

8.2.1. Article 12(2)(a) and Article 17(1)(a) QD

[Article 12\(2\)\(a\) | Article 17\(1\)\(a\) QD](#)

COMMON ANALYSIS

Last update: September 2020

*Minor updates added: February 2023

It can be noted that the ground 'crime against peace' is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising could also trigger the consideration of exclusion in relation to 'crimes against humanity'.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Some acts in the current conflicts, such as extrajudicial killings, torture, enforced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of the SAA, the GoS intelligence- and security services and associated armed groups (e.g. NDF), as well as anti-government armed groups (e.g. FSA, ISIL, *Jabhat al-Nusrah*/HTS, SNA), Kurdish political actors (PYD), and security forces (SDF, YPG, Asayish) can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

In terms of qualifying the relevant acts as war crimes, the following classification of some of the conflicts taking place in Syria may be relevant:

- non-international armed conflicts between GoS and various anti-GoS armed groups, most notably HTS, SNA and ISIL;
- international armed conflict between the US-led coalition against ISIL and GoS (due to its military intervention in Syria without the consent of the GoS);
- international armed conflict between Syria and Türkiye, as the GoS has not accepted Turkish presence on its territory; military confrontations between Syrian and Turkish armed forces also took place during the conflict;
- international armed conflict between Syria and Israel, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS;
- non-international armed conflict between Türkiye and the YPG forces;

[[Security 2022](#), 1.1, p. 17; [Security 2021](#), 1.1, p. 13]

See other topics concerning guidance with regard to Syria (Exclusion):

- [8.2.1. Article 12\(2\)\(a\) QD and Article 17\(1\)\(a\) QD](#)
- [8.2.2. Article 12\(2\)\(b\) QD and Article 17\(1\)\(b\) QD](#)
- [8.2.3. Article 12\(2\)\(c\) QD and Article 17\(1\)\(c\) QD](#)
- [8.2.4. Article 17\(1\)\(d\)QD](#)

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