



LPHR Q&A providing an update on the situation in the Yarmouk refugee camp, Syria

“You have turned it into a death camp”
United Nations to the Syrian Government, May 2018.¹

This LPHR Q&A provides an update on developments in Yarmouk refugee camp, Syria, since our first Q&A in July 2015 that reported on its acute human rights and humanitarian situation. Before the civil war that started on 15 March 2011, some 180,000 Palestinian refugees and several hundred thousand Syrian nationals lived in the densely-populated residential area of Yarmouk located approximately 8km south of the centre of Damascus.² Living conditions were superior to other Palestinian refugee camps in neighbouring countries, with Yarmouk more closely resembling a residential district rather than a refugee camp. This changed catastrophically following the start of the Syrian civil war in 2011, as will be outlined in this Q&A.

This updated Q&A will also provide a legal analysis of serious international humanitarian, human rights, and criminal law issues raised by the grave information documented within it.

LPHR consulted with the United Nations Relief and Works Agency (**UNRWA**) office in Syria to obtain reliable information. UNRWA were able to very kindly assist and provided invaluable insight into Yarmouk and the precarious situation on the ground for which we are very grateful. Further, and owing to the fragmented and often conflicting reporting on Yarmouk which is a direct result of the precarious and dangerous situation in the territory, this Q&A relies on UN documents whenever possible in order to ensure accuracy and reliability. Where media outlets have been referenced in this Q&A update, this is made clear for the purposes of transparency.

What were the findings of LPHR’s first Q&A on Yarmouk in July 2015?

LPHR first produced a [Q&A on Yarmouk in July 2015](#). It provided an overview of the egregious human rights and humanitarian situation prevailing in the largest Palestinian-resident refugee camp in Syria. It accompanied this with a brief analysis of international law obligations that had apparently been clearly violated by armed forces, entailing the individual criminal responsibility of Syrian military forces, government officials and rebel armed groups. A brief summary of the factual circumstances in Yarmouk between October 2012 and July 2015 follows below.

¹ Channel 4, ‘Death and Destruction in Yarmouk: Inside Syria’s largest Palestinian refugee camp’ Channel 4 (29 May 2018)

² Amnesty International, ‘Squeezing the Life out of Yarmouk: War crimes against besieged civilians’ (2014)



Yarmouk's close proximity to Syria's capital, Damascus, made it a key battleground for both rebel groups and Syrian government forces. In October 2012, the opposition Free Syrian Army established a presence in Yarmouk and clashed with Syrian government forces and members of the Popular Front for the Liberation of Palestine.³

On 16 December 2012, Syrian government forces retaliated by aerial bombardment, killing 10 civilians, and establishing a siege. In July 2013 they tightened their siege when they began to prevent all access to Yarmouk. The siege entailed that, except for a few occasions, all people, food, and goods, including medical supplies, were prevented from entering or leaving Yarmouk.⁴

Without access to humanitarian aid, Yarmouk's residents were forced to forage for any food that they could find. As of 25 February 2014, 128 civilians in Yarmouk were reported by Amnesty International to have lost their lives caused by starvation.⁵ Amnesty further reported that by the same date 51 civilians had died because of a lack of medical care. This included three women and five newborn babies who died because the hospital was unable to give them the medical treatment they needed.

Prior to 1 April 2015, approximately 18,000 Yarmouk residents – Palestinian refugees and Syrians - remained trapped under siege in Yarmouk, including 3,500 children; forced to live in the wreckages of their homes.⁶ This amounted to approximately ten percent of the pre-conflict Palestinian refugee population in Yarmouk. Residents mainly fled to the neighbouring areas of Yalda, Babila and Beit Sahem in southern Damascus.

At the start of April 2015, Islamic State of Iraq and the Levant (**ISIL**), in alliance with the Al-Qaeda linked Jabhat Al-Nusra, attacked and seized Yarmouk, killing at least 18 civilians, including a 12 year old girl.⁷ On 1 April 2015, the Palestine Hospital was struck by a missile, injuring at least six medical personnel.⁸ Residents of Yarmouk told human rights groups that the Syrian government responded by dropping some 25 barrel bombs on civilian populated areas.⁹

3 Amnesty International, n 2, page 7

4 Amnesty International, n 2, page 7-9

5 Amnesty International, n 2, page 9-10

6 Pierre Krähenbühl, 'Yarmouk: emergency call for funds', (2015)

7 Amnesty International, 'Press Release: Syria: 12-year-old girl among at least 18 civilians killed in Yarmouk' (8 April 2015)

8 Amnesty International, n, 2, page 20



What happened to Yarmouk since ISIL's seizure in April 2015?

The use of Yarmouk as a battleground for armed groups during the Syrian civil war has had a devastating impact on camp residents comprising Palestinian refugees and Syrians.

As noted above, the seizure of Yarmouk by ISIL commenced on 1 April 2015. ISIL captured over 60% of the camp and exerted control over 90% of the remaining civilian population¹⁰ with estimates from UNRWA that the displacement of Yarmouk residents to neighbouring areas in southern Damascus resulted in approximately only 6,000 people remaining as of March 2018.

The ISIL capture of the majority of Yarmouk - with estimates ranging of between 2,000 to 3,000 ISIL militants residing within the camp - resulted in an aid block that compounded a humanitarian emergency impacting the remaining Yarmouk residents.¹¹ The information we have sourced from the UNRWA states that ISIL control over the camp remained in place until May 2018, a month after the final Syrian government offensive on Yarmouk took place.¹²

Reports of violence in Yarmouk under ISIL control are grave. In April 2016, a media report quoted the Palestine Liberation Organisation envoy to Syria, Anwar Abed al-Hadi, as stating that ISIL militants had executed, beheaded and raped Palestinian residents of the camp.¹³ The World Health Organisation reported in February 2018 that in ISIL-held areas, including Yarmouk, 'civilians continue to be held captive, subjected to violence and coercion'.¹⁴

UNRWA aid to the area fluctuated following ISIL's seizure of the majority of Yarmouk. With the facilitation of the Syrian government, UNRWA was able to provide 'critically needed humanitarian aid' for the first time since June 2015¹⁵ in the form of consecutive weekly aid between 13 February and 7 April 2016, distributing food parcels, hygiene kits and blankets.¹⁶ Primary health and dental care were also delivered to Yarmouk residents at this time. A total of

9 Euro-Med Human Rights Network, 'Syria: Urgent call to protect civilians caught between fires in besieged Yarmouk Camp' 2015

10 UNRWA email to LPHR dated 7 January 2019

11 <https://www.unrwa.org/newsroom/official-statements/unrwa-deeply-concerned-about-escalation-fighting-and-fate-thousands>

12 <https://www.telegraph.co.uk/news/2018/04/26/palestinian-refugee-camp-syria-turns-unimaginably-brutal-assad/>

13 Jack Moore, 'ISIS Carrying Out Brutal Killings in Syria's Yarmouk Refugee Camp' *Newsweek* (22 April 2016)

14 Health Sector Syrian, 'Health Cluster Bulletin' Relief Webs (2 February 2018)

15 <https://www.unrwa.org/newsroom/photos/palestine-refugees-yarmouk-and-neighbouring-areas-receive-critically-needed>

16 <https://www.unrwa.org/newsroom/official-statements/unrwa-expresses-concern-over-situation-yarmouk>



5,700 families were assisted with food parcels containing basic commodities. However, UNRWA aid was subsequently entirely blocked in May 2016 through to May 2018.

ISIL's 2014 capture of Yarmouk saw 'strict limits on education, banning books and even beheading teachers who refused to comply'.¹⁷ Alternative schools were established in the neighbouring area of Yalda, but attendance for Yarmouk students was deeply challenging and students witnessed beheadings at checkpoints en route to their school day.¹⁸ The 'checkpoint of death' was under ISIL control for two years and some 900 Palestinian child refugees from Yarmouk were forced to travel through it in order to attend school each day.¹⁹ In February 2018, a mortar attack near the Palestine refugee camp of Jaramana killed two fourteen year old boys as they walked home after school. Both children were previously displaced from Yarmouk.²⁰

UNRWA stated that April 2018 saw a week of 'severe escalation of fighting'²¹ in Yarmouk as Syrian government forces and allied militias began a military offensive to overpower ISIL fighters through intense shelling and aerial bombardment. During this period of 'dramatically increased violence',²² UNRWA reported that 'intense bombing and shelling... damaged thousands of homes. There is no more running water and very little electricity' which left Yarmouk's 'last hospital... no longer functional'. Camp residents were trapped under rubble and a number were unaccounted for immediately after the air raids.²³ It is reported that more than 5,000 civilians fled the area following the bombardment.²⁴ The intense fighting of April and May 2018 led to the UN condemning the Syrian government for turning Yarmouk into "a death camp".²⁵

On 21 May 2018, the Syrian government announced full control of Southern Damascus after troops cleared ISIL militants from the Yarmouk Palestinian refugee camp.²⁶ UNRWA were then

17 <https://www.unrwa.org/newsroom/features/unrwa-students-use-their-mobile-phones-keep-learning-and-defy-islamic-state-group>

18 Ibid

19 <https://www.unrwa.org/newsroom/official-statements/palestine-refugee-children-syria-brave-%E2%80%9Ccheckpoint-death%E2%80%9D-sake>

20 <https://www.unrwausa.org/unrwa-usa-press-releases/2018/2/21/unrwa-condemns-the-killing-of-two-palestine-refugee-children-near-damascus>

21 <https://www.unrwa.org/newsroom/official-statements/unrwa-deeply-concerned-about-escalation-fighting-and-fate-thousands>

22 <https://www.unrwa.org/newsroom/official-statements/unrwa-deeply-concerned-about-escalation-fighting-and-fate-thousands>

23 <https://www.unrwa.org/newsroom/official-statements/unrwa-expresses-concern-over-situation-yarmouk>

24 Raf Sanchez, 'Palestinian refugee camp in Syria turns 'unimaginably brutal' as Assad regime drives Isil out of Yarmouk' *The Telegraph* (26 April 2018)

25 Channel 4, 'Death and Destruction in Yarmouk: Inside Syria's largest Palestinian refugee camp' Channel 4 (29 May 2018)

26 <https://www.bbc.co.uk/news/world-middle-east-44198304> *BBC* (21 May 2018)



able to provide much needed humanitarian assistance to Yarmouk for the first time since the May 2016 suspension of aid supplies.

What is the current state of Yarmouk and how many residents remain?

Reports on Yarmouk have been conflicting and so, for the purposes of this Q&A, LPHR sought information from UNRWA who assisted with providing reliable data. We are very grateful for the valuable information received and extend our thanks to the UNRWA office in Damascus, Syria.

Despite having being home to the largest Palestinian refugee community in Syria, we have been informed by UNRWA that as of the start of this year, Yarmouk was home to just 40-50 Palestinian refugee residents. These remaining residents are *'mostly elderly Palestinian refugees who stayed throughout the siege and conflict'*.²⁷ Almost all of the remaining residents left Yarmouk in April and May 2018 at the time of the final government military offensive, which resulted in the the Syrian government re-establishing control of the camp.

The most telling fact of Yarmouk's precarious current state and inability to humanely home Palestinian refugees is reflected in a December 2018 damage assessment of the 23 UNRWA premises within the territory, 16 of which are schools.²⁸ UNRWA reports that *'almost all UNRWA premises need major repairs, 75% need to be completely rebuilt and all three health centres in Yarmouk are completely destroyed.'* UNRWA also reported that basic infrastructure, *'including water, electricity and sewage systems, have been severely damaged and looted'*. The Yarmouk area was also found to be *'contaminated with Explosive Remnants of War'*.²⁹

It is against this egregious backdrop that the cumulative grievous human rights impact upon Yarmouk residents from late 2012 to mid-2018 is evident. These serious human rights violations engage international humanitarian law as will now be elaborated below.

How is international humanitarian law engaged by the attacks on Yarmouk?

Palestinian refugees and Syrians trapped in Yarmouk from December 2012 until May 2018 have faced bombing and shelling by the Syrian government as it went into combat with rebel and jihadist groups, such as the Free Syrian Army, Jabhat al-Nusra, and ISIL, that were positioned and took control of the refugee camp.

²⁷ UNRWA email to LPHR dated 7 January 2019

²⁸ <https://www.unrwa.org/newsroom/press-releases/almost-all-unrwa-installations-yarmouk-and-dera-camp-syria-severely-damaged>

²⁹ <https://www.unrwa.org/resources/reports/syria-unrwa-humanitarian-snapshot-october-2018>



Human rights groups reported that assaults by the Syrian government on Yarmouk have included indiscriminate and disproportionate aerial shelling and bombing, including the use of barrel bombs.³⁰ The Chair of the UN independent Commission of Inquiry on the Syrian Arab Republic reported that this type of indiscriminate bombardment of civilian populated areas “has been a major component of the Syrian State forces strategy in the on-going conflict”.³¹ Indiscriminate aerial shelling and bombing on neighbourhoods like Yarmouk has damaged civilian objects including homes, medical facilities, schools, water and electrical facilities.³² A medical worker in Yarmouk described “the main injuries are caused by sniping and shelling...”.³³

Further, as outlined above, in April 2015, ISIL, in alliance with the Al-Queda linked Jabhat Al-Nusra, attacked and seized Yarmouk, killing at least 18 civilians, including a 12 year old girl. Residents of Yarmouk told human rights groups that the government responded by dropping some 25 barrel bombs on civilian populated areas. On 1 April 2015, the Palestine Hospital was targeted and struck by a missile, injuring at least six medical personnel. On 4 April 2015, the predominately civilian neighbourhoods of Palestine Street, Mansoureh Street and Matryrs’ Cemetery were struck, reportedly causing a number of casualties and injuries. These areas are predominately made up of civilian homes, schools and health care facilities. Yarmouk again came under an intense military bombardment by the Syrian government in April and May 2018 as it sought to wrest control from ISIL.

Syrian government use of force clearly appears not to have distinguished between civilian or military objectives as required by international law.³⁴ The principle of distinction, under customary international humanitarian law, requires that all parties to any conflict must distinguish between civilians and combatants, and accordingly any attack must only be directed against combatants.³⁵ This fundamental principle of international humanitarian law also requires that parties distinguish between civilian objects and military objects.³⁶

30 Euro-Med Human Rights Network, “Syria: Urgent call to protect civilians caught between fires in besieged Yarmouk Camp” (2015); Amnesty International, n 1, page 20

31 Paulo Sergio Pinheiro, ‘The use of barrel bombs and indiscriminate bombardment in Syria: the need to strengthen compliance with international humanitarian law’, (Statement presented at Geneva side event 12 March 2015) <<http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/CoISyriaIndiscriminateBombardment12032015.pdf>>

32 Ibid

33 Amnesty International, ‘Syria: Barrel bombs and sniper attacks compound misery of civilians besieged in Yarmouk’ (8 April 2015) <<https://www.amnesty.org/en/latest/news/2015/04/syria-barrel-bombs-and-sniper-attacks-compound-misery-of-civilians-besieged-in-yarmouk/>> accessed 7 June 2015

34 Jean-Marie Henckaerts and Louise Doswald-Beck (eds), ‘Red Cross study, Customary International Humanitarian Law: Volume 1: Rules’ (2005) Rule 11, page 38-40 (“ICRC Customary IHL Study”) <<https://www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>>

35 ICRC Customary IHL Study, Rule 1, page 5-8

36 ICRC Customary IHL Study, Rule 12, page 40-43



Alongside the principle of distinction, customary international humanitarian law also prohibits disproportionate attacks that “cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.³⁷ The attacks cited above raise serious concerns that they were committed in serious violation of the international humanitarian principle of proportionality, in addition to being in apparent serious violation of the principle of distinction.

It is important to highlight that indiscriminate attacks that cause the deaths of civilians, or attacks that cause excessive incidental civilian death or injury because they are disproportionate, can constitute war crimes under customary international law.³⁸

Furthermore, international law requires that all parties to any armed conflict take all necessary precautions to prevent civilian casualties.³⁹ This includes taking precautions to protect civilian populations and objects from the dangers arising from military operations.⁴⁰ No apparent precautions have been taken by Syrian armed forces or rebel and jihadist groups, including ISIL, to protect civilians in Yarmouk from the dangers caused by the armed conflict.

Have the international law prohibitions on collective punishment and starvation been engaged by the siege imposed on Yarmouk?

From July 2013 through to May 2018, except for a few occasions, all people, food and goods, including medical supplies, were prevented from entering or leaving Yarmouk because of a siege imposed by the Syrian government.

As noted above, as of 25 February 2014, 128 civilians in Yarmouk were reported by Amnesty International to have lost their lives caused by starvation, and a further 51 civilian fatalities caused by lack of medical care. Amnesty International stated that “for civilians still trapped in Yarmouk, life is an agonizing struggle for survival”.⁴¹ It is inescapable that civilians have continued to have been grievously affected by the ongoing siege following ISIL's three-year-long control of Yarmouk. The World Food Programme reported in January 2018 that families in Yarmouk were routinely unable to purchase enough food for their household needs.⁴²

³⁷ ICRC Customary IHL Study, Rule 14, pages 48-49

³⁸ ICRC Customary IHL Study, Rule 156, page 601

³⁹ ICRC Customary IHL Study, Rules 15 – 21, pages 51-67

⁴⁰ ICRC Customary IHL Study, Rule 22, page 68 – 71

⁴¹ Amnesty International n 2, page 28



State practice establishes as a rule of customary international law that parties to an armed conflict must allow and facilitate the unimpeded passage of humanitarian relief.⁴³ The Fourth Geneva Convention requires States to “allow the free passage of all consignments of medical and hospital stores” intended only for civilians and “the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases”.⁴⁴ Common Article 3 to the four Geneva Conventions, which applies to non-international armed conflicts, provides that “an impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict”.

The Syrian government's prevention of humanitarian access to Yarmouk to provide food, water and medical care clearly appears to violate customary international law. The denial of humanitarian relief access to Yarmouk also appears to amount to collective punishment of a civilian population, which constitutes a war crime under international law.⁴⁵

Customary international humanitarian law prohibits the use of starvation of the civilian population as a method of warfare.⁴⁶ Under the Rome Statute of the International Criminal Court (Rome Statute), “intentionally using starvation of civilians as a method of warfare” is a war crime in international armed conflicts⁴⁷ – but not for non-international armed conflicts. The intentional deprivation of access to food to a civilian population can amount to crimes against humanity under the Rome Statute. The prolonged siege of Yarmouk, characterised by the disabling of basic amenities and services and the denial of access of humanitarian relief, has had the effect of starving the civilian population. This accordingly constitutes a prima facie violation of the prohibition of starvation under international humanitarian law.

Can there be individual criminal responsibility for serious violations of international humanitarian law in Yarmouk?

Customary international law requires individuals be held criminally responsible for war crimes. Trials at the International Criminal Tribunal for the Former Yugoslavia (**ICTY**) and International

⁴² ‘Syria: Ar-Raqqa City Assessment - January 2018 Food Security Update’ (*ReliefWeb*)

⁴³ ICRC Customary IHL Study, Rule 55 page 194

⁴⁴ Fourth Geneva Convention, Article 23

⁴⁵ ICRC Customary IHL Study, Rule 103, page 374-375; see also, Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 1907, Art 50; Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), 1949, 75 UNTS 135, Art 87; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949, 75 UNTS 287, Art 33

⁴⁶ ICRC Customary IHL Study, Rule 53, page 186

⁴⁷ http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf



Criminal Tribunal for Rwanda confirm that individuals are criminally responsible for war crimes in non-international armed conflicts. The ICTY in the Tadic case specifically affirmed this. Individual criminal responsibility for apparent war crimes committed by the Syrian armed forces in Yarmouk could apply to individuals at all levels of government and military. Individual criminal responsibility can also apply for apparent war crimes committed by members of rebel and jihadist groups, including ISIL.

The apparent indiscriminate and disproportionate attacks described above constitute ‘serious violations of the laws and customs applicable in an armed conflict not of an international character,’ and are classified as war crimes under Article 8 of Rome Statute.

The prolonged siege described above also appear to engage Article 7 of the Rome Statute, which provides that “the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population” may constitute crimes against humanity if committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.

Can the International Criminal Court provide accountability for serious violations of international humanitarian law in Yarmouk?

Although Syria is not a state party to the Rome Statute, the civil war in Syria can be referred to the International Criminal Court (ICC) by the UN Security Council. In February 2013, the UN-appointed Commission of Inquiry on the Syrian Arab Republic concluded that the ICC is the appropriate venue to pursue accountability in Syria.⁴⁸

On 22 May 2014, an attempt by the UN Security Council to refer the situation in Syria to the ICC was vetoed by China and Russia.⁴⁹ The UN Security Council resolution would have given the ICC the mandate to investigate alleged serious crimes committed during the conflict in Syria since March 2011, including in Yarmouk.

No further attempt has been made by the UN Security Council to refer the situation to the ICC, in apparent cognisance of Russia using its veto power. Since 2011, Russia has used its veto power twelve times to block different modes of action against Syria before the UN Security Council.⁵⁰

48 <http://www.ohchr.org/EN/HRBodies/HRC/ICISyria/Pages/IndependentInternationalCommission.aspx>

49 <http://www.un.org/apps/news/story.asp?NewsID=47860#.VaASAPIViko>

50 <https://www.rte.ie/news/world/2018/0411/953637-russia-syria-un-veto/> - RTE (11 April 2018)



What is the UK government's record on supporting accountability in the context of Syria?

In April 2015, LPHR sent an [urgent action letter](#) to the UK government urging for it to take a lead role to ensure the protection of the civilian population of Yarmouk in accordance with international law. The specific accountability measures that LPHR requested were:

- clearly demand that all parties respect and comply with their obligations under international humanitarian law and human rights law to ensure the protection of civilians in Yarmouk, including respect for the right to life; and
- secure legal accountability for any individual who commits war crimes.

LPHR welcomes the UK's response to the concerns raised. The UK has contributed £9 million⁵¹ since 2012 to various accountability mechanisms – including the 'UN International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011' established in 2016⁵² - and NGOs that gather evidence and assist victims.

The UK is also a lead sponsor of resolutions on Syria before the UN Human Rights Council that expresses, inter alia, the need for individuals to be held criminally responsible for violations of international humanitarian and human rights law⁵³ and support for the UN independent Commission of inquiry's investigations into human rights violations.

LPHR will continue to monitor the catastrophic situation in Yarmouk and the UK's government's support for legal accountability and justice for victims, survivors and their families from Yarmouk. This will remain an ongoing imperative for the reasons recently articulated by the former UN High Commissioner for Human Rights, Prince Zeid Raad al Hussein:

*"I hope that for the sake of the Syrian people who have suffered so grievously that those who were responsible for these appalling and dreadful crimes are going to held to account... No future of Syria is possible unless we remember the hundreds of thousands who have been killed in this conflict."*⁵⁴

Aleisha Esfahani, Tareq Shourou

⁵¹ Statement of Minister Alistair Burt MP at parliamentary debate on Syria dated 11 March 2019

⁵² <https://iim.un.org/mandate/>

⁵³ For example see paragraph 42 of the resolution on the Human Rights Situation in the Syrian Arab Republic: <https://undocs.org/A/HRC/39/L.20>

⁵⁴ BBC Today programme interview dated 11 March 2019 <https://www.bbc.co.uk/sounds/play/m000356r> (at 2:17:20-2:22:50)