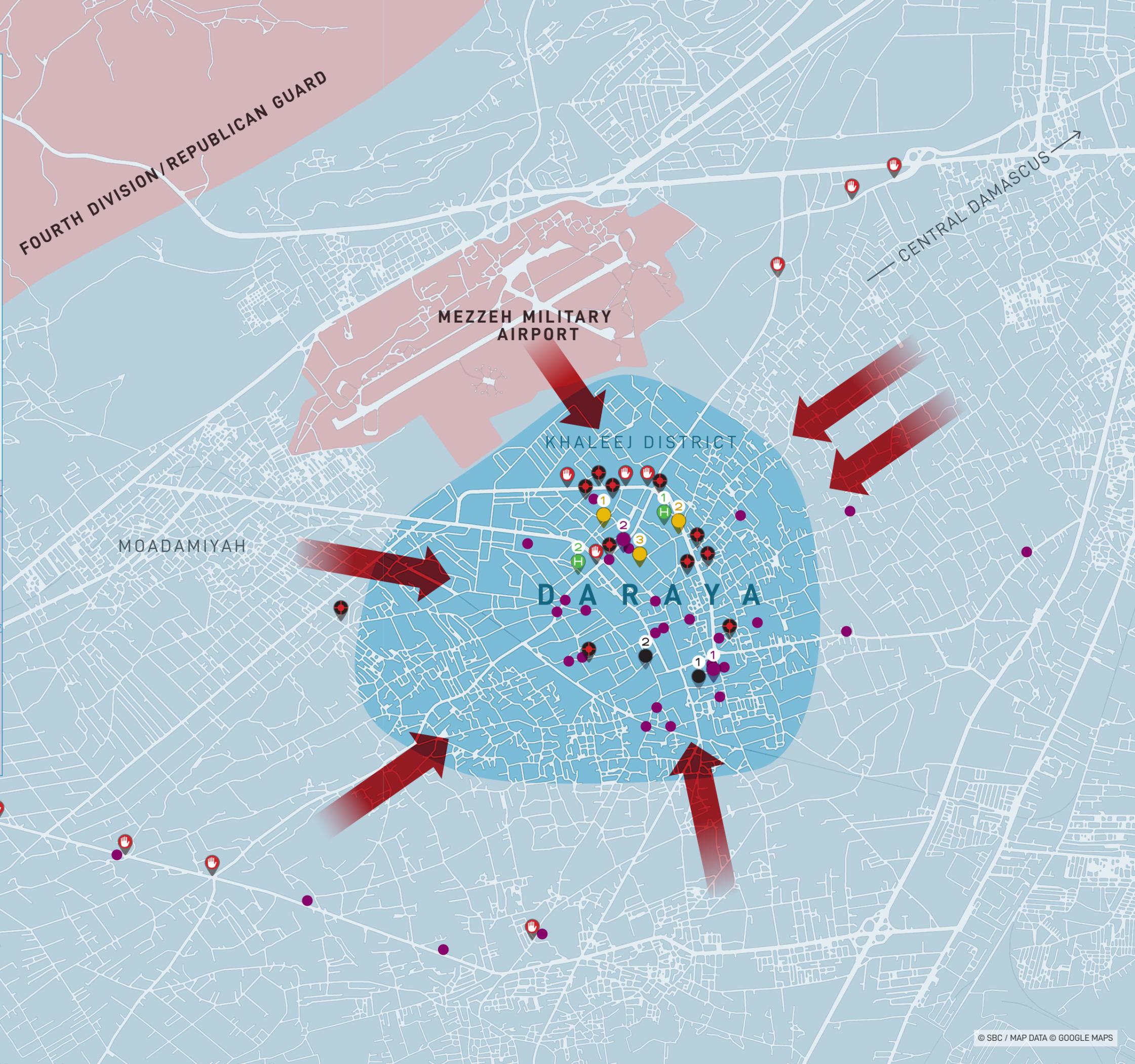
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- 🚫 **CHECKPOINTS**
- 🔫 **SNIPERS**
- ➔ **MILITARY MOVEMENTS**



Justice will be achieved when those who participated in the act of killing or incited violence against others are held accountable for their actions.

Hanan Allakoud, witness



1 Executive Summary

In August 2012, the Syrian Government and allied forces carried out a brutal military campaign against Daraya, a town southwest of the Syrian capital of Damascus. The attack involved five days of indiscriminate shelling and culminated in 72 hours of door-to-door summary executions of hundreds of civilians. Hundreds more were detained or forcibly disappeared, and many still have not been heard from ten years later.

In February 2013, the UN Commission of Inquiry found “reasonable grounds to believe that Government forces perpetrated the war crime of murder against *hors de combat* fighters and civilians taking no active part in hostilities, including women and children” during the August 2012 massacre, but the full range of crimes perpetrated during the attack has yet to be fully investigated. Based on 23 witness interviews, two expert interviews, documentary evidence and open-source investigation, this report offers a detailed account of international crimes committed during the August 2012 Daraya attack.

This investigation reveals that the Assad Government—including the Fourth Division, the Republican Guard, the Air Force Intelligence, *shabiha* and supporting Hezbollah and Iranian militias—engaged in a systematic attack against the civilian population of Daraya from 20 to 26 August 2012. Beginning on 20 August, the Assad Government indiscriminately attacked neighborhoods by shelling and airstrikes, and deliberately targeted hospitals. On 24 August, Government forces and allied militias advanced into Daraya on foot, and by 25 August, took full control of Daraya. The Free Syrian Army, which had been attempting to repel regime attacks on the outskirts of the town, had laid down their arms and fled.

During a 72-hour window between 24–26 August, Government and affiliated forces engaged in a massacre, killing men, women and children. Witnesses reported that individuals and entire families were rounded up before being shot and killed at close range in their homes and in building basements. The largest such incident was committed in the Al-Saqqa building, in which 80 people were executed, including elderly men, women and children. At the Zardeh intersection, from which civilians were attempting to flee Daraya, 40–55 civilians, including women and children, were stripped of their belongings and killed. Civilians were also killed by sniper fire across the town, including by snipers firing at people inside their own homes.

By the end of the week, Government and allied forces murdered over 700 people in Daraya. 514 have been documented by name, including at least 36 women and 63 children, while the remaining corpses were unidentified. An additional 153 residents were recorded by activists as detained (including at least three boys), and 86 as missing (including at least five children). It is estimated that these numbers are much higher.

This report records the atrocities perpetrated in Daraya based on the testimony of witnesses and victims, thereby memorializing their accounts and maintaining a record for posterity. It also showcases that despite the passage of ten years and the collection of substantial evidence, accountability and justice continue to elude the people of Daraya. Despite their disappointment in the international system, witnesses provided their testimony, recounting the heinous crimes committed in Daraya by their own Government, based on their belief that their story—their truth—is not only worthy of documentation, but may one day assist in bringing justice and accountability.

2 Methodology

This report summarizes the findings of the Syrian British Consortium’s (SBC) two-year investigation (February 2020 to May 2022) of international crimes committed during the August 2012 Daraya attack, defined as the campaign of violence waged by the Assad Government between 20–26 August 2012 in the town of Daraya and its outskirts.

This report is primarily informed by witness testimony. Open-source information was used to corroborate witness accounts and add further context. Witnesses’ informed and voluntary consent was obtained prior to taking their testimony, and again with respect to the production of this report. A total of 23 witnesses were interviewed, including 14 male and nine female witnesses, ranging from 29 to 75 years of age. Two additional interviewees were not in Daraya when the assault was committed, although they played a role in documenting the events that transpired. Due to the COVID-19 pandemic, most interviews were conducted virtually, though some were conducted in-person. To protect the witnesses and those they identified in their testimonies, all names and identifying information have been omitted or altered. Original testimonies are cited in this report through alphanumeric references beginning with the letters “SBC.”

This report sets out a factual analysis of one of the bloodiest massacres of the early years of the Syrian conflict. While at the time it was a startling display of violence by the Assad regime, the massacre remains relatively under-documented, with many of the survivors and witnesses being interviewed for the first time by SBC during its investigation. Based on the standard of “reasonable grounds to believe” used by the Commission of Inquiry on the Syrian Arab Republic in its own reporting, the present report arrives at the legal determinations set out below. A copy of this report—and the underlying interviews and materials—will be submitted to the International Impartial and Independent Mechanism on Syria (IIIM), after which its determinations can be used by national and international authorities to pursue judicially-determined findings of fact and law.

Continuous support for SBC’s investigative team was provided by the Center for Justice and Accountability. Documentary support, including access to available video evidence, was provided by the Syria Justice and Accountability Centre. We are grateful to both organizations for their time and assistance.

3 Introduction

From the outset of the Syrian uprising in 2011, Daraya stood out as an epicenter of nonviolent resistance against the Assad Government, regularly holding mass anti-regime protests. These protests flourished in Ramadan 2012 (20 July–18 August) as regime activity in the town subsided and Daraya saw glimpses of stability.

This calm was swiftly interrupted after the Eid Al-Fitr holiday on 19 August 2012. Under the guise of “liberating” Daraya from “terrorists” that had taken control, the Government blockaded the outskirts of the town, erecting checkpoints, closing all roads leading into and out of the town, and cutting off power and mobile communications.¹ Between 20 and 24 August, regime forces indiscriminately shelled residential areas² and targeted hospitals³ with rockets, missiles, and mortars, as well as helicopter and warplane airstrikes.⁴

As Daraya was being shelled, infantry forces, comprised of the Air Force Intelligence, Fourth Division, Republican Guard, and accompanying *shabiha* as well as Hezbollah and Iranian militias, advanced against the town from multiple directions. This included from Mezzeh Military Airport (an Air Force Intelligence military base bordering Daraya) to the west,⁵ the north-eastern front⁶ as well as the southern front.⁷

Free Syrian Army (FSA) factions positioned themselves on the north-eastern outskirts of the town and engaged in skirmishes to resist the regime’s entry. However, they were overcome (with an estimate of 600–800 FSA fighters resisting 10–14,000 regime troops⁸), and ultimately laid down their arms and fled.⁹ Some hid within the agricultural fields surrounding Daraya, while others changed into civilian clothing and returned to their homes in the town.

Government and affiliated infantry forces entered Daraya on 24 August and, in a 72-hour window between 24–26 August, engaged in a bloody massacre against the town’s residents. Checkpoints were erected inside the town and snipers were positioned atop buildings and at various points within the town, preventing even the slightest movement within snipers’ line of vision, including inside homes (See Map 1).¹⁰ Armed infantry bombed neighborhoods with tanks and heavy artillery before advancing into them on foot.¹¹ They raided residential and other buildings, conducting violent searches, intimidating residents, looting personal belongings, detaining men and older adolescent boys and committing mass extrajudicial executions of men, women and children across Daraya.

Witnesses and reports estimate that over 700 people were killed in Daraya between 20–26 August 2012. 514 victims were documented by name, including at least 36 women and 63 children.¹² No less than 153 residents were detained (including at least three boys) and at least 86 men (including at least five children) went missing.¹³

Witnesses described Daraya after the massacre as a ghost town.¹⁴ Some stated that they could smell blood and death everywhere and recalled that the smell lingered with them for months afterward.¹⁵ Others recounted that the massacre had profound traumatic effects on them or their children, which, in some cases, persist until today.¹⁶ There is no doubt that the August 2012 Daraya assault remains a sorrowful event in the collective memories of victims and witnesses. This report documents these collective experiences to be kept as a historical record, with the hope that justice will one day be served.



Figure 1: Daraya was known for its peaceful protests and nonviolent resistance against the Assad Government



Figure 2: Shelling on Daraya on 23 August 2012



Figure 3: Tank advancing into Daraya during the assault¹⁷



Figure 4: Victims of the massacre were buried in mass graves in the land behind Abu Suleiman Al-Darani Mosque

Healing can only start when the perpetrators of these crimes are brought to justice. Now, people can't heal and they can't go back home. Assad is still in power, still committing massacres with no consequences or repercussions.

Sulaiman Alabbar, witness



4 Crimes Committed

Based on this investigation and prior documentation, there are reasonable grounds to believe that the Syrian Government and affiliated forces committed multiple crimes against humanity and war crimes during the August 2012 Daraya attack, including murder, imprisonment, enforced disappearance, torture, pillage and intentionally directing attacks against civilians, protected persons and objects.

The crimes took place as part of and in the context of a non-international armed conflict which began during the reporting period of February to July 2012, as determined by the UN Commission of Inquiry on the Syrian Arab Republic.¹⁸

The Assad Government's assault on Daraya between 20-26 August, comprising bombardments, airstrikes, killings and pillage, was systematic and directed against the civilian population. That members of the FSA were present in Daraya does not affect the predominantly civilian nature of the population under attack. That the attack was directed against a civilian population is further evidenced by the extent of civilian casualties, including children; the means and methods used in the course of the attack by Syrian Government and affiliated forces; the nature of the crimes committed in the course of the attack; and the abject failure of the Syrian Government to comply or to attempt to comply with the precautionary requirements of international humanitarian law.

Further information regarding the definitions and contextual elements of war crimes and crimes against humanity can be found in Annex I.

4.1 Murder, Extrajudicial Execution and Targeting Civilians

Documentation efforts by activists and reports estimate that over 700 people were killed during the Daraya attack, a figure which comprises 514 bodies (including at least 36 women and 63 children) that were identified by the residents of Daraya as well as other bodies that were unidentified.¹⁹ In the days preceding the massacre, the Assad Government engaged in a deadly shelling campaign against Daraya, killing and wounding civilians. The aerial bombardment of the town stopped as the army entered Daraya on 24 August. Between 24-26 August, Government and affiliated forces massacred men, women and children on the streets, in buildings and at checkpoints.

An overview of the crimes of murder, extrajudicial execution and intentionally directing attacks against a civilian population committed during the assault against Daraya, as documented by SBC, are described below.

4.1.1 Murder by Shelling Across Daraya

In the days leading up to the massacre, the Assad Government indiscriminately shelled neighborhoods and residential areas across Daraya, killing and maiming civilians.²⁰ SBC has not been able to verify the number of those killed and injured in the shelling, but witness testimony confirms that the majority were civilians, as the FSA was resisting the regime's attack on the outskirts of Daraya and therefore was not positioned in the town where the bombardment was directed.²¹ Regardless

of the deaths caused, the Government's indiscriminate attacks against Daraya's civilian population contravene international law and may constitute a war crime. The numerous documented civilian casualties together with witness testimonies strongly indicate that the Government made no attempt to distinguish military from civilian objectives in its shelling campaign.

According to witness accounts, bombardment against the town began on Monday 20 August and lasted until the army and affiliated forces advanced into the town on Friday 24 August.²² The bombardment consisted of mortar shelling, rockets, missiles and airstrikes. It was described as continuous and relentless, causing Daraya's inhabitants to attempt to flee or seek refuge in building basements.²³ One witness stated:

The regime's escalation against the city of Daraya began on the first or second day of Eid (19 or 20 August). The bombardments became worse than normal. There was mortar shelling and worse types of bombardments with weapons that we didn't know, with new sounds.²⁴

Witnesses recounted that missiles were launched from Mezzeh Military Airport, Mount Qasioun and the hills of Moadamiyah/Sumariyah (the bases of the Air Force Intelligence, Republican Guard and Fourth Division, respectively).²⁵ The regime often used double-tap attacks which resulted in a high number of casualties as people would gather to assist the injured following the initial bombardment and another one would closely follow.²⁶

Witness SBC-001 described scenes from a hospital after a double-tap attack injured his brother and several others:

The scenes were horrific, like doomsday. Everyone was looking for their loved ones, trying to get them treatment. People were running and hiding ... A lot of people were coming to the hospital. Everyone was screaming, saying, 'Save this person or he will die.' Entering the hospital meant that you were going to see people dying. I was only thinking about my brother ... [and whether he] was alive or not. The sight of blood was frightening. I still remember the people's cries; everyone was calling the name of their loved one ... I remember wondering whether some people were dead or alive because they had stopped screaming.²⁷

Witnesses recounted seeing, hearing and feeling the bombardments from their homes, and described that the Assad regime was indiscriminately shelling residential areas:

A mortar bomb hit our neighborhood and broke the window shutters.²⁸

I later learned that my brother went up crawling on the roof to turn off the generator ... He was seen by a sniper and my parents' building was subsequently targeted by shelling ... 11 mortar rockets ... I finally got through to my family and learned that they were all safe and well ... but that there was another family (a mother and two children) who had sought refuge in the basement and was killed by the shelling.²⁹

I observed the aircraft when it was shelling my neighbourhood. When the aircraft wanted to fire a rocket, it would stand still in the air. It was a military

helicopter. After shelling it would rock a little bit sideways. It was such a scary sight ... I would feel the explosion and the pressure ... The area was a countryside residential area that contained civilian houses only.³⁰



Figure 5: Effects of shelling on a home in Daraya during the August 2012 attack

One witness shared the harrowing account of seeing his brother and cousin killed by a mortar attack on Friday 24 August while they walked by the entrance of a residential building. Witness SBC-015 stated:

At around 11am or 12pm [on Friday 24 August], my brother, three cousins and I were heading towards our grandfather's house in Zardeh ... As we were walking down Baladiyeh Street, a mortar shell fell at the entrance of the Jazar Building ... [and] blew off my brother's entire backside and half of my cousin's head, killing them both immediately ... People rushed down to help, and someone offered us a ride to a field hospital ... My brother and cousin were not admitted into the field hospital as they were already dead.³¹

SBC-015 shared that his brother and cousin's bodies were then transported to the Qabala Cemetery for burial (See Map 1).³² Several residents were gathered in the cemetery hastily preparing people who had been killed by bombardment, including three women, for burial.³³ While SBC-015 was preparing his brother's body for burial,

the regime directed two rockets toward the cemetery, burning several corpses (See Figure 6).³⁴ Several other witnesses were also present and recounted this incident,³⁵ including one witness who described that “even dead bodies were not safe.”³⁶

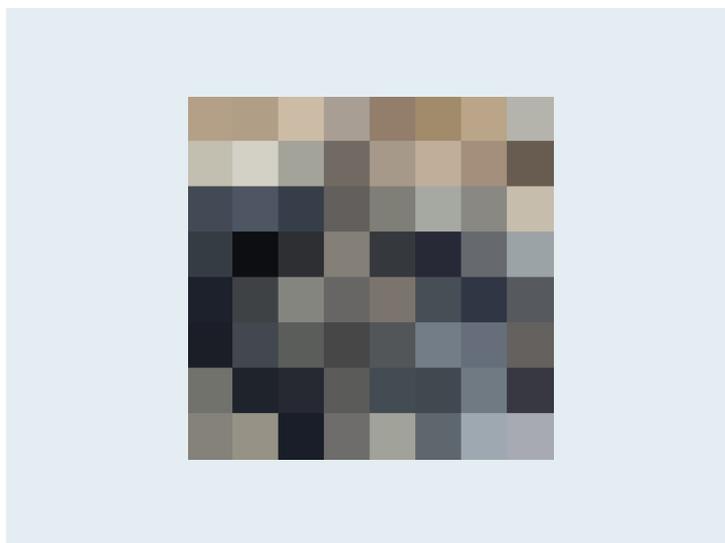


Figure 6: See images of corpses in Annex II
Warning: Graphic images

Throughout the 20-24 August shelling campaign, field hospitals were overflowing with casualties. The majority were civilians, including women and children, their bodies mangled, often with entire limbs severed.³⁷ Witness SBC-019, a witness who served as a nurse during the attack, described the hospital floors, stating:

The hospital floor, which had been white, became entirely red from blood. We tried to mop it a little just to remove the red color. I would walk past the bodies lining the floor of the hospital to see if anyone was alive or if there was anyone from my family.³⁸

SBC-019 recounted that two boys between the ages of nine and 10 were brought to the field hospital after a missile fell outside of their building.³⁹ One was killed, while the other—whose legs were nearly severed—begged SBC-019 to attend to his deceased cousin.⁴⁰ SBC-019 stated:

There were two children, around 9-10 years old, who were hit by a missile when they were playing outside their building. One of them died, while the other’s legs were nearly severed. The surviving child was insisting that nothing was wrong with him, and that he wanted me to attend to his cousin and to make sure that he was okay. We tried to assure him that his cousin was fine (although he was dead) in order to treat him.⁴¹

The shelling campaign against Daraya, while indiscriminate and relentless, was described as more merciful than the extrajudicial executions that followed. As one witness stated:

The bombing was more merciful than executions by the regime; it was as though the unexploded rockets felt more mercy for the people of Daraya than the regime.⁴²

4.1.2 Extrajudicial Executions

The bombardment against Daraya was a prelude to the massacre that the Assad Government committed in Daraya between 24-26 August, when army infantry and affiliated forces entered the town on foot. Witness testimony indicated that the most gruesome massacres against the residents of Daraya occurred in the southern part of the town, near the Abu Suleiman Al-Darani Mosque.⁴³ Mass extrajudicial executions of entire families (including women and children) were committed, such as the Al-Saqqa and Al-Abbar families.⁴⁴ One witness recounted:

Psychologically, [the massacre] was a very terrifying experience. I felt like I had reached a point where I could be killed at any moment.⁴⁵

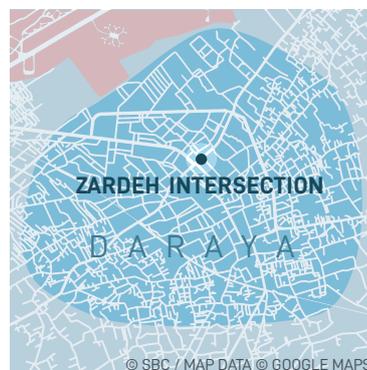
Below are detailed accounts of two of the largest extrajudicial executions of the Daraya massacre.

4.1.2.1 Zardeh Intersection

On Saturday 25 August, civilians attempting to flee Daraya for Damascus (while bombardments had subsided) were shot and killed by soldiers at the Zardeh intersection, where a Government checkpoint had been erected (See Map 2).

Witnesses relayed that this area witnessed one of the highest numbers of casualties during the massacre.⁴⁶ One witness, SBC-009, spoke to a survivor, Sami Murad, immediately following the survivor's escape from the scene of the massacre. SBC-009 relayed the following:

I was hearing the sound of shooting and shelling from afar, but I did not know what was happening. Then I saw [Sami Murad and another man] coming towards me ... [Sami's] shirt was tied at his waist, soaked with blood and torn ... He said that they had been trying to leave the city but the army asked them to stop and park their cars near a dead-end alley. For example, they would say, 'Whose Volvo is this? Who are the passengers with you?' The person would say, 'My wife and kids.' 'Come with us.' Then they took them inside the dead-end alley. [Sami] said that they did not realize what was happening to the families. They thought that they were being searched or something, and their numbers kept dwindling. There was a soldier who was moving in and out of the alley. [Sami] then started to realize that people were being taken and the cars were not moving. He could also hear the sound of shooting and screaming followed by silence, then the soldiers moved to another car, and so on. [Sami] moved closer and saw that people were lying on the ground. It turned out that they were taking people, stealing what belongings they had on them, like gold, then they shot them.⁴⁷



Map 2: Zardeh Intersection

Another witness spoke to a different survivor, who informed her that the army executed a group of 55 people at Zardeh, including the father, two sons and a daughter from the Haydar family.⁴⁸ It is believed that the daughter, Hala Haydar, aged 13 or 14, was raped prior to being killed as she was found with her pants (trousers) and socks removed.⁴⁹ The mother, Muneera Basha, was also shot and injured, and was subsequently interviewed by the government-aligned Al-Dunya television channel which entered Daraya with Government forces on 25 August (See Figure 7).⁵⁰ During the interview, Muneera is shown lying on the ground in what appears to be a cemetery, immobilized and distraught, while the anchor asks her, “Who did this to you?” Muneera responds that she does not know, does not know where her children are and only remembers that she was shot.⁵¹ Muneera died days later.⁵²



Figure 7: Al-Dunya TV interviewed Muneera Basha after she was shot⁵³



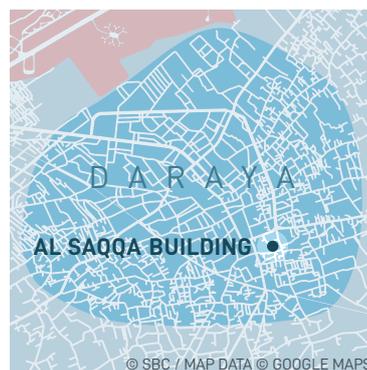
Figure 8: Bodies transported by truck from Ibn al-Nafees Hospital to Daraya

Two witnesses shared that 40-55 bodies of those executed at the Zardeh intersection were transported by Government forces to the Muwasah Hospital and held there for several days.⁵⁴ A local judge informed a trusted Daraya resident (Witness SBC-014) of the location of these bodies so that he could retrieve them for burial. SBC-014 stated that after visiting Muwasah Hospital and various police stations to

obtain authorization to receive the bodies that were “killed by the terrorists,” SBC-014 was directed to Ibn al-Nafees hospital.⁵⁵ Upon arrival, he was met with five *shabiba* who taunted SBC-014 and forced him and his colleague into a refrigerated truck on the premises which contained the corpses and which was not cooled.⁵⁶ SBC-014 described that the smell was suffocating, as the bodies had been decomposing for 48 hours. SBC-014 and his colleague were later released from the truck by the head of office of Branch 215. The men transported the bodies by truck to the Automated Bakery Square where family members of those killed were waiting to receive them (See Figure 8). The bodies—including women and children—were then transported by pickup trucks to the land behind Abu Suleiman Al-Darani Mosque and were hastily buried in make-shift mass graves.⁵⁷

4.1.2.2 Al-Saqqa Building

On Saturday 25 August, Government forces killed approximately 80 people in the Al-Saqqa building in southern Daraya (See Map 3).⁵⁸ Witness SBC-020 relayed the events of this particular massacre as shared with him by four survivors to whom he provided first aid.⁵⁹ According to SBC-020, at 9 or 10 in the morning Government forces gathered men from the neighborhood including members of the Al-Saqqa family and detained them in the basement of the Al-Saqqa building.⁶⁰ Members of the regime ordered the men to take off their shirts and stand against the wall.⁶¹ The men pleaded with the soldiers to spare them; the soldiers responded that they would not kill them.⁶² A survivor told SBC-020 that the men then heard the voice of an officer come through the soldiers’ radios, shouting, “We can’t hear any shooting!”⁶³ The soldiers proceeded to open fire at the men with Kalashnikovs, aiming at their heads and necks.⁶⁴ Another survivor stated to SBC-020 that he dropped to the floor when he was shot in the ear, which filled with blood, giving the impression that he had been killed.⁶⁵



Map 3: Al-Saqqa Building

SBC-020 visited the site of the massacre hours later and saw the bodies of men piled one on top of the other near the wall, their slippers and pajamas heaped in a corner of the basement (See Figure 9).⁶⁶ SBC-020 recognized many of the bodies and confirmed that they were civilians, noting that the majority of them had not participated in protests, some were over the age of 50 and others had children who served in the Syrian army.⁶⁷ While in the basement, SBC-020 was told by those who had come to search for the bodies of their loved ones that other members of the Al-Saqqa family were also killed in an apartment upstairs. SBC-020 shared the following:

We went [up the stairs] and saw blood on the floor seeping from under a door. I learned that when the soldiers finished from the basement, they went upstairs to the apartment which was on the ground floor. In this apartment were the women and children from Abdulhafeez Al-Saqqa’s family. These included his wife, the wives of his two sons who had infant babies with them ... The soldiers opened fire on all of them ... I did not go into the room where they were killed as the victims were women and it would not be appropriate for me to enter. I [only] saw the blood in the corridor.⁶⁸

Survivors from this particular massacre included the only survivor from the Al-Saqqa family, who provided widely-shared video testimony of this incident;⁶⁹ an elderly man from the Qadi family, whose three sons were killed in the Al-Saqqa basement; a man from the Mateen family, who had bullet holes in his cheeks that punctured his jaw; and a fourth survivor who was not identified by our witnesses.⁷⁰



Figure 9: Al-Saqqa building basement in the aftermath of the mass execution ⁷¹

4.1.2.3 Snipers

Snipers were positioned across Daraya during the attack—typically atop buildings—and were reportedly shooting at anything that moved (See Map 1).⁷² This made not only travel within the town extremely dangerous, but slight movements in front of windows or lighting a candle within homes equally perilous.⁷³ One witness shared that a soldier who raided her apartment pointed to two snipers stationed on top of buildings visible from her window and warned her not to move in front of the window to avoid being shot.⁷⁴

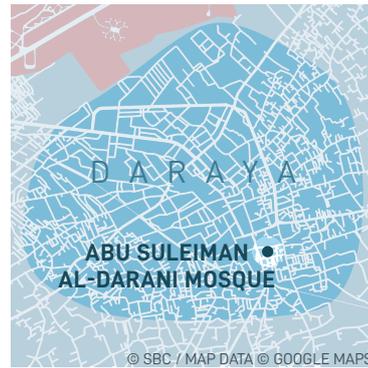
Numerous witnesses shared incidents of killing by sniper fire during the attack. Witness SBC-002, for example, shared that her paternal uncle and his wife were shot by sniper fire in their car near her parents' home. She could see her uncle's car from the window of her parents' home for four hours after they were shot but could not go out and assist them for fear of being shot by snipers. SBC-002 stated that Al-Dunya television channel filmed her uncle's car as Government troops took her uncle and aunt's bodies out of the car. She said that at that point, she still did not know whether her uncle and his wife were alive or dead. She said that her cousin later went to the Muwasah Hospital to search for his parents in the morgue, which he described to SBC-002 had bodies piled on top of each other. He found his father's corpse. His mother survived.⁷⁵

Another witness, SBC-013, saw a woman and toddler brought to a nearby field hospital after being shot and killed by sniper fire while attempting to flee Daraya. The woman's husband used the apartment SBC-013 was staying in to call his wife's family and inform them of her passing along with that of their one-and-a-half-year-old child who was sitting in her lap; the sniper's bullet entered the child and penetrated the mother.⁷⁶

4.1.2.4 Mass Grave at Abu Suleiman Al-Darani Mosque

Beginning on the evening of Saturday 25 August and into Sunday 26 August, the bodies of approximately three hundred men, women and children killed in buildings and areas surrounding the Abu Suleiman Al-Darani Mosque were gathered in its courtyard for burial in the land behind it (See Figure 10 and Map 4).⁷⁷ This number continued to increase as bodies were found throughout the town—in buildings, fields and rivers—and brought to the Mosque for burial.⁷⁸ One witness recalled words that he would never forget while at the burial site:

This grave is full. We should dig another one.⁷⁹



Map 4: Mass grave at the Abu Suleiman Al-Darani mosque

Two witnesses worked closely with Abu Nihad, the primary gravedigger, during the massacre, and one witness shared the following:

[Around 11 pm on Saturday,] I told Witness SBC-016 that I would check the [number of dead people]. I went to [Abu Suleiman] mosque. I saw that the courtyard of the mosque was full of bodies. I wanted to give a number to [SBC-016] and I counted 149 corpses that night ... [The next morning on Sunday], I went to the graveyard with Abu Nihad ... We used [an] excavator to dig trenches which were the same width as a bed with a depth of 70 cm ... They found more bodies from the previous night which meant that the number of bodies doubled ... Some bodies were mutilated. Shooting was on the head and neck ... There were many children. A child was shot from behind. His face was blown out as well as half of his head. There were many women, some of whom I did not recognise ... The victims were mainly young men, but also included women and children ... It was a terrifying sight to behold.⁸⁰



Figure 10: Corpses lined up in Abu Suleiman Al-Darani Mosque before burial

Another witness added:

They were buried in the clothes that they were killed in and were [just] wrapped in blankets. The women were buried together. I was also constantly receiving calls of bodies being found ... I would go with volunteers to pick up the bodies and take them to Abu Suleiman Mosque [for burial] ... Most of the bodies were of men, there were not many women. Some were executed from a range. Many had bullets to the eye, ear or head. Some were slaughtered, including by machetes. Most were killed by gun fire, a few were burned.⁸¹

Another witness, who assisted with the documentation of those killed by taking photographs, recalled the mental anguish he experienced, stating:

Photographing the corpses was extremely difficult for me psychologically. The scenes were horrific. Photographs tell the whole story.⁸²



Figure 11: Mass graves in the land behind Abu Suleiman Al-Darani Mosque

4.2 Imprisonment, Enforced Disappearance and Torture

Activists in Daraya documented 153 people who were imprisoned (including at least three boys) and 86 who were disappeared (including not less than five children) during the attack against Daraya in August 2012.⁸³ It is believed the actual number of those detained or disappeared is much higher.⁸⁴

4.2.1 Imprisonment and Enforced Disappearance

The Syrian Government conducted mass arrests across Daraya during the August 2012 attack, with no record of formal charges brought against the detainees. While Government forces detained some persons off of the streets,⁸⁵ most detentions were a result of army raids of buildings and neighborhoods. The mode of detention was systematic: regime soldiers would raid a building apartment by apartment, round up all of the men, lead them to the front of the building with their hands behind their backs, line them against a building wall and check their identification cards, all while taunting, hitting and threatening to kill them.⁸⁶ In some instances, the men were released, but others suffered a different fate.

SBC documented two first-hand accounts of imprisonment during the Daraya attack. One was shared by a young man, SBC-013, who was imprisoned and subsequently

released, and another by a woman, SBC-005, whose husband was detained but whose fate remains unknown.

SBC-013 shared the following detailed account of his imprisonment and torture:

I heard the officer tell the soldiers to clear [our] building. The soldiers then forced all the building inhabitants downstairs, including me, 3 other men, 2 women ... and 5-6 children ... The soldiers tied our hands and lined the men up against a wall. The women were pleading with the soldiers to let us go, so we were moved 300 meters away from the women and their screams. The soldiers began hitting and cursing at us, and asking us where we were hiding our weapons ... There were seven soldiers and one officer warding over them ... One of the soldiers who had an Idlibi accent said to the rest, 'Who are we kidding? We are the ones who forced them out of the apartments, we know they do not have weapons.'⁸⁷

SBC-013 then described that a large military truck arrived 30 to 60 minutes later, and he and the other men were loaded onto the truck blindfolded and handcuffed. He deduced, based on the direction the truck was moving, that they were taken to the Moadamiyah checkpoint (in the western part of Daraya). Once they arrived at the checkpoint, they were led to a room and forced on their knees.⁸⁸ SBC-013 estimated that 40-50 men who were detained in Daraya were brought to this location.⁸⁹ They remained in this room for 15 to 30 minutes before being loaded onto a bus and taken "somewhere dreadful"⁹⁰—which SBC-013 later learned was Mezzeh Military Airport, an Air Force Intelligence base. While on the bus, the soldiers kicked them and forced them to chant: "No God but Bashar Al-Assad."⁹¹ SBC-013 stated that he and the other detainees were strip-searched upon arrival and beaten for two to three hours before being taken to a large open-ceiling cell underground.⁹² Approximately 120 men were held in this large cell, the vast majority of whom had been arrested in Daraya that day.⁹³

SBC-013 went on to describe the conditions of detention, the nature of interrogation and the torture that he endured or witnessed at Mezzeh:

120 persons were given 1 gallon of water to share twice a day (morning and evening), this amounted to a cap full of water for each of the detainees. We were only permitted to go to the bathroom twice a day (morning and evening). A fellow detainee, Mustafa Hakeem, relieved himself in the cell and was forced to eat his feces on at least 4 occasions that I witnessed. When we were taken to the bathroom, a warden would lead 12 detainees out at a time and distribute us over 3 small bathrooms. Our first instinct was to drink water and then urinate/defecate as quickly as possible ... I requested to use the bathroom outside of regular hours, and after allowing me to relieve myself, the prison warden whipped me intermittently for about an hour. This was a general pattern.⁹⁴

Sheikh Abu Karam was tortured for three days during his interrogation. When Abu Karam returned to the cell, he informed us that he confessed and advised us to provide names to the interrogators and avoid subjecting our bodies to beatings and torture, as ultimately, we are responsible before God for our bodies. Abu Karam was the most severely beaten as he was a sheikh with a beard and the soldiers called him a salafi. He would be beaten for 4-5 hours at a time every two hours or so ... Other detainees told me that they were electrically shocked during interrogation, which left blue marks on their bodies.⁹⁵

SBC-013 also described that he saw prison wardens place detainees who did not “confess” in the *shabab* position—hanged from their handcuffed hands, causing them to bleed profusely and later causing infection.⁹⁶

Following two months of detention, SBC-013 was released.⁹⁷ One of the men who was detained with him, however, was not released, and no official information has been shared regarding his fate or whereabouts.⁹⁸ This man is therefore considered to have been forcibly disappeared. SBC interviewed the disappeared man’s wife, SBC-005, who was present when her husband was detained, and she shared the following:

They grabbed the men and put their arms behind their backs and led them down the stairs ... One of the commanders told me to stay in the apartment with my children but I refused and followed them out of the apartment with my 10-year-old, 8-year-old, 2½-year-old and 1-year-7-month-old children ... The soldiers began hitting the men with the butts of their rifles ... I was asking why and where they were taking them, begging the commanders to let them go ... My children were crying at this point and one of the commanders said to me, ‘If you continue talking, I will shoot them all in front of you.’ I will never forget these words or this situation, and neither will my children, not even my 2½-year-old who still recalls the events...

As the army led the men away to the vehicles (which were 40-50 steps away), I followed for around 10 meters before the soldiers formed a barricade prohibiting me from moving forward ... I was in extreme and indescribable distress. My husband was in tears the last time I saw him as he was leaving me and our children. As they took the men away, one of the commanders directed me to go into a neighbor’s home, but I refused and stayed out on the street in hope that they may question the men for a while and then bring them back.⁹⁹

SBC-005 described her futile efforts to locate and secure her husband’s release:

I spent many months after [my husband] was detained going from branch to branch, asking about his whereabouts. [In 2016] someone with knowledge told me to go to the military police near Masaken Barzeh to try to obtain information ... There, someone showed me that my husband’s name was recorded in a file as being under ‘*idaa*’ (إيداع), meaning that he was not afforded a trial, no one would provide information on him and that he was not even referred to by name where he was imprisoned, and was rather addressed by a number. I was informed that my efforts to find information on him or attempt to release him would therefore be futile ... At this point I gave up hope and stopped looking for him, and began making arrangements to leave Syria.

While my daughter was registering for university in Syria, she required a family declaration from the Syrian authorities. When my daughter explained that her father was detained, she was provided a note [within the declaration] that my husband was deceased. We do not necessarily believe this, and remain hopeful ... [However,] even if my husband is released and well, nothing will lift what we endured.¹⁰⁰

Several other witnesses interviewed by SBC shared accounts of enforced disappearances during the massacre.¹⁰¹

4.2.2 Other Incidents of Torture

Other incidents of torture were shared by witnesses to the attack. In one widely-circulated video,¹⁰² men wearing military boots taunted and beat injured and bedridden FSA fighters in a field hospital (See Figure 12). In the video, soldiers are heard saying, “Where are the weapons... today, you are going to be buried here... execute them all, leave one... if you do not speak we will kill you, if you do, we will leave you...” The video also shows a bedridden fighter being kicked in the chest.



Figure 12: Injured FSA soldiers in a field hospital were allegedly tortured and killed by Government soldiers¹⁰³

Witness SBC-019 served as a nurse in this field hospital and identified the injured men in the video as those she had treated. She stated that she continues to feel haunted by the fear on their faces:

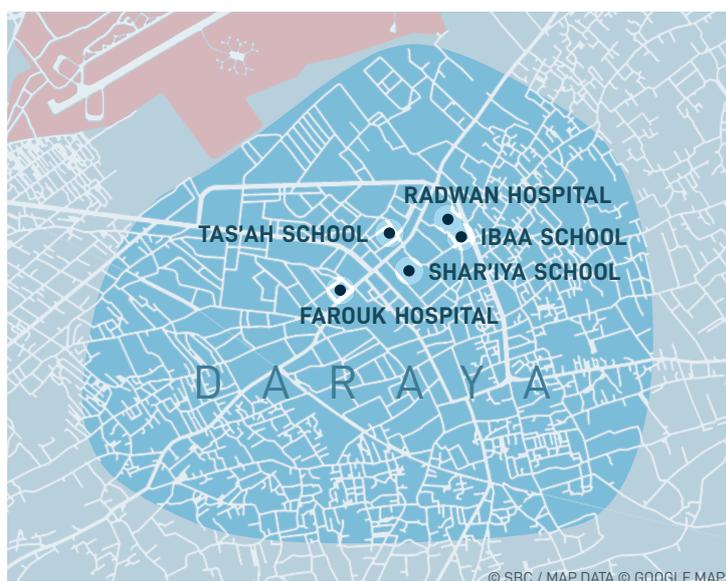
I had regrets about [one] FSA soldier in particular, as he had been pleading with me for some water, but I told him that I could not give him any because we had just operated on him. I wish that I had given him water, so that at least he was not thirsty before he died.¹⁰⁴

Another witness, whose colleague witnessed the soldiers torture the injured fighters from a nearby rooftop, stated that her colleague confirmed that soldiers killed the injured men and their bodies were burned near the field hospital.¹⁰⁵

Another witness, SBC-021, detailed that he was tortured when soldiers found medical supplies in his in-laws' basement as they believed he was running a field hospital. SBC-021 explained that a soldier dragged him across the basement and another soldier loaded his gun but was ordered by a commander present at the scene not to kill him. The commander then ordered the soldier to “teach him a lesson.” The soldier proceeded to beat SBC-021 with his hands and his gun, tearing SBC-021's eyelid and bruising his entire body.¹⁰⁶

4.3 Attacks Against Hospitals and Schools

Several witnesses shared accounts of the Assad Government targeting hospitals and schools during its attack on Daraya.¹⁰⁷ Witness testimony revealed that at least two hospitals, which are specifically protected under international humanitarian law, were targeted by shelling. Witness testimonies indicate that these were functioning hospitals, engaged in the treatment of civilians and FSA. There are no indications that the hospitals or surrounding areas housed military targets.



Map 5: Attacked schools and hospitals

Targeted hospitals included the Radwan Hospital, where many surgeries were being performed during the attack (See Map 5).¹⁰⁸ The Farouk Hospital was also targeted by shelling five times, causing medical personnel to quickly evacuate the injured patients.¹⁰⁹ Witness SBC-019, a nurse working at Farouk hospital during the attack, described the following:

It was night time, and a rocket landed nearby. We wrote off this incident to mere chance. However, within one or two minutes, another rocket landed even closer to the hospital, causing it to shake, and this continued three more times, each time 1-2 minutes apart. None of the five rockets actually hit the hospital. However, we stopped all operations and quickly evacuated the staff and injured patients, and salvaged as many medications and tools possible ... I do not remember exactly how we were evacuated from Farouk Hospital because it happened so quickly and amidst a very fearful environment.¹¹⁰

One witness, SBC-001, recounted that on the morning of 23 or 24 August, Government forces targeted the Ibaa school with a double-tap mortar attack, injuring many, including civilians (See Map 5).¹¹¹ He explained that the school was only a few meters away from his home, and when the first mortar hit, his brother went down to assist the injured.¹¹² At that point, the regime directed another mortar in the same vicinity, injuring his brother and several others.¹¹³ Others recounted that the Tas'ah School next to the Habib building was shelled,¹¹⁴ and that the area near the Shar'iya School in the center of the Daraya was also heavily targeted.¹¹⁵

4.4 Destroying or Seizing Property

Government forces engaged in a campaign of organized looting and destruction across Daraya during the August 2012 attack.¹¹⁶ One of the witnesses stated the following:

I was appalled by the audacity of the regime in looting and pillaging the town after having just committed a brutal massacre.¹¹⁷

Almost every single witness interviewed shared that either their own belongings were looted during army raids of their homes, or that they watched as soldiers filled military trucks or cars with looted items, including large and small appliances and electronics,¹¹⁸ food stuffs among other items. Two witnesses shared that in their neighborhoods, the army looted items off of grocery store shelves, leaving the people in those areas without access to food for the duration of the massacre.¹¹⁹ Another witness shared that during a search of his home, soldiers stole mobile phones, a laptop, money and gold.¹²⁰ Witness SBC-022 similarly shared that soldiers led by a commander raided her home and three other flats on her floor, and entered empty apartments forcefully by breaking the doors. Following the raid, she checked all the flats. In one of the empty flats, the television was broken. She spoke to her neighbor who lived in this flat (the family had fled to Damascus), who asked her to check for the family's money and gold. SBC-022 discovered that both had been stolen. In another flat, women's undergarments were laid out on the bed, in a humiliating move. Men's undergarments were taken, and it appeared that the military used the flat to cook and shower.¹²¹ One witness shared the following detailed account of looting:

After [my husband was detained by a group of soldiers], another group of soldiers entered our area in large vehicles. They were also dressed in military attire ... [although they] were not armed. I watched these men loot ... a computer, microwave and fan from my apartment, and electronic appliances from other apartments and buildings on the street ... These soldiers arrived in my neighborhood at around 3:30 pm and continued to loot the area until around 5 pm.¹²²

In addition to looting homes and stores, Government forces destroyed homes, shops and personal property such as cars.¹²³ Witness SBC-017 shared that the regime raided and burned his family's home and wrote "Assad or we burn the country" on the wall (See Figure 13).¹²⁴ Another witness shared that soldiers destroyed and burned his car after finding revolutionary leaflets inside.¹²⁵



Figure 13: SBC-017's family home burned by Government forces (Picture was captured upon his family's return to Daraya)

It is very important for our children to learn our history. Maybe future generations can learn from what happened to us. There are more of those who we love laid in the ground than living above it.

Alaa, witness



5 Military, Intelligence and Paramilitary Units Involved

According to witness testimony, the Air Force Intelligence, Fourth Division, Republican Guard, *shabiha*¹²⁶ and Iranian and Hezbollah militias directly participated in the August 2012 Daraya massacre. Witnesses identified these entities through their uniforms, insignia, weaponry (including types of tanks), geographic area in which the units operated, which units controlled certain checkpoints around the town and how members of the units addressed each other.¹²⁷

5.1 Air Force Intelligence

The Syrian Air Force Intelligence Directorate is considered the “most powerful and most brutal of Syria’s four intelligence agencies.”¹²⁸ Its military base in Mezzeh Military Airport borders Daraya’s Khaleej District, and thus lies within view of many of Daraya’s homes (See Map 6). Given its proximity, the Air Force Intelligence had been heavily involved within operations against Daraya since the beginning of the Syrian revolution in 2011, with many detainees from the town held at Mezzeh Military Airport.¹²⁹ A former investigator with the UN Human Rights Council’s Commission of Inquiry noted that “Mezzeh Military Airport is most probably the site from which shelling, command and control happened against Daraya.”¹³⁰

Residents of Daraya’s Khaleej District testified that between 20-24 August 2012, bombardments including rockets and mortars were launched against the town from the direction of Mezzeh Military Airport, flew over their homes and hit other areas of Daraya.¹³¹

They furthermore described that on 24-25 August 2012, they saw soldiers entering Daraya through the dirt barriers between Mezzeh Military Airport and the Khaleej district.¹³² On that basis, any soldiers entering the town from the direction of the Airport were assumed to be from the Air Force Intelligence.

One witness described an encounter in which it became clear to him that Mezzeh Military Airport, and hence the Air Force Intelligence, was involved in the execution of the Daraya massacre. He said that after the army raided the building that he was in and ordered all the men out of the basement, it obtained intelligence regarding an “enemy sniper location”:

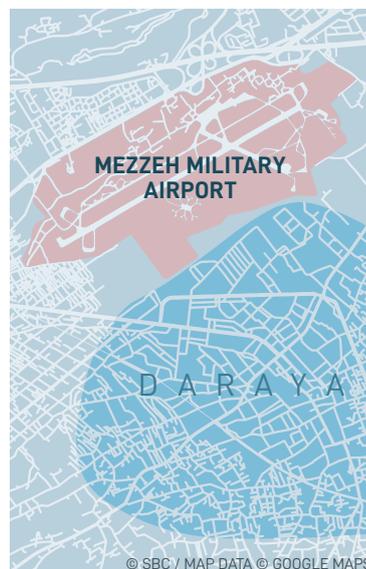
One of the regime soldiers spoke via walkie-talkie to Mezzeh Military Airport and gave them the location of the sniper and told them to strike him. The response from Mezzeh Military Airport was that the area was secured and under their control.¹³³

Another witness, SBC-013, was detained during the massacre for a period of two months. Based upon the information that he provided, he was most likely taken to Mezzeh Military Airport. He described that the journey from Daraya to the place of detention was roughly 15 minutes.¹³⁴ Mezzeh Military Airport is located within a 15-minute drive of some parts of Daraya. Furthermore, while in detention, SBC-013

could hear bombardments and mortars launched from a distance of roughly 200–300 meters.¹³⁵ This is consistent with the use of Mezzeh Military Airport as both a detention center and launch site for bombardments. Upon his release on what he described as the first day of Eid al-Adha (25 October 2012) nearly two months after he was detained, SBC-013 said that he and other detainees were transported to the Police Command in Damascus on Ibn Waleed Street and were told that they had been held in Mezzeh Military Airport and that they were being released due to a pardon issued by the President.¹³⁶ A presidential pardon was issued on 23 October 2012 that applied to all those who committed crimes, with the exception of the crime of terrorism.¹³⁷

Other indications regarding SBC-013's detention in Mezzeh Military Airport came from his fellow detainees. Some detainees who were taken for interrogation informed him upon their return to the cell that they were told by one of the interrogators, "I am not Colonel Ghassan if you leave Mezzeh alive."¹³⁸ Although unverified, this statement may have referred to Colonel Ghassan Jawdat Ismail, who served as the Air Force Intelligence Directorate's Head of Special Missions at the time of the massacre.¹³⁹ Furthermore, a fellow detainee informed SBC-013 that during interrogation, he was asked about his occupation, upon which he told his interrogator that he owned a particular car dealership. The interrogator told this detainee that he frequented the dealership. The detainee deduced that the interrogator was from the Air Force Intelligence, as he knew that members of Air Force Intelligence regularly frequented the dealership.¹⁴⁰

Witness SBC-005's husband was also detained during the attack on Daraya and has been missing since. She described inquiring about him through all available avenues, including through bribing individuals who could provide her with information on her husband. In 2016, she was told by the Military Police near Masaken Barzeh that her husband was recorded as "*idaa*" (إيداع) by the Air Force Intelligence in Mezzeh Military Airport, meaning that he was not afforded a trial and it would be impossible to secure his release.¹⁴¹



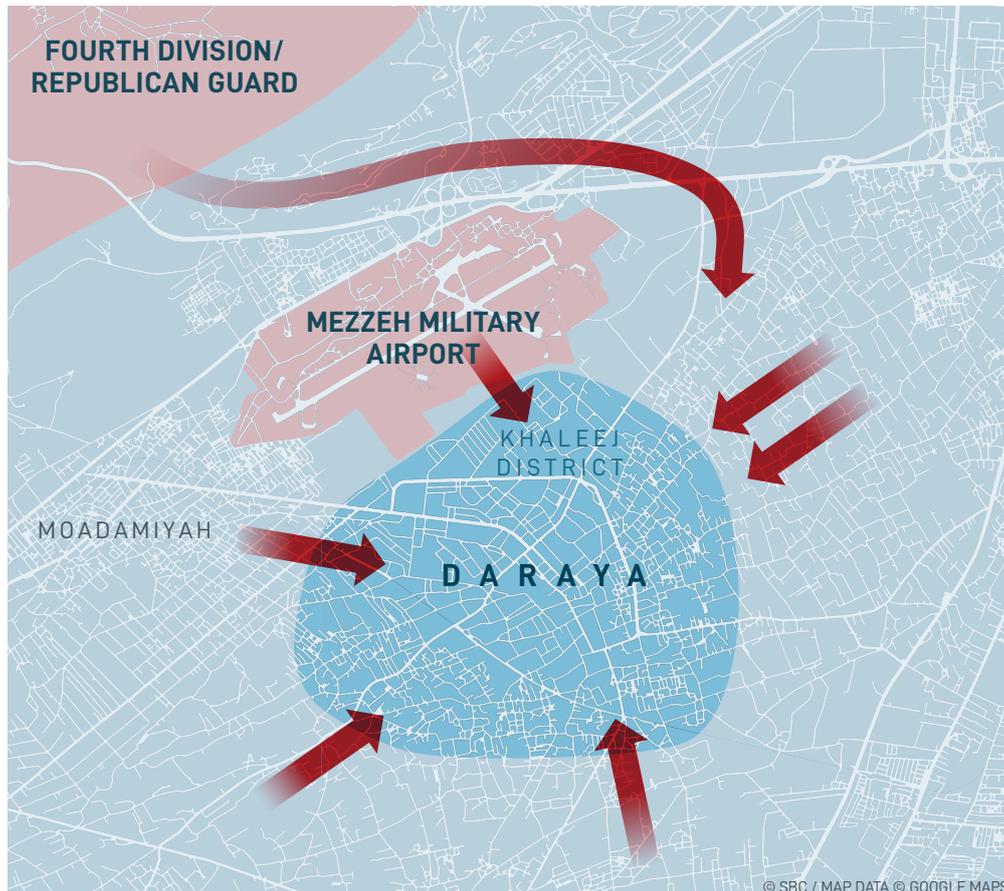
Map 6: The Syrian Air Force Intelligence Directorate at Mezzeh Military Airport

Another witness described that he saw an individual named Suleiman Masri detained during the massacre from the north Khaleej District. This witness later heard that Masri died in an Air Force Intelligence branch (without specifying which one).¹⁴² This is corroborated by the Violations Documentation Center's file on Masri, which notes that he was detained during the Daraya massacre and was sighted in Mezzeh Military Airport in September 2012 and March 2013.¹⁴³

Taken together, witness testimony and supporting open-source information indicate that the Air Force Intelligence was directly involved in the August 2012 attack on Daraya, namely, through shelling the town, entering the town from its military base in Mezzeh Military Airport and holding detainees at its detention center in Mezzeh Military Airport.

5.2 Fourth Division

The Fourth Division, under the command of Bashar al-Assad's brother Maher al-Assad, is described as Assad's "indispensable elite unit since the outset of the 2011 uprising."¹⁴⁴ It represents a major force in the protection of Damascus and surrounding areas (alongside the Republican Guard) and was heavily involved with operations in Daraya throughout 2012.¹⁴⁵



Map 7: Military movements

The Fourth Division is stationed to the west of Mezzeh Military Airport, namely, in the Moadamiyah/Sumariyah mountains that overlook Daraya.¹⁴⁶ A former investigator with the UN Human Rights Council's Commission of Inquiry believes that shelling against Daraya between 20-24 August 2012 may have also occurred from there.¹⁴⁷

Based on witness testimony as well as analysis of satellite imagery conducted by Al Jazeera, it is believed that the Fourth Division left its base in the Moadamiyah/Sumariyah mountains, looped around Mezzeh Military Airport and entered Daraya from the north via Damascus Road as well as from the direction of the Airport (See Map 7).¹⁴⁸ Witnesses similarly stated, based upon direct interaction with the soldiers or on hearsay, that the Fourth Division operated in the northern part of Daraya. They recognized this unit based upon conversations with soldiers that raided their areas, insignia, weaponry and organization of the troops, among other identifying factors.¹⁴⁹ They furthermore testified that members of the Fourth Division had red (or yellow¹⁵⁰) ribbons tied to their arms or foreheads (See Figure 14).¹⁵¹



Figure 14: Army units in the Daraya massacre were distinguishable through ribbons tied to their arms, similar to the one depicted here ¹⁵²

5.3 Republican Guard

The Republican Guard has joint responsibility alongside the Fourth Division for the protection of Damascus and surrounding areas.¹⁵³ Its base is located in the slopes of Qasioun Mountain southwest of the Presidential Palace.¹⁵⁴ It was heavily involved throughout the Syrian uprising in stifling resistance in Damascus's eastern and southern suburbs, as well as in shelling Daraya from its base.¹⁵⁵

The Republican Guard also had direct involvement in the 2012 Daraya massacre. Witnesses described their identification of this unit given its advanced weaponry, insignia (specifically, patches on their uniforms) and military uniforms.¹⁵⁶ Based on witness testimony, the Republican Guard most likely entered Daraya from the northern and eastern parts of the town (See Map 7).¹⁵⁷

5.4 Hezbollah/Iranian Militias

Witnesses described seeing Hezbollah and Iranian soldiers during the Daraya massacre. The participation of both groups within the Syrian conflict has been well-documented, although it is difficult to pinpoint the exact starting point of each one's direct military involvement in the form of fighters on the ground. Reports regarding the involvement of Iranian troops grew after 5 August 2012 (two weeks before the Daraya massacre), when a Free Syrian Army brigade captured 48 active-duty members of the Iranian Revolutionary Guard in the southeastern part of Damascus, a few kilometers away from Daraya.¹⁵⁸ As for Hezbollah, although the group did not publicly declare its involvement in Syria until May 2013,¹⁵⁹ funerals of Hezbollah fighters throughout the summer of 2012 as well as testimony by Syrian rebels, Western diplomats and defectors from the Syrian army suggests that the group's direct involvement in Syria pre-dated this official announcement.¹⁶⁰

The involvement of Iranian and Hezbollah troops has not been confirmed within the August 2012 Daraya massacre prior to the production of this report. This report thus casts new light on the timeline of these groups' involvement within Syria as well as the extent to which they were entrenched within the Assad Government's military operations within the later months of 2012.

A number of witnesses described in detail how they identified these groups' involvement within the massacre. One witness stated the following about the soldiers that raided the basement that he was hiding in near the Automated Bakery:

There were some troops in non-military attire, and I presumed them to be from Hezbollah. They had long beards, whereas it was known that anyone serving in the Syrian army had to shave their beards. They had Lebanese accents and referred to each other in names of Ali and Hussein ... I heard their conversation as they were discussing how to get into the building and where to station a sniper, and could clearly distinguish a Lebanese accent.¹⁶¹

Another witness described that of the 15 soldiers that raided her apartment, some of them appeared to be Iranian:

There were 3 soldiers [in military uniform] with green bands on their arm and head and were wearing silver necklaces with a sword and 'Hassan and Hussein' written. They were talking to each other in a language that I didn't understand, but seemed similar to Kurdish. It was clearly not English or French, for example. I later understood that the green bands and necklaces signified that [these soldiers] came from Iran. [A neighbour] who is familiar with the Iranian language told one of my brothers-in-law that these soldiers were likely from Iran.¹⁶²

Another witness said:

The soldiers in the darker uniforms appeared larger and had large beards. My neighbor heard one of them say 'Ya Hussein' ('Oh Hussein') although I did not hear this myself. However, they did not seem to be Syrian from the way they spoke, although I could not identify a distinct accent. [They] were also the ones in full combat gear, with visibly heavier weaponry, and were the ones who would later kill.¹⁶³

Witnesses thus distinguished Iranian and/or Hezbollah soldiers based on language or dialect,¹⁶⁴ verbal references or insignia pertaining to "Ali" and "Hussein" (both significant figures among the Shiite bases of both groups)¹⁶⁵ as well as long beards which were forbidden among the ranks of the Syrian army.¹⁶⁶

Witnesses from the Daraya massacre relayed a general sentiment that Iranian and Hezbollah militia were more brutal than other army units that participated in the massacre.¹⁶⁷ Rumors spread that these groups executed people with firearms and slaughtered people with knives or machetes.¹⁶⁸ However, although three witnesses directly saw soldiers carrying swords, machetes or daggers, this was not relayed in connection to suspected Hezbollah or Iranian fighters.¹⁶⁹ Furthermore, there were no confirmed reports of stabbings within the massacre, although one witness who helped coordinate the burial process for the massacre's victims testified that some bodies bore evidence of stabbing.¹⁷⁰

Witness testimony therefore suggests that Hezbollah and Iranian militias conducted raids of buildings and homes within the August 2012 Daraya massacre and were involved in extrajudicial executions. While there was a general sentiment regarding these groups' greater brutality compared to Government army units, as well as their execution of people with knives and machetes, this could not be independently verified.

The world must know what this regime has done to the people of Daraya.

Um Haytham, witness



6 Planning and Command

6.1 A Planned Attack

The August 2012 assault on Daraya was a highly planned and coordinated attack. The beginning of the attack coincided with tightened security and restricted movement into and outside of the town, namely, through the establishment of checkpoints along the main roads and the closing off of side roads that locals regularly used as alternatives to the main ones.¹⁷¹

The assault was furthermore accompanied by a communications blackout within Daraya. Witnesses stated that electricity was cut off in the town when the shelling began.¹⁷² Mobile communication and the internet were also cut off, although landlines were still working.¹⁷³ Witnesses described that they were able to obtain sporadic mobile connection through mobile towers just outside of Daraya, (especially if they were in the outskirts of the town), although this was entirely unreliable and would last for only a few seconds at best.¹⁷⁴ Such a coordinated shutdown of communications indicates that the assault on Daraya was planned and executed at high levels of authority.

During the massacre, the pattern by which infantry forces advanced into the town further illustrates the precision with which the attack was planned and coordinated. Witnesses consistently declared that the shelling against any area stopped prior to the advancement of infantry into it.¹⁷⁵ One witness stated, for example, “We knew that our area’s turn came when the mortars stopped.”¹⁷⁶ Another witness relayed:

Throughout the massacre, the army’s policy was to storm the city from eight in the morning until eight in the evening. They also used to bomb each area before entering and searching it by foot. Then they would bomb the next area, advance again and search.¹⁷⁷

As the army and affiliated forces advanced into Daraya, the town was sectioned off via checkpoints, snipers or troops. Witnesses relayed that each section came under the control of a distinct military unit, which, in turn, conducted raids and executions within that designated area.¹⁷⁸ Such a streamlined approach of dividing the town and advancing into it through a combination of shelling and infantry forces could only have been executed through prior planning and coordination among the military, paramilitary and intelligence units involved.

Another indicator that the assault on Daraya was planned is that Al-Dunya television channel entered the town alongside Government forces to interview residents of the town as the massacre remained ongoing. Its entry alongside the army indicates that the Government planned not only the attack itself, but also the accompanying media coverage to bolster its narrative that the army was purging Daraya from terrorists. Witnesses relayed that people were forced to give interviews while surrounded by armed soldiers, and thus claimed on camera that terrorists, rather than Government forces, killed their family members or attacked the town (See Figure 15). Witness SBC-016 stated, for example:

One of the people killed by sniper fire was my wife’s uncle, who lived on Moadamiyah Street. His [daughter] was interviewed by State media and, in the presence of army soldiers with the journalist, said that the FSA had killed [her] father.¹⁷⁹



Figure 15: Al-Dunya television channel entered Daraya alongside Government forces and interviewed residents of Daraya¹⁸⁰

Some witnesses furthermore shared specific conversations that they had with soldiers which led them to conclude that the assault on Daraya was planned. One witness, SBC-017, described an incident during the month preceding the massacre:

I left Daraya on more than one occasion [during Ramadan] to deliver furniture to Damascus. There was a Fourth Division checkpoint on the road to Mezzeh at the cactus fields, and the soldiers were identifiable as such because of a patch they had on their uniforms ... that was red or black. However, they didn't have any ranks on their uniforms. A soldier asked me, 'You're still alive in Daraya? We will sacrifice you on Eid.'¹⁸¹

Although it is possible that this soldier was simply taunting SBC-017, the occurrence of the massacre right after Eid suggests that he was referring to the impending attack against Daraya. Another witness, SBC-004, similarly stated:

They forced us to stand in three lines, one for the men, one for the women and one for the children. The soldiers started to ask us about our identities and professions ... I answered that I was a university lecturer, as I was contracted to work at the university, and had a staff card to prove it if necessary. The soldier whispered in my ear, 'Did no one warn you to leave?' I understood from these words that there were leaks that something was going to happen. At that moment, I felt that the most appropriate thing was to go along with it, so I said, 'They told me, but I could not leave. I don't have a car, and things got complicated when I found out about it.' The soldier then shook his head and passed me.¹⁸²

His testimony reveals that there may have been a coordinated effort on behalf of the Government to communicate with its supporters and/or Government employees to evacuate the town prior to the attack.

Taken together, the tightened security, communications blackout, pattern of army advancement into Daraya, entry of Al-Dunya reporters and conversations that witnesses had with soldiers all point to extensive and high-level planning and coordination that went into the execution of the assault on Daraya.

6.2 Command

There was clear and strict command within the forces involved in the commission of the Daraya massacre. One witness described, for example:

They told us to go down to the basement. No one was allowed to leave or go near the stairs of the basement until further instructions. They left two soldiers at the door of the basement who stayed there for several hours. [From their accents], one of the two soldiers was from the city of Homs and the other was from Deir Ezzor. They looked depressed. It was clear they sympathized with us and at the same time they looked broken ... We asked them, 'Where are you going next? When will it stop?' They said, 'We don't know. We stop where they tell us to stop. When they finish sweeping through the next area, they will send a soldier to take us there.'¹⁸³

Witnesses furthermore narrated that soldiers could only shoot, detain or beat people when given orders or authorization to do so by their superiors.¹⁸⁴ One witness stated:

I was lined up next to [the other men] ... There was a short soldier who said to his boss, 'Sir, would you like me to shoot them by height, short first then tall or vice versa?' ... The commander said to him, 'Get those two,' as he pointed in our direction ... The [commander] was an older person. The soldiers brought him a chair to sit on. He had a laptop.¹⁸⁵

Another witness relayed:

[Two soldiers] held me and dragged me. Then, they loaded their weapons to shoot me. Then someone from the loft over the basement shouted, 'Don't shoot him. I want to burn him alive!' ... They dragged me and threw me in the corner of the basement ... They were waiting for commands to execute me.¹⁸⁶

According to another witness:

When they saw my ID card, they [told me to] stand to the side ... A Colonel was in an adjacent building. The two junior officers went to him and showed him the list [of printed names] which had my name. The Colonel called for me and asked me for my name then my occupation. I told him that I was a lawyer. The Colonel ordered them to return my ID card and said that I was not the wanted person.¹⁸⁷

Troops were thus not permitted to execute or detain any individual unless they had an order to do so by a superior. Witnesses furthermore reported a clear hierarchy among regime troops that raided their areas. Some could distinguish this directly, for example, if one soldier addressed another as his superior ("*sidi*").¹⁸⁸ Others deduced this indirectly based on age (officers were assumed to be older), who was giving orders or on the relative comfort of the assumed superiors, for example, through being offered a chair while other soldiers remained standing.¹⁸⁹

7 Conclusion

The August 2012 assault on Daraya stands as a collective tragedy for the town's residents. A highly coordinated and systematic attack, Government and affiliated forces committed multiple crimes against humanity and war crimes including murder, imprisonment, enforced disappearance, torture, pillage and intentionally directing attacks against civilians, protected persons and objects. The attack resulted in the deaths of over 700 men, women and children; the detention of at least 153 people; the enforced disappearance of at least 86 people, many of whom remain missing to this day; and the destruction and pillage of the property of Daraya's residents.

There has also been a profound but immeasurable rending of the minds and spirits of those in the town, many of whom continue to suffer from the traumatic impacts of the atrocities perpetrated against them, their families and neighbors by their own Government.

Witnesses interviewed in this investigation expressed feeling let down by the international response to the massacre and to the Syrian conflict at large, and stated they provided their testimony out of a sense of duty as well as a faint hope that it may contribute to achieving justice. As they continue to live with the painful memories of the massacre (and all that came before and after it), they have two primary messages for the world.

First, they dream of an end to the violence and to the gross and systematic violations that continue to be perpetrated against Syrians across the country by their Government. Witnesses recalled realizing during the massacre that the Assad regime would never submit to a political solution, and that the only way forward is without Assad in power. They also pointed out that the entities involved in the commission of the massacre continue to commit atrocities to this day. Their primary demand, therefore, is for the international community to protect civilians in Syria from the commission of such crimes.

Second, witnesses are still searching for closure and justice with respect to the losses that they suffered from the massacre. They want to learn the fate of their loved ones who are missing or detained. They want to return to their homes. They want perpetrators to stand trial for the crimes that they committed. While they stress that nothing can truly compensate them for their losses, they demand greater action by the international community to uncover the fate of detainees, secure the release of those still in regime detention where torture is systematic and continuing, preserve their rights to their properties, and bring criminals to trial.



Figure 16: The current site of the mass graves in the land behind Abu Suleiman al-Darani Mosque shows little sign of the atrocity that took place ten years prior.

Notes

1. SBC-002; SBC-021; SBC-016. See also infra notes 171-73.
2. SBC-025; SBC-007.
3. SBC-003; SBC-016.
4. SBC-006; SBC-002; SBC-016; SBC-021; SBC-023; SBC-007; SBC-024; SBC-019; SBC-022; SBC-025; SBC-010; SBC-013. Witnesses could distinguish the types of bombardment based on the sound or the shell remnants. See SBC-010; SBC-023; SBC-006; SBC-001.
5. SBC-016; SBC-014; SBC-018; SBC-024; SBC-001; SBC-022; SBC-023; "Daraya: Nine Years After the Mass Killing" (Syrians for Truth and Justice, 24 August 2021) at <https://stj-sy.org/en/nine-years-after-the-mass-killing/> at 4; أسامة 2012) "تقرير مجزرة داريا" (نصار) at <https://docs.google.com/document/d/1CP6-M3OieHS-HRUpiNbjX7rVAUBhD4Qfn6pIImXoq8/edit> at 3.
6. SBC-016; SBC-018; SBC-001; SBC-002; SBC-012; SBC-017; SBC-023; "داريا..أخوة العنب والدم" (Al Jazeera, 27 October 2012) at <https://www.youtube.com/watch?v=ISOa1sIuh6U> at 20:20; "Daraya: Nine Years After the Mass Killing" (n5) at 4; "تقرير مجزرة داريا" (n5) at 3.
7. SBC-022; SBC-017; SBC-012; SBC-014.
8. "داريا..أخوة العنب والدم" (n6) at 20:45.
9. SBC-001; SBC-003; SBC-015; SBC-016; "تقرير مجزرة داريا" (n5) at 3.
10. SBC-017; SBC-025; SBC-022; SBC-002; SBC-004.
11. SBC-004; SBC-002; SBC-022; SBC-021; SBC-016; SBC-009; SBC-014; SBC-015; Damien Cave, "Crackdown Toll Seen as Syrians Bury Hundreds" (New York Times, 26 August 2012) at <https://www.nytimes.com/2012/08/27/world/middleeast/dozens-of-bodies-are-found-in-town-outside-damascus.html>; "Daraya: Nine Years After the Mass Killing" (n5) at 3.
12. SBC-013; SBC-015; SBC-024; Cave (n11); "Daraya: Nine Years After the Mass Killing" (n5) at 3; "شهداء حملة شهر آب 2012" (Local Council of Daraya City, last updated 28 December 2013) at [link omitted].
13. "2012" (Local Council of Daraya City, last updated 13 October 2012) at [link omitted]; "داريا - المعتقلون خلال حملة 20-27 آب 2012" (Local Council of Daraya City, last updated 13 October 2012) at [link omitted]; "داريا - المفقودون خلال حملة شهر آب 2012" (Local Council of Daraya City, last updated 13 October 2012) at [link omitted].
14. SBC-009.
15. SBC-005; SBC-024; SBC-009; SBC-019; SBC-020.
16. SBC-007; SBC-009.
17. "شام ريف دمشق داريا انتشار دبابات ومليشيات الاسد المجرمة في المدينة 8 25 2012" (9 September 2015) at <https://www.youtube.com/watch?v=ZXcXwAhDUUs> (Credit: SJAC).
18. HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (16 August 2012) UN Doc A/HRC/21/50 Para 12. See also Louise Arimatsu and Mohbuba Choudhury, "The Legal Classification of the Armed Conflicts in Syria, Yemen and Libya" (Chatham House, March 2014) at https://www.chathamhouse.org/sites/default/files/home/chatham/public_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf at 7-19; "Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increased fighting" (ICRC, 17 July 2012) at <https://www.icrc.org/en/doc/resources/documents/update/2012/syria-update-2012-07-17.htm>
19. SBC-024; SBC-015; SBC-013; Cave (n11); "Daraya: Nine Years After the Mass Killing" (n5) at 3; "شهداء حملة شهر آب 2012" (n12); "The Most Horrendous Massacre in the Modern Age...More than 500 Killed in One City in front of the Whole World The Massacre of Darayya in Damascus suburbs" (Syrian Network for Human Rights, 2012) at https://snhr.org/wp-content/pdf/english/The_Massacre_of_Darayya_in_Damascus_suburbs_en.pdf at 5 [hereinafter SNHR Report].
20. SBC-025; SBC-007.
21. SBC-019.
22. SBC-006; SBC-002; SBC-016; SBC-007; SBC-010; SBC-024; SBC-021; SBC-017.
23. SBC-023; SBC-022; SBC-025; SBC-021; SBC-020; SBC-016; SBC-001; SBC-009; SBC-012; SBC-014; SBC-010.
24. SBC-006.
25. SBC-024; SBC-009; SBC-023.
26. SBC-007; SBC-022.
27. SBC-001.
28. SBC-021.
29. SBC-007.
30. SBC-025.
31. SBC-015.
32. SBC-015.
33. SBC-015; SBC-023.
34. SBC-023; SBC-015; SBC-016; SBC-014.
35. SBC-023; SBC-014; SBC-016.
36. SBC-016.
37. SBC-019; SBC-002; SBC-005.
38. SBC-019.
39. SBC-019.
40. SBC-019.
41. SBC-019.

42. SBC-005.
43. SBC-012.
44. SBC-003.
45. SBC-004.
46. SBC-016; SBC-022.
47. SBC-009.
48. SBC-022; SBC-014.
49. SBC-022; SBC-014.
50. "تقرير قناة الدنيا عن مجزرة داريا 25/8/2012 - من تقديم ميشلين عازر"
(9 September 2015) at <https://www.youtube.com/watch?v=jRjbLW5uBXk>
51. "تقرير قناة الدنيا عن مجزرة داريا 25/8/2012 - من تقديم ميشلين عازر"
(n50).
52. SBC-022.
53. "تقرير قناة الدنيا عن مجزرة داريا 25/8/2012 - من تقديم ميشلين عازر"
(n50). Face pixelated for this report.
54. SBC-014; SBC-023.
55. SBC-014.
56. SBC-014.
57. SBC-014; SBC-017.
58. SBC-020; SNHR Report (n18) at 4; "أكثر من 200 قتيل في داريا بريف دمشق"
(Al Jazeera, 26 August 2012) at <https://www.aljazeera.net/news/arabic/2012/8/26/أكثر-من-200-قتيل-في-داريا-بريف-دمشق>
59. SBC-020.
60. SBC-020.
61. SBC-020.
62. SBC-020.
63. SBC-020.
64. SBC-020.
65. SBC-020.
66. SBC-020.
67. SBC-020.
68. SBC-020. See also Musa Allawi, "مذبحة داريا: أنا الناجي الوحيد وبا ليتني لم أنج"
(Noonpost, 25 August 2012) at <https://www.noonpost.com/content/41617>
69. "الناجي الوحيد من عائلته يروي مجزرة القبو في داريا"
(25 August 2016)
at <https://www.youtube.com/watch?v=fF86PRr4NAQ>
70. SBC-020.
71. Screenshot from "الناجي الوحيد من عائلته يروي مجزرة القبو في داريا"
(n69).
72. "Daraya: Nine Years After the Mass Killing" (n5) at 4; "داريا.. أخوة العنب والدم"
(n6) at 3:50; SBC-017; SBC-016; SBC-020.
73. SBC-009; SBC-022; "Daraya: Nine Years After the Mass Killing" (n5) at 4.
74. SBC-022.
75. SBC-002.
76. SBC-013. See also SBC-005; SBC-016.
77. SBC-023; SBC-014; SBC-003; SNHR Report (n19) at 5;
"داريا.. أخوة العنب والدم" (n6) at 7:50.
78. SBC-014; SBC-016.
79. SBC-001.
80. SBC-023.
81. SBC-014.
82. SBC-003.
83. "داريا - المعتقلون خلال حملة 20-27 آب 2012" (n13);
"داريا - المفقودون خلال حملة شهر آب 2012" (n13).
84. SBC-014.
85. SBC-023.
86. SBC-020; SBC-009; SBC-010.
87. SBC-013.
88. SBC-013.
89. SBC-013.
90. SBC-013.
91. SBC-013.
92. SBC-013.
93. SBC-013.
94. SBC-013.
95. SBC-013.
96. SBC-013.
97. SBC-013.
98. SBC-013.
99. SBC-005.

100. SBC-005.
101. SBC-019; SBC-017; SBC-012; SBC-023; SBC-004.
102. “مسرب وخطير الشبيحة والامن اثناء افتتاح مشفى ميداني” (12 October 2012) at <https://www.youtube.com/watch?v=5H1zFc20G3o>.
103. Screenshot from “مسرب وخطير الشبيحة والامن اثناء افتتاح مشفى ميداني” (n102).
104. SBC-019.
105. SBC-002.
106. SBC-021.
107. Article 8(b)(ix) of the Rome Statute.
108. SBC-003.
109. SBC-019.
110. SBC-019.
111. SBC-001.
112. SBC-001.
113. SBC-001.
114. SBC-007.
115. SBC-019.
116. “داريا..أخوة العنب والدم” (n6) at 13:50.
117. SBC-005.
118. SBC-015; SBC-025.
119. SBC-017; SBC-001.
120. SBC-009
121. SBC-022.
122. SBC-005. See also SBC-015.
123. SNHR Report (n19) 3.
124. SBC-017.
125. SBC-020.
126. This term was employed loosely by witnesses to refer to armed men in civilian clothing who did not seem to operate within a formal military structure.
127. SBC-021; SBC-018.
128. “Syria’s Air Force Intelligence – Right hand to the al-Assad family” (European Center for Constitutional and Human Rights, 2019) at https://www.ecchr.eu/fileadmin/Hintergrundberichte/Background_Syria_Torture_AirForceIntelligence_ECCHR_20190807.pdf at 2.
129. SBC-008.
130. SBC-008.
131. SBC-022; SBC-024; SBC-025.
132. SBC-024; SBC-018; “تقرير مجزرة داريا” (n5) at 3.
133. SBC-017.
134. SBC-013.
135. SBC-013.
136. SBC-013.
137. “الأسد يصدر مرسوماً بالعفو عن مرتكبي الجرائم باستثناء الإرهابية” (Alhurra, 23 October 2012) at <https://arbne.ws/3wcqg0o>
138. SBC-013.
139. Ghassan Jawdat Ismail is “considered to be directly responsible for the forcible disappearance of thousands of civilians and for the liquidation of a large number of prisoners in the Al-Mezzeh Military Prison”. He was placed on UK and EU sanctions lists in July 2012 as “responsible for the missions branch of the air force intelligence service” and as “one of the military leaders directly implementing the repression of opponents conducted by the regime”: “Criminals/Ghassan Jaoudat” (Pro Justice, 2022) at <https://blacklist.pro-justice.org/criminal/ghassan-jaoudat/>; “General Ghassan Jawdat Ismail: A Criminal Replaces Another” (Pro Justice, 9 July 2012) at https://pro-justice.org/en/uncategorized/news_views/news/general-ghassan-jawdat-ismail-a-criminal-replaces-another.html; “جلال بكور” تعيين المسؤول عن مجزرة داريا مديراً للمخابرات الجوية السورية (The New Arab, 7 July 2019) at <https://bit.ly/3Lb4KNY>; “Consolidated List of Financial Sanctions Targets in the UK” (Office of Financial Sanctions Implementation, 4 March 2022) at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1058988/Syria.pdf at 9; “Corrigendum to Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria” (Official Journal of the European Union, 23 April 2013) at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0363R\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0363R(03)&from=EN) at 14.
140. SBC-013.
141. SBC-005.
142. SBC-009.
143. “تفصيلات المعتقل” (Violations Documentation Center) at [link omitted].
144. Joseph Holliday, “The Syrian Army: Doctrinal Order of Battle” (Institute for the Study of War, February 2013) at <https://www.understandingwar.org/sites/default/files/SyrianArmy-DocOOB.pdf> at 7.
145. SBC 008 175-76; Joseph Holliday, “The Assad Regime: From Counterinsurgency to Civil War” (Institute for the Study of War, March 2013) at <https://www.understandingwar.org/sites/default/files/TheAssadRegime-web.pdf> at 37.

146. SBC 008; SBC-018.
 147. SBC 008. See also SBC-023.
 148. SBC-018; SBC-001; SBC-014. See also "داريا..أخوة العنب والدم" (n6) at 20:20.
 149. SBC-009; SBC-002; SBC-012; SBC-014; SBC-017; SBC-001; SBC-018; SBC-025; SBC-021.
 150. SBC-014; SBC-018.
 151. SBC-002; SBC-009.
 152. Screenshot from "داريا..أخوة العنب والدم" (n6).
 153. SBC-008.
 154. Holliday (n145) at 38; SBC 008.
 155. Holliday (n145) at 37-38.
 156. SBC-016; SBC-017; SBC-001; SBC-014; SBC-018.
 157. SBC-017; SBC-001.
 158. "Kidnapped Iranians are Revolutionary Guards, FSA says in Al Arabiya Video" (Al Arabiya, 5 August 2012) at <https://english.alarabiya.net/articles/2012/08/05/230496> ; Damien Cave and Hwaida Saad, "48 Captives are Iran 'Thugs,' Say Rebels in Syria" (New York Times, 5 August 2012) at <https://www.nytimes.com/2012/08/06/world/middleeast/syrian-rebels-say-hostages-are-iranian-guards.html>
 159. Anne Barnard, "Hezbollah Commits All-Out Fight to Keep Assad in Power" (New York Times, 25 May 2013) at <https://www.nytimes.com/2013/05/26/world/middleeast/syrian-army-and-hezbollah-step-up-raids-on-rebels.html> ; "حزب الله يعترف لأول مرة بالقتال في سوريا" (Al Arabiya, 25 May 2013) at <https://bit.ly/3MaEIVD>
 160. Such reports were most heavily concentrated in Homs and Qusair, which lie across Lebanon's northeastern border with Syria, as well as in the Sayyida Zaynab quarter in southeast Damascus (only a few kilometers away from Daraya). See Barnard (n158); Mohanad Hage Ali, "Power Points Defining the Syria-Hezbollah Relationship" (Carnegie Middle East Center, 29 March 2019) at <https://carnegie-mec.org/2019/03/29/power-points-defining-syria-hezbollah-relationship-pub-78730> ; Nicholas Blanford, "Video Appears to Show Hezbollah and Iraqi Shiites Fighting in Syria" (Christian Science Monitor, 18 January 2013) at <https://www.csmonitor.com/World/Middle-East/2013/0118/Video-appears-to-show-Hezbollah-and-Iraqi-Shiites-fighting-in-Syria> . See also Leela Jacinto, "Are Hezbollah's Mysterious 'Martyrs' Dying in Syria?" (France 24, 7 October 2012) at <https://www.france24.com/en/20121007-syria-uprising-hezbollah-mysterious-martyrs-killed-line-jihadi-duty-iran-lebanon-fsa> ; Nicholas Blanford and Tom Coghlan, "Assad Backed by 1,500 Fighters from Hezbollah, Says Defector" (The Times, 6 October 2012) at <https://www.thetimes.co.uk/article/assad-backed-by-1500-fighters-from-hezbollah-says-defector-xpks6cxd229> ; Martin Chulov, "Syria Bomb Blast Kills Hezbollah Operative" (The Guardian, 2 October 2012) at <https://www.theguardian.com/world/2012/oct/02/hezbollah-operative-killed-syria>
 161. SBC-017.
 162. SBC-005.
 163. SBC-010.
 164. SBC-014; SBC-005; SBC-017; SBC-016.
 165. SBC-017; SBC-005; SBC-014. See also SBC-022; SBC-010; SBC-012; SBC-009.
 166. SBC-017; SBC-025; SBC-004; SBC-010. See also SBC-014.
 167. SBC-017; SBC-010; SBC-009.
 168. SBC-009; SBC-012.
 169. SBC-002; SBC-014; SBC-019.
 170. SBC-014.
 171. SBC-002; SBC-010; SBC-016; SBC-005; SBC-018; "تقرير مجزرة داريا" (n5) at 3.
 172. SBC-006; SBC-022; SBC-001; SBC-004; SBC-003; SBC-007; SBC-010; SBC-024; SBC-005; SBC-015; SBC-019; "Daraya: Nine Years After the Mass Killing" (n5) at 3-4.
 173. SBC-002; SBC-022; SBC-021; SBC-016; SBC-001; SBC-003; SBC-014; SBC-024; SBC-019; SBC-007; SBC-004; "Daraya: Nine Years After the Mass Killing" (n5) at 3-4.
 174. SBC-019; SBC-007; SBC-001; SBC-012.
 175. SBC-021; SBC-002; SBC-022; SBC-001; SBC-009; SBC-012; SBC-005; "تقرير مجزرة داريا" (n5) at 3; "داريا..أخوة العنب والدم" (n6) at 3:20.
 176. SBC-021.
 177. SBC-009.
 178. See Section 5. See also SBC-004 208-10, 216-17; "Daraya: Nine Years After the Mass Killing" (n5) at 4.
 179. SBC-016.
 180. Screenshot from "تقرير قناة الدنيا عن مجزرة داريا 25/8/2012 - من تقديم ميشلين عازر" (n50). Face pixelated for this report.
 181. SBC-017.
 182. SBC-004.
 183. SBC-004.
 184. SBC-021; SBC-020; SBC-023.
 185. SBC-009.
 186. SBC-021.
 187. SBC-025.
 188. SBC-021; SBC-025; SBC-002; SBC-009; SBC-024; SBC-014; SBC-013.
 189. SBC-025; SBC-009; SBC-012; SBC-014; SBC-013; SBC-005; SBC-015; SBC-019.

Annex I: Legal Framework

Crimes Against Humanity

Article 7 of the International Criminal Court’s Rome Statute (Rome Statute) defines crimes against humanity as certain enumerated acts “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”¹⁹⁰ This definition mandates the existence of the following contextual elements prior to characterizing any act as a crime against humanity:

1. There must be an “attack,” defined as “a course of conduct involving the commission of acts of violence.”¹⁹¹ The attack should take place within a specific geographic area and time range.
2. The attack must be directed against a civilian population. “Civilians” are defined as “people who are not taking any active part in the hostilities,” inclusive of combatants “who laid down their arms and those persons placed *hors de combat* by sickness, wounds, detention or any other causes.”¹⁹² Furthermore, “[t]he presence of certain non-civilians ... does not change the character of the population,” meaning that it is not necessary that every single person that is subject to the attack is a civilian, but rather, that the “targeted population is of a predominantly civilian nature.”¹⁹³
3. The attack must be widespread *or* systematic, and thus, “not just a random act of violence.”¹⁹⁴ “Widespread” can be gauged based upon whether the attack is “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims,” and “systematic” based upon whether it is “thoroughly organised and following a regular pattern on the basis of a common policy involving substantial public or private resources.”¹⁹⁵
4. In order to hold perpetrators accountable for crimes against humanity, they must have had “knowledge” that their actions formed part of the widespread or systematic attack against the civilian population.¹⁹⁶ The knowledge does not have to be direct, but can be inferred based upon, for example, the scope and gravity of the acts perpetrated, the nature of the crimes committed, and the degree to which they are common knowledge.¹⁹⁷

If the above contextual elements are met, then any Article 7 enumerated act committed *as part of the specified attack* (not simply incidental to it)¹⁹⁸ is a crime against humanity. The *attack* must be widespread or systematic, but the underlying crimes need not be.¹⁹⁹ Thus, a single act of murder, committed within the context of a widespread or systematic attack directed against a civilian population, can qualify as a crime against humanity.

The assault on Daraya in August 2012 consisted of both a widespread and systematic attack by the Assad regime against a civilian population. Section 4 details the various acts comprising this attack. It furthermore demonstrates the scale and widespread nature of the attack based on the estimated number of victims of various crimes. Sections 5 and 6 offer evidence to characterize the attack as systematic, namely, by highlighting the involvement of Government forces and by providing clear indications of planning, coordination and command throughout.

War Crimes

War crimes are defined within Article 8 of the Rome Statute as grave or serious breaches of the laws or customs of war that are committed within the context of an armed conflict.²⁰⁰ The existence of a non-international armed conflict, as applies to Syria, entails the following contextual elements so as to distinguish it from other violent incidents of “banditry, unorganized and short-lived insurrections, or terrorist activities”:

1. The armed conflict must reach a sufficient intensity, which can be gauged through indicators such as the frequency and duration of military confrontations, the types of weapons used, the number of participating combatants, the number of victims and the extent of material destruction.²⁰¹
2. The parties to the conflict, and in particular the non-state armed groups, must be organized. Indicators of a sufficient level of organization include the existence of a command structure, control over territory, access to weapons and ability to coordinate and execute military plans.²⁰²

In its August 2012 report, in which it detailed its findings between February and July 2012, the UN Commission of Inquiry on Syria determined that the organization of the armed groups in Syria as well as the level of intensity of the conflict reached the threshold of a NIAC.²⁰³ This NIAC remains ongoing and spans the entire geographic territory of Syria,²⁰⁴ meaning that the Daraya massacre was situated both geographically and temporally within it. Thus, acts committed during the massacre which falls under Article 8 of the Rome Statute, and committed in connection to the NIAC in Syria,²⁰⁵ constitute a war crime.

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190. Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3 Art 7 [hereinafter Rome Statute].
191. Prosecutor v. Momčilo Perišić (Judgement) IT-04-81-T (6 September 2011) Para 82. See also Rome Statute (n190) Art 7(2)(a); Prosecutor v. Vlastimir Dordević (Public Judgement with Confidential Annex) IT-05-87/1-T (23 February 2011) Para 1589.
192. Prosecutor v. Akayesu (Judgement) ICTR-96-4-T (2 September 1998) Para 582.
193. Prosecutor v. Tadić (Opinion and Judgment) ICTY-94-1-T (7 May 1997) Para 638. See also Prosecutor v. Kupreškić et al. (Judgement) IT-95-16-T (14 January 2000) Para 549; Perišić case (n191) Para 84; Akayesu case (n192) Para 582.
194. Akayesu case (n192) Para 579.
195. Akayesu case (n192) Para 580. See also Tadić case (n193) Para 648; Perišić case (n191) Para 86; Prosecutor v. Dragoljub Kunarac et al. (Judgement) IT-96-23 (12 June 2002) Paras 94-95.
196. Kupreškić case (n193) Para 556.
197. Prosecutor v. Blaškić (Judgement) IT-95-14-T (3 March 2000) Para 257-59.
198. Perišić case (n191) Para 87.
199. Kupreškić case (n193) Para 550.
200. Rome Statute (n190) Art 8. See also Daniel Thürer, *International Humanitarian Law Theory, Practice, Context* (BRILL, 2011) 42; Gary D. Solis, *The Law of Armed Conflict* (Cambridge University Press 2010) 302.
201. Prosecutor v. Haradinaj (Judgement) IT-04-84-T (3 April 2008) Para 49. See also Tadić case (n193) Para 562; Prosecutor v. Slobodan Milošević (Decision on Motion For Judgement of Acquittal) IT-02-54-T (16 June 2004) Paras 26-32.
202. Haradinaj case (n201) Para 60. See also Tadić case (n193) Para 562.
203. UN Doc A/HRC/21/50 (n17) Para 12. See also Louise Arimatsu and Mohbuba Choudhury (n17) at 7-19; “Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increased fighting” (n17).
204. See Prosecutor v. Tadić (Decision on the Defence Motion of Interlocutory Appeal on Jurisdiction) ICTY-94-1 (2 October 1995) Para 70 (A NIAC continues until “a peaceful settlement is achieved”); Kunarac case (n195) Para 57 (A NIAC exists within the entire territory of a state which falls under the control of a party to the armed conflict, even if no active fighting is taking place within some of these areas).
205. See Kunarac case (n195) Para 58.

Annex II: Graphic Image

WARNING: GRAPHIC IMAGE BELOW



Figure 6: Corpses being prepared for burial on 24 August 2012 were hit by shelling

