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Human Rights Council**Nineteenth session**

Agenda item 4

Human rights situations that require the Council's attention**Report of the independent international
commission of inquiry on the Syrian Arab
Republic* *****Summary*

The human rights situation in the Syrian Arab Republic has deteriorated significantly since November 2011, causing further suffering to the Syrian people. Widespread violence and increasingly aggravated socio-economic conditions have left many communities in a perilous state. Meeting basic needs to sustain everyday life has become increasingly difficult.

The present situation risks further radicalizing the population, deepening inter-communal tensions and eroding the fabric of society. Divisions among the international community complicate the prospects for ending the violence.

The Government has manifestly failed in its responsibility to protect its people. Since November 2011, its forces have committed more widespread, systematic and gross human rights violations. Anti-Government groups have also committed abuses, although not comparable in scale and organization to those carried out by the State.

The commission calls for an end to gross violations and related impunity, and recommends that the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the situation of human rights in the Syrian Arab Republic continue to monitor gross human rights violations with a view to ensuring that perpetrators are held accountable. In cooperation with the Special Rapporteur, OHCHR should maintain and update the confidential database established by the commission.

* The annexes to the present report are reproduced as received, in the languages of submission only.

** Late submission.

The commission also recommends the initiation of an inclusive political dialogue, bringing together the Government, the opposition and other anti-Government actors to negotiate an end to the violence, to ensure respect for human rights and to address the legitimate demands of the Syrian people. A contact group composed of States with diverse positions on the situation should be established to initiate a process leading to such a dialogue.

Reconciliation and accountability will be achieved only if there are credible consultations with the population, including women and minorities, as well as with victims. Profound political, justice and security sector reforms must also be undertaken.

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I. Introduction

1. The independent international commission of inquiry, established pursuant to Human Rights Council resolution S-17/1 to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic,¹ continued to investigate alleged violations of international human rights law and sought to establish the facts and circumstances that may amount to such violations.

2. In the present report, which builds on and should be read in conjunction with the initial report (A/HRC/S-17/2/Add.1), the commission gives an update for the period since November 2011 (sect. III). It provides an account of the ongoing suffering of the Syrian population, the widespread, systematic and gross human rights violations that State forces continue to commit, and the human rights abuses committed by anti-Government armed groups.

3. Consistent with its mandate, the commission also endeavoured, where possible, to identify those responsible for violations and crimes perpetrated since March 2011, with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.² Its findings on responsibility (sect. IV) cover the period from March 2011 until mid-February 2012.

A. Cooperation with the Government

4. The commission regrets that the Government of the Syrian Arab Republic did not give the commission access to the country, nor did it respond positively to its requests to interview authorized Government spokespersons.

5. The commission met with the Permanent Representative of the Syrian Arab Republic on 7 and 15 February 2012.

6. The present report reflects relevant information provided by the Government in response to the commission's repeated and detailed requests (annexes I to XII). On 15 February 2012, the day the present report was finalized, the Permanent Representative presented the commission with documents containing detailed information on armed group attacks. The report reflects the overall content of the documents received, which comprised several hundred pages in Arabic. In addition, the commission drew on public statements of senior officials. The commission also followed the reporting of the official Syrian Arab news agency SANA.

B. Methodology

7. The commission endeavoured to reflect violations and abuses on all sides. The lack of access to the country, however, posed particular challenges for the documentation of abuses committed by anti-Government armed groups and opposition actors, given that most victims and witnesses of such abuses have remained in the country and the Government had not facilitated interviews with victims of armed group violence during the period under review. The opportunity to engage with communities and officials on the ground would

¹ On 12 September 2011, the President of the Human Rights Council appointed three high-level experts as members of the commission: Paulo Pinheiro (Chairperson), Yakin Ertürk and Karen Koning AbuZayd.

² Human Rights Council resolution S-17/1, para. 13.

also have allowed the commission to better appreciate the circumstances of human rights concerns and related human suffering.

8. After its first report, the commission interviewed additional victims and witnesses of violations, defectors and other individuals with relevant inside knowledge. From 9 to 25 January 2012, the commission travelled to several countries to gather first-hand testimony from people who had recently fled the Syrian Arab Republic.³ Additional interviews, including with victims and witnesses still in the country, journalists who recently visited the Syrian Arab Republic and individuals known to support the Government were conducted by telephone. After its initial report, the commission interviewed a further 136 victims and witnesses, bringing the total numbers of interviews conducted by the commission to 369.

9. The commission also examined photographs, video recordings and available Government documents. Satellite imagery of areas where military and security forces were deployed and related reported violations occurred, corroborated a number of witness accounts. The commission took into account the report of the observer mission of the League of Arab States of 22 January 2012 and also interviewed former observers of that mission.

10. With regard to the documentation of violations, the commission applied the standard of proof used in its first report.⁴ Particular incidents are described in the report if there are reasonable grounds to believe that they occurred, namely if the commission obtained a reliable body of evidence, consistent with other information, indicating their occurrence. The incidents discussed in the report were the subject of two or more consistent and reliable witness accounts, which were often supported by additional corroborating evidence. In exceptional cases, where credible sources reported relevant incidents but the commission was unable to corroborate them through eyewitness interviews, incidents were included and the source identified. The patterns described in the report are based on multiple documented incidents that are further corroborated by verified circumstances.

11. To obtain a general background on the situation and the diplomatic efforts to address it, the commission met with the permanent representatives of Member and observer States of the Human Rights Council from all regional groups. It also spoke with representatives of international and regional organizations, including the League of Arab States.

12. The report reflects information received as at 15 February 2012.

13. The commission did not apply international humanitarian law for the purposes of the report and the period covered.⁵ International humanitarian law is applicable if the situation can be qualified as an armed conflict, which depends on the intensity of the violence and the level of organization of participating parties. While the commission is gravely concerned that the violence in certain areas may have reached the requisite level of intensity, it was unable to verify that the Free Syrian Army (FSA), local groups identifying themselves as such or other anti-Government armed groups had reached the necessary level of organization.⁶ By the same token, the commission uses the term "FSA group" to refer to any local armed group whose members identify themselves as belonging to the FSA, without this necessarily implying that the group has been recognized by the FSA leadership or obeys the command of the FSA leadership abroad.

³ Places where interviews were conducted have been withheld to protect witnesses and victims.

⁴ A/HRC/S-17/2/Add.1, paras. 5-6.

⁵ *Ibid.*, paras. 97-100.

⁶ *Ibid.*, paras.106-108.

II. Context

A. Domestic political developments

14. The Government maintains that the opposition is part of a foreign conspiracy and that Government military and security operations target terrorists. On 10 January 2012, the President affirmed that “restoration of security and fighting terrorism with an iron fist” remained its foremost priority.⁷ At the same time, the Government has pressed forward with an agenda of holding elections and adopting new laws, including regarding political participation and the media. On 13 February, the President received the draft of a new Constitution and announced that it would be subjected to a referendum on 26 February. One of the stated objectives of the text would be a political system “based on political pluralism” and sets out a presidential term limit.⁸ Local elections were held on 12 December 2011; according to the Government, a participation rate of 80 per cent was recorded. Parliamentary elections are announced to follow in May or June 2012. On 15 January, the President decreed the latest of four general amnesties (see also paragraph 66 below).

15. Protests against the Government continued in many parts of the country, although they tended to be more brief and localized to avoid the security forces. Demonstrations in support of the Government were also organized in different governorates.

16. The political opposition in the country has organized itself mainly through local coordination committees under the umbrella of the Syrian Revolutionary General Commission. The committees have taken a leading role in organizing protests and humanitarian relief. The opposition “Syrian National Council”, comprising a diverse set of members ranging from the Muslim Brotherhood to secular formations and representatives of local coordination committees, sought to present itself as the legitimate representative of the Syrian people, although other opposition groups exist inside and outside the country. The Syrian National Council has rejected any political dialogue with the Government under present conditions. Serious rifts apparently remain within the Council itself, and between the Council, whose leadership largely resides abroad, and other parts of the opposition.

B. Increasing violence and polarization

17. In recent months, the crisis has become increasingly violent and militarized. The State’s campaign of violently suppressing dissent, which from the outset employed lethal force against peaceful protests, was followed by defections and the formation of anti-Government armed groups. The rise of an armed opposition led the Government to intensify its violent repression.

18. Many among the anti-Government armed groups identify themselves as FSA and consist of defectors (mainly from the army) and an increasing number of armed civilians. The FSA leadership resides abroad and its control over the different FSA groups inside the country remains unclear. In mid-January, the FSA leadership and the Syrian National Council agreed to improve their coordination.

19. Most FSA groups initially adopted a defensive posture. More recently, a number of FSA groups carried out offensive operations targeting checkpoints, installations of State

⁷ <http://sana.sy/eng/21/2012/01/10/393338.htm>.

⁸ <http://sana.sy/eng/36/2012/02/16/400646.htm>.

forces, police stations and Government vehicles. For example, the FSA claimed responsibility for an attack in Dar'a governorate on 15 December 2011, during which at least 27 soldiers were killed. In its report, the League of Arab States indicated that, in Homs and Dar'a, armed groups committed acts of violence against Government forces, resulting in death and injury.

20. The activity of FSA groups resulted in the temporary withdrawal of State forces from cities or areas in the Rif Dimashq, Idlib and Homs governorates. Since December 2011, the army has attacked these areas with heavy weapons, leading to massive casualties and the destruction of homes and infrastructure (see paragraphs 38-46 below).

21. The Government stated that other armed non-State actors not affiliated to the FSA are operating in the country, including Al-Qaida and other religious extremists. In its report, the League of Arab States also makes a distinction between the FSA and "other opposition armed groups". Numerous sources report the presence of extremist groups in the country. The commission was unable to verify information on the membership, background and operations of such groups.

22. On 23 December 2011, 50 people were reportedly killed in two bombings next to the offices of security agencies in Damascus, which the Government attributed to Al-Qaida. No one, including Al-Qaida, claimed responsibility. In its report, the League of Arab States mentioned that its observers in Homs, Hama and Idlib reported the bombing of a civilian bus (with eight casualties), a police bus (two casualties), a train loaded with diesel fuel, an oil pipeline and small bridges. In other cases, League observers found that alleged bombings were falsely reported. On 10 February 2012, 28 people were reportedly killed and 235 injured in two large explosions at Military Intelligence and police buildings in Aleppo. The Government and other sources attributed these explosions to terrorists. On 14 February, a major pipeline near Homs exploded. The Government blamed "terrorist saboteurs", while opposition activists attributed the act to State forces shelling in the area.

23. According to all accounts, casualties rose steeply as the violence intensified; thousands of lives have been lost.

24. On 27 December 2011, the Government informed the commission that, according to hospital and police reports, at least 2,131 civilians had been killed in the period from 15 March to 19 December 2011. The Government added that a total of 913 soldiers and 215 police officers (1,128 people in total) were killed during the same period.⁹ According to the Government, from 23 December 2011 to 10 February 2012, a further 651 members of the army and security forces were killed and 2,292 injured.¹⁰ In addition, 519 unidentified bodies were found. On 15 February 2012, the Government provided additional figures, according to which 2,493 civilians and 1,345 soldiers and police officers had been killed in the Syrian Arab Republic in the period from 15 March 2011 to 18 January 2012.

25. The Violations Documenting Centre, affiliated to the local coordination committees, counted 6,399 civilians and 1,680 army defectors killed in the period from 15 March 2011 to 15 February 2012.¹¹ The victims included 244 adult women, 115 girls and 425 boys.

⁹ See annex IV. In another note verbale (annex III), the Government stated that, as at 21 December 2011, a total of 2,000 police officers and soldiers had been killed. There was no indication of the methodology used to determine the second set of figures.

¹⁰ The Government provided a long list indicating the names, rank and personal details of military and security forces personnel killed, together with the date and place of death or injury.

¹¹ The Centre (www.vdc-sy.org) relies on medical records, direct contacts with victims' families and information received from the Imam of the Mosque performing the burial.

December 2011 (1,046 victims), January (1,196) and the first half of February 2012 (983) have been clearly the most violent period since the unrest erupted in March 2011.

26. The Government, on the one hand, and the opposition Syrian National Council, Syrian Revolutionary General Commission and local coordination committees, on the other, have consistently proclaimed their commitment to non-sectarianism while accusing the other side of instigating hatred. Attempts to mobilize political support have given rise to tensions and crimes with sectarian undertones, especially in Homs. On several occasions in January and February 2012, entire families – children and adults – were brutally murdered in Homs. On both sides, there is a pattern of abducting people not directly involved in the clashes for the purposes of revenge, ransom or as hostages.

27. Minorities' fears have been used to garner their support. Most Christians, for example, feel particularly vulnerable in the light of developments in some of the other countries in the region. Sectarian allegiances have also been invoked in calls to oppose the Government. Many Syrian citizens, including intellectuals and religious leaders of different creeds, have stood up for tolerance and denounced such politicking.

C. International context

28. While the permanent members of the Security Council have continued to disagree on how to frame or address the crisis, regional organizations and individual States have continued to apply diplomatic pressure and introduced more sanctions. The European Union and the United States of America have hardened sanctions, in particular by imposing a boycott on the purchase of Syrian oil. Targeted sanctions have been imposed on a growing number of individuals and entities. Turkey banned transactions with the Government and its central bank, froze Government assets and imposed severe import duties on Syrian goods.

29. On 16 November, the League of Arab States called on the Government to cease violence and protect its citizens, release detainees, withdraw its forces from the cities, provide free access to Arab and international media and accept the deployment of an observer mission. The Government's initial refusal to sign a protocol agreeing to these terms led the League to adopt sanctions, halting among other things transactions with the Syrian Central Bank and imposing a travel ban on senior officials.

30. On 19 December, the Government signed the protocol, and on 24 December, the observer mission of the League of Arab States was deployed to the Syrian Arab Republic. After the mission filed its report, the League issued a resolution on 23 January 2012 calling for a transfer of authority from the President to his first vice-president and the formation of a national unity Government. The Government rejected this plan. Shortly afterwards, the League suspended the work of the mission, citing security concerns.

31. On 7 February, the Minister for Foreign Affairs of the Russian Federation met with President Assad in Damascus to discuss proposals to address the crisis.

32. On 8 February, the Secretary-General of the United Nations evoked the prospect of resuming the observer mission as a joint operation of the League of Arab States and the United Nations. On 12 February, the League adopted a resolution calling on the Security Council to authorize a joint Arab-United Nations force to "supervise the execution of a ceasefire", and urged its members to "halt all forms of diplomatic cooperation" with the Government of the Syrian Arab Republic.

33. Most in the international community have not favoured direct military intervention to protect the Syrian people. Available information, however, points to existing or planned support for either the Government or the opposition. A number of experts have begun to

report on the presence in the country of individuals and interested parties, some perhaps supported by Governments whose intention is to assist one side or the other. Such information deserves attention in the context of the country's pivotal place in the regional and international context and concerns about the consequences of potential changes in its national and international role and relationships.

D. Socio-economic impact

34. The crisis has exacerbated pre-existing high levels of poverty and unemployment. The economy is estimated to have shrunk by 2 to 4 per cent in 2011, with a markedly higher drop expected for 2012. Tourism, which accounted for 6 to 9 per cent of gross domestic product, has collapsed. The Government has attributed economic concerns to the sanctions and armed groups sabotaging fuel supplies and civilian infrastructure, while maintaining that such concerns can be addressed through economic self-reliance initiatives.

35. Syrians, particularly day labourers and others in precarious employment situations, are feeling the impact of the downturn. In December 2011, the Minister for Labour and Social Affairs announced that the unemployment rate was in the range of 22 to 30 per cent.¹²

36. The boycott on Syrian oil exports, sanctions against the banking sector and reported capital flight have devalued the Syrian currency, spurring inflation. The Ministry of the Economy estimated that, by the end of 2011, prices for basic food items had increased by up to 37 per cent,¹³ hurting the poor in particular. The Government sought to offset price increases by raising public sector salaries and extending or increasing subsidies on fuel and other essential goods.

37. People have suffered through an unusually harsh winter, while fuel for cooking and heating has become more expensive and scarce, especially in areas of unrest. Power cuts are frequent in many parts of the country.

III. Human rights situation

38. Since November 2011, the escalation of violence, owing to the intensification of armed operations, has led to an even more dire human rights situation and increased human suffering.

A. Attacks targeting residential areas and civilians

39. Starting in early November 2011, the level of violence between State forces and anti-Government armed groups increased in areas of Homs, Hama, Rif Dimashq and Idlib governorates with a strong presence of such groups. State forces withdrew from and then surrounded many of these areas. Army snipers and *Shabbiha*¹⁴ gunmen posted at strategic points terrorized the population, targeting and killing small children, women and other unarmed civilians. Fragmentation mortar bombs were also fired into densely populated neighbourhoods.

¹² Sarah Abu Assali "Labour in vain", *Syria Today*. Available from <http://syria-today.com/index.php/focus/17955-labour-invain>.

¹³ "The cost of Syria's crackdown", Al Jazeera, 15 January 2012. Available from www.aljazeera.com/programmes/insidesyria/2012/01/2012115721352136.html.

¹⁴ A/HRC/C/S-17/2/Add.1, para. 20.

40. After the withdrawal of League of Arab States observers in late January, the army intensified its bombardment with heavy weapons. It gave no warning to the population and unarmed civilians were given no chance to evacuate. As a result, large numbers of people, including many children, were killed. Several areas were bombarded and then stormed by State forces, which arrested, tortured and summarily executed suspected defectors and opposition activists.

41. According to the Violations Documenting Centre, at least 787 civilians, including 53 adult women, 26 girls and 49 boys, were killed in the first two weeks of February 2012 alone. The largest number of victims died in Homs.

42. In Idlib governorate, the army shelled the villages of Ihsim, Ibleen, Ibdita, Kasanfra and Kafar Awid in mid-December. When State forces took control of the villages, security agents pillaged houses and loaded their loot into trucks brought along to transport detainees. On 20 December, local residents discovered the bodies of 74 defectors in a deserted area between Kafar Awid and Kasanfra. Their hands had been tied behind their back and they appeared to have been summarily executed. On 21 December, State forces attacked a group of activists from Kafar Awid who had sought refuge in the village mosque. After the forces withdrew, 60 bodies were discovered in the mosque. The victims appeared to have been tortured before their execution.

43. From 24 to 26 December 2011, the army launched a large-scale operation in Bab Amr, Homs, where an FSA group was present. Residential buildings in Bab Amr were shelled by tanks and anti-aircraft guns. League of Arab States observers, who visited on 27 December, confirmed that the area had been shelled. State snipers also shot at and killed unarmed men, women and children. On 19 January, State forces shelled Homs again, including Bab Houd and Bayada, killing civilians.

44. On 12 January 2012, the army started shelling Zabadani, Rif Dimashq, causing civilian casualties. Armed clashes with an FSA group lasted for six days and ended with the military redeploying to the outskirts of the city and imposing a blockade.

45. On 24 January, tanks and snipers surrounded and shelled Bab Qebli neighbourhood in Hama, where an FSA group had been present. FSA members had apparently withdrawn upon the approach of the army, but many opposition activists remained in the neighbourhood. The next day, soldiers raided the neighbourhood, arresting many and looting homes. On 26 and 27 January, State forces conducted a similar operation in the Al Hamidieh neighbourhood in Hama. After the operations in Bab Qebli and Al Hamidieh, the handcuffed bodies of persons who had apparently been executed were dumped in Hama.

46. On 3 February 2012, in an escalation of violence, State forces in Homs began shelling densely populated areas in Khaldieh with heavy weapons. The presence of snipers prevented civilians from fleeing. On 6 February, the same type of operation was extended to Bab Amr, which the Government shelled and attacked with rockets.

B. Attacks on the political opposition, human rights defenders and the media

47. The crackdown on peaceful protesters and raids on neighbourhoods suspected of supporting the opposition continued. The commission received additional accounts of military, security forces and *Shabbiha* using live ammunition against unarmed protesters. Defectors indicated that soldiers continued to receive “shoot to kill” orders. The Government also carried out reprisals in response to opposition calls for strikes. Participants in strikes on 11 December 2011 in Rif Dimashq and on 24 January 2012 in Hama were attacked by State forces.

48. During their deployment from 24 December 2011 to 20 January 2012, League of Arab States observers witnessed several peaceful opposition demonstrations, which were held without State interference. The observers considered that their presence may have dissuaded State forces from using violence to disperse demonstrators. The observers also noted that citizens in Homs and Dar'a pleaded with them not to leave, which the observers attributed to a possible fear of reprisals.

49. In a televised interview broadcast on 7 December 2011, the President stated that the military and security forces had received "no command to kill or be brutal", while acknowledging that some members of the State forces had gone "too far".

50. The Government informed the commission that armed groups were killing or forcibly displacing individuals who resisted calls to participate in demonstrations or strikes. The commission documented cases of opposition activists threatening shopkeepers who refused to join strikes. The commission also found cases of anti-Government armed groups executing suspected *Shabbiha* (see also paragraphs 114 and 115 below).

51. On 28 August 2011, the Government issued a new media law (Decree No. 108/2011), which sets out a number of basic rights relating to freedom of expression and information for journalists and citizens.¹⁵ includes broad prohibitions, including a ban on publishing any news related to the armed forces not actually issued by the forces themselves. It leaves untouched the vaguely defined criminal offences described in articles 285 to 287 of the Penal Code that have long been used to punish and silence critical journalists, human rights defenders and political dissidents. In November, the Government established a national media council to implement the media law, and appointed a former deputy Minister for Information to head it. On 8 February 2012, the President issued a decree on organizing Internet communications and combating cybercrime, which sets out broad offences that restrict freedom of expression on the Internet.

52. In practice, freedom of expression and information has continued to be severely restricted. The Government systematically uses censorship and the arbitrary denial of media licenses to control the media. Journalists and bloggers who have expressed dissenting views have been harassed, dismissed from Government jobs, arbitrarily arrested and detained.

53. Activists and human rights defenders have continued to mobilize through the Internet and social media. "Citizen journalists" have filmed human rights violations by the military and security forces and posted them on the Internet. Others have conveyed their dissent through cultural expressions, such as satirical puppet plays broadcast over the Internet. In response, the Government has tried to block or slow down Internet access in restive cities at different times, destroyed computer equipment during raids and hacked into private e-mail and social media accounts.

54. Pro- and anti-Government hackers have fought for control of cyberspace and, in some cases, spread disinformation. According to testimony received, these include the "virtual Syrian army", an online network that disseminates news supporting the Government and tries to sabotage opposition sites. A member of this group told the commission that the group neither worked for the Government nor engaged in illegal activities, but sought only to provide a balanced picture of the unrest.

55. Syrian journalists covering the crisis and related violations remained at risk. The Committee to Protect Journalists and Reporters without Borders reported on three killings of Syrian journalists, two of which were attributed to State forces. On 19 November 2011,

¹⁵ "President al-Assad issues legislative decree on media law", SANA, 29 August 2011. Available from www.sana.sy/eng/361/2011/08/29/366490.htm.

cameraman Ferzat Jarban was arrested by security agents while filming an anti-Government protest in Alqaseer (Homs governorate); he was found dead the next day, his eyes gouged out. On 29 December, citizen journalist Basil Al-Sayed was shot dead by State security forces while he was filming the violent crackdown on a demonstration in Homs. On 30 December, Shukri Ahmed Ratib Abu Burghul, a radio show host and censor for a Government newspaper, was shot dead by unknown gunmen in Damascus.

56. In late December 2011, in accordance with the League of Arab States protocol, the Government recommenced issuing short-term visas to selected foreign journalists. Their movements within the country were often restricted and their contacts monitored by Government officials accompanying them.

57. On 11 January 2012, a shell exploded near a group of journalists covering demonstrations in Homs. French journalist Gilles Jacquier and several Syrians were killed. The Government and the FSA exchanged accusations over responsibility for the incident. The Government stated that it had launched an inquiry.

C. Arbitrary arrests, torture, abductions and enforced disappearances

58. The Government has continued to arbitrarily arrest and detain suspected protesters, opposition activists, human rights defenders and deserters. Arbitrary arrests typically were not formally acknowledged and suspects were often held incommunicado without their families being notified about their arrest or whereabouts.

59. Arbitrary arrests across the country followed similar patterns. During protests, military and security forces would often encircle the protesters. Those arrested, including the wounded among them, would be transported in Government buses and trucks to detention centres operated by security agencies, sometimes after being temporarily held in facilities such as sports stadiums or schools. In addition, soldiers and security agents often carried out arrests at checkpoints on the basis of lists of wanted persons prepared by the local security branch.

60. More large-scale raids were conducted, especially in areas where defectors are presumed to be hiding or in areas perceived as being sympathetic to the protesters. The regular army normally cordoned off the area before security forces or elite army units, sometimes accompanied by *Shabbiha*, carried out house-to-house searches. In such raids, women were targeted for arbitrary arrest and detention, in many cases also to force male relatives to turn themselves in. Many women also emphasized the traumatic invasion of their privacy when security forces raided their houses, typically at night, and vandalized or looted their personal possessions.

61. The commission received additional testimonies from persons who, long after their family members were arrested, had received no information from the authorities or through informal channels about where their family members were and whether they were still alive. The commission remains concerned about such cases of enforced disappearance.¹⁶

62. Torture in places of detention continued. Victims and witnesses provided credible and consistent accounts of places and methods of torture. A list of 38 detention locations in 12 cities, where the commission documented cases of torture since March 2011, is annexed to the present report (annex XIII).

63. Security agencies continued to systematically arrest wounded patients in State hospitals and to interrogate them, often using torture, about their supposed participation in

¹⁶ A/HRC/S-17/2/Add.1, para. 59.

opposition demonstrations or armed activities. The commission documented evidence that sections of Homs Military Hospital and Al Ladhiqiyah State Hospital had been transformed into torture centres. Security agents, in some cases joined by medical staff, chained seriously injured patients to their beds, electrocuted them, beat wounded parts of their body or denied them medical attention and water. Medical personnel who did not collaborate faced reprisals.

64. The above campaign has created a climate of fear. Doctors operated clandestinely on patients facing arrest and hospitals did not keep operated patients for post-surgical care. Some women chose to give birth in unsafe conditions rather than go to a State hospital. In many places of unrest, civilians set up clandestine field hospitals with volunteer practitioners, rudimentary equipment and medical supplies smuggled from abroad, donated by concerned citizens or diverted from State hospitals.

65. The commission received frequent accounts of security officials threatening men with the rape of female relatives.

66. On 19 January 2012, the Government informed the League of Arab States observers that it had released 3,569 detainees under the amnesty declared on 15 January. The observers were able to verify the release of 1,669 detainees under the said amnesty.

67. Given the large number of arbitrary arrests and the fact that most arrests and releases have occurred outside formal procedures, it is difficult to determine with any degree of certainty how many people remain in detention. The commission has requested the Government to provide pertinent figures.

68. According to the Violations Documenting Centre, which gathers the names of detainees and the place and date of their arrest from families and local coordination committees, more than 18,000 detainees, including more than 200 women and girls and more than 400 boys, remained in detention at 15 February 2012.

69. Armed groups, including FSA groups, carried out abductions. In some instances, victims were killed or tortured.

70. The Government informed the commission that, between 15 March and 19 December 2011, 666 civilians, 70 soldiers and 164 police officers were abducted. According to the Government, between 23 December 2011 and 10 February 2012 a further 506 military and security personnel were abducted.

D. Deprivation of economic and social rights

71. While the population at large suffers as a result of the economic impact of the crisis and related sanctions (see paragraphs 34-36 above), communities in restive areas face particularly serious humanitarian concerns. There, formal economic activity and public services are collapsing and such essential supplies as fuel for cooking and heating, medical supplies and, in areas under blockade, increasingly also food, have become scarce. With men in hiding, arrested or killed, many women find themselves having to cope with a range of additional responsibilities in providing and caring for their families.

72. According to estimates, 70,000 people have been arbitrarily displaced within the country. More than 20,000 Syrians found themselves in a precarious situation as refugees in other countries.

73. The military and security forces continued to impose blockades on areas with a significant presence of anti-Government armed groups, including in Homs, Hama, Idlib and Rif Dimashq. Medicine, food and other essential supplies were not allowed to pass. State forces arbitrarily arrested and assaulted individuals who tried to bring in such supplies. The

Government also withheld fuel rations and the electricity supply to punish communities and families whose members had participated in anti-Government demonstrations.

74. The Syrian Arab Red Crescent has provided humanitarian relief to part of the affected population in an increasingly difficult environment. According to the International Federation of Red Cross and Red Crescent Societies, the Secretary-General of the Syrian Arab Red Crescent, Dr. Abd-al-Razzaq Jbeiro, was shot and killed on 25 January 2012 on the main Aleppo–Damascus highway while traveling in a vehicle clearly marked with the Red Crescent emblem.

75. Local coordination committees and individual Syrians have established community support mechanisms. International humanitarian actors have not been given the direct humanitarian access necessary to assess and address comprehensively the basic humanitarian needs that have arisen since March 2011.

76. The Government provided information on attacks by armed groups on medical facilities. Between 15 March 2011 and 9 February 2012, the Government counted 17 attacks on hospitals and 48 on medical centres. A total of 15 medical staff members were killed, 27 were injured and 119 medical vehicles damaged.

77. The commission documented several cases in which injured patients at State hospitals were forced to falsely state on camera that their injuries had resulted from attacks by armed groups.

E. Violations of children's rights

78. As the violence intensified, children continued to be the victims. The State authorities made no visible efforts to protect children's rights. According to a reliable source, more than 500 children have been killed since March 2011, with the highest number of children killed in December 2011 (80 deaths) and January 2012 (72). The largest group were adolescents aged between 16 and 18 years. Snipers and other State forces killed or wounded children, including those aged 10 years and younger. Many children were killed when the army shelled residential areas in Homs and other cities in January and February 2012.

79. Children continued to be arbitrarily arrested and tortured while in detention. According to former detainees interviewed by the commission, children were treated in the same way as adults, in blatant disregard of their age. They were kept in the same cells and subject to the same methods of torture as adults.

80. Injured children did not benefit from adequate medical treatment, given that hospitals and health clinics were not safely accessible and because adults accompanying them risked arrest. Many children are traumatized and need psychosocial support as a result of witnessing atrocities.

81. Children's education was disrupted by the violence, movement restrictions imposed by the Government and opposition strikes and boycotts of schools. The commission also received information on how the Government used teenage children to participate in staged pro-Government demonstrations, leading many parents to keep them out of school when demonstrations were scheduled.

82. On 10 January 2012, the President announced that school enrolment had dropped by half. He added that 30 teachers and university professors had been killed by anti-Government armed groups, and that more than 1,000 schools had been vandalized, burned or destroyed. The commission requested to be provided with details. On 15 February, the Government provided the commission with information on physical damage and looting concerning 866 schools in the governorates of Idlib (240 incidents), Dar'a (151), Damascus

(131), Homs (127), Rif Dimashq (63), Alhasak (47), Deir el-Zour (45), Tartus (19), Halab (18), Al Ladhqiyyah (12), Hama (10 and Ar Raqqah (30). The Government also highlighted that nine school directors had stones thrown at them and two had been shot and injured.

IV. Responsibility for crimes against humanity, gross violations and abuses

83. The commission documented a widespread and systematic pattern of gross violations committed by State forces – in conditions of impunity – since March 2011. It also found instances of gross abuses committed by anti-Government armed groups. Consistent with its mandate, the commission endeavoured, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

84. On 31 March 2011, the Government established the National Independent Legal Commission, composed of four judges, to carry out comprehensive investigations into crimes committed in the context of the crisis. The commission enquired the Government and the Commission itself about its powers, functions and preliminary results. On 23 January 2012, the Government informed the commission that the National Independent Legal Commission and its branches in the different governorates were investigating more than 4,070 cases and that it would inform the commission about the outcome of these investigations upon their conclusion.

85. In a speech on 10 January 2012, President Assad claimed that a limited number of people working for the State had been arrested for murder and other crimes. The Government did not respond to the commission's request to provide more details on the number of arrests or the outcome of the criminal investigations pertaining to them. The Government also provided none of the requested information on any cases in which immunity from prosecution that members of the military and security forces enjoy under Decrees Nos. 14/1969 and 69/2008 had been lifted.

86. The commission was unable to identify any case of a successful prosecution of any military or security force commanders or civilian superiors bearing responsibility for any of the crimes against humanity or other gross human rights violations in the Syrian Arab Republic since March 2011.

87. Following a further review of its evidence, including information collected since November 2011, the commission is satisfied that a reliable body of evidence exists that, consistent with other verified circumstances, provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations. The commission has deposited with the United Nations High Commissioner for Human Rights a sealed envelope containing the names of these people, which might assist future credible investigations by competent authorities. The commission also identified particular army units, security agencies and their branch offices for which there are reasonable grounds to believe that they carried out gross human rights violations. FSA groups, for which the commission documented human rights abuses, are also listed.

88. Furthermore, the commission has deposited with the High Commissioner a comprehensive database containing all evidence collected, which may be disclosed to competent authorities carrying out credible investigations, subject to witness protection and confidentiality concerns.

A. State authorities

1. State policies and directives

89. The evidence collected since its first report affirms the commission's conviction that gross human rights violations were conducted pursuant to a policy of the State, and that orders to commit such violations originated from policies and directives issued at the highest levels of the armed forces and the Government.¹⁷ This follows from the nature of the operations involving gross violations and information the commission obtained regarding the planning and implementation process.

90. The commission interviewed individuals with inside knowledge of the planning process. It received reliable accounts that the National Security Bureau¹⁸ of the Baath Party National Command was used to translate policy directives from a higher level into joint strategic plans underlying operations. These plans directed State forces and agencies with regard to their expected contributions to operations. On the basis of the Bureau's plans and directives, security agency directors passed orders on to their branch offices in the governorates. Orders to the army passed through the military chain of command.

91. At the local level, military and security forces, civilian authorities and Baath Party officials coordinated operations through local security committees, which were usually dominated by the local representatives of security agencies and commanders of army units deployed in the area. On several occasions, senior security officials were deployed from the capital to coordinate operations involving crimes against humanity and other gross violations.

92. Most crimes against humanity and gross human rights violations were carried out in complex operations that involved the entire security apparatus, and therefore would have required superior directives. The four major intelligence and security agencies with direct reporting lines to the Presidency – Military Intelligence, Air Force Intelligence, the General Intelligence Directorate and the Political Security Directorate – were at the heart of almost all operations. Most divisions of the Syrian Arab Army, and on some occasions also Syrian Arab Navy units and Air Force defence troops, participated in operations that were conducted in their areas of deployment. However, as the crisis has evolved, the elite army units closest to the leadership – the Special Forces, the Republican Guard and the Fourth Division – have played an increasingly prominent role, the latter two especially in Damascus and its suburbs.

93. State officials, aided by certain businessmen with links to the security apparatus, also paid, armed and informally organized the groups of de facto agents known as *Shabbiha*. In a number of operations, the commission documented how *Shabbiha* members were strategically employed to commit crimes against humanity and other gross violations. In other cases, their participation was difficult to verify, as many operations also involved plain-clothed security agents.

94. For many operations, reinforcements were sent from the capital, including on some occasions Special Forces transported by Air Force helicopters. In many cases, State officials carefully organized operations so that units were disassembled into their sub-units, which were then deployed to different places, where they would be regrouped with members of other units and members of the security forces prior to the start of operations. Testimony from defectors indicates that this strategy was employed to break bonds of trust

¹⁷ See A/HRC/S-17/2/Add.1, paras. 102 and 103.

¹⁸ Membership of the Bureau includes, but is not limited to, the heads of the four main intelligence and security agencies, the Deputy National Secretary of the Baath Party and the Minister for the Interior.

within the unit and to prevent collective disobedience or desertion when orders to commit crimes were received.

95. The commission observed that large-scale operations conducted in different governorates – such as raids on neighbourhoods or attacks on larger demonstrations (see paragraphs 59 and 60 above) – often involved a similar modus operandi and related patterns of violations, which suggests that they were based on uniform directives from the State. Over the last three months of the period under review in particular, the army conducted a number of similar large-scale operations in at least four governorates, in which it surrounded entire neighbourhoods where anti-Government armed groups were present, then shelled these residential areas with heavy weapons, with complete disregard for potential civilian casualties.

96. The most intense of these operations, conducted in Hama and Homs, were carried out after the Minister for Foreign Affairs publicly stated, on 24 January 2012, that a “security solution was imposed by necessity which has become obvious with the existence of the armed militias of the so-called ‘Free Army’ and other armed groups not affiliated to it that commit crimes.”¹⁹ The declaration was followed by a statement by the Minister for the Interior, on 29 January, who stressed that “the Internal Security Forces’ keenness on continuing efforts to purify the Syrian land from all outlaws to achieve justice and restore stability and security to Syria.”²⁰

2. Individual responsibility for violations

97. In examining specific operations, the commission received credible and consistent evidence identifying high- and mid-ranking members of the armed forces who ordered their subordinates to shoot at unarmed protestors, kill soldiers who refused to obey such orders, arrest persons without cause, mistreat detained persons and attack civilian neighbourhoods with indiscriminate tank and machine-gun fire. In some cases, they gave explicit orders to commit crimes, in others they used more general terms (e.g. “use any force necessary”) that, in the circumstances, left no room for interpretation. The commission verified that, in some locations, individual army officers ordered the indiscriminate shelling of civilian neighbourhoods in urban areas such as Hama, Al Ladhqiyyah, Dar’a and Homs.

98. Individual officers in the armed forces and Government security forces personally killed, unlawfully imprisoned, tortured, or committed other inhumane acts against innocent civilians. Officers shot unarmed protestors, including children, as well as medical doctors, ambulance drivers and mourners at funerals in cities such as Al Ladhqiyyah, Dar’a, Saida (Dar’a governorate), Zabadani and Jobar (Rif Dimashq governorate) and Almastoumah (Idlib governorate).

99. Army officers and members of the security forces also aided and abetted attacks against civilians; for example, commanders of Government security forces routinely placed their units behind conscripts to ensure that the soldiers would fire at demonstrators. On several occasions, security forces shot conscripts who disobeyed orders to shoot protestors. Furthermore, military officers and commanders of security forces often stationed their units at checkpoints and other strategic locations in urban areas so that other units could attack neighbourhoods to loot homes and arrest residents. In addition, security force commanders

¹⁹ “Al-Moallem: the observers’ report didn’t please those plotting against Syria: the solution is Syrian and based on the people’s interests”, SANA, 24 January 2012. Available from www.sana.sy/eng/21/2012/01/24/396268.htm.

²⁰ “Interior Ministry honors families of martyrs”, SANA, 29 January 2012. Available from www.sana.sy/eng/21/2012/01/29/397129.htm.

managed detention centres throughout the country where prisoners were subjected to torture, sexual assaults and other inhumane acts.

3. Command and superior responsibility

100. A number of military commanders and civilian superiors may reasonably be suspected of responsibility for crimes against humanity because of their knowing failure to take all necessary and reasonable measures within their power to prevent or repress the commission of relevant crimes by their subordinates or to submit the matter to the competent authorities.

101. During the past year, soldiers and members of security forces who refused to obey manifestly unlawful orders to commit crimes against humanity frequently were subjected to severe punishment, including execution, a vivid illustration of the level of control that commanders hold over their subordinates. The broad and repetitive nature of these crimes and the availability of public reports on such crimes by international media broadcasting in Arabic, United Nations human rights mechanisms and the observer mission of the League of Arab States all indicate that military commanders and civilian superiors at the highest levels must have had knowledge of such events. On 7 December 2011, in a televised interview, the President himself referred to the findings made by the present commission in its first report.

102. Notwithstanding this knowledge about crimes, no serious effort was made to prevent and repress them. As discussed above, the commission is not aware of any successful prosecutions; indeed, the commission documented how some officers who directly participated in crimes against humanity were promoted or commended. The commission's evidence also demonstrates a consistent and continuing effort by the Government, the military and the security forces to conceal the facts about crimes. State officials often forced families of those killed by State forces to sign declarations attributing responsibility to armed groups before they would allow the body of the person killed to be released. Where such false declarations were signed, branch offices of the National Independent Legal Commission refused to carry out investigations. The commission of inquiry also found that pro-Government media were used to cover up violations or falsely attribute them to anti-Government armed groups.

103. Structural obstacles, including the immunity from prosecution enjoyed by members of the State forces, and the dependence of the judiciary on the presidency and the Baath Party have fostered impunity.²¹

104. Under the present legal framework and circumstances, it appears that the judiciary lacks the capacity to effectively address crimes against humanity committed on the basis of State policy.

B. Anti-Government armed groups, including Free Syrian Army groups

105. By all accounts, anti-Government armed groups, especially FSA groups, have become much more active since November 2011. The commission assumes to have described only part of the spectrum of anti-Government armed groups that have emerged and their activities.

²¹ A/HRC/S.17/2/Add.1, paras. 21 and 22.

1. Free Syrian Army policies and lack of central control

106. The commission carefully reviewed the information gathered on the operations and activities to date of FSA groups. In this regard, the commission notes that, at a minimum, human rights obligations constituting peremptory international law (*ius cogens*) bind States, individuals and non-State collective entities, including armed groups. Acts violating *ius cogens* – for instance, torture or enforced disappearances – can never be justified.

107. FSA leaders abroad also assured the commission that the FSA was committed to conducting its operations in accordance with human rights and international law. They requested guidance in shaping rules of engagement consistent with this undertaking. The FSA leadership indicated to the commission that commanders in the field currently made their own rules of engagement in accordance with the training received in the Syrian Armed Forces.

108. The commission was unable to ascertain the extent to which the FSA leadership abroad commanded and controlled the various FSA groups operating in the Syrian Arab Republic. It received conflicting accounts from inside the country. Some local groups seem to recognize the leadership, yet may not communicate with it regularly or receive specific orders from it. Others merely adopt the name “FSA” to underscore their revolutionary aspirations, their army background or the fact that they are not *Shabbiha*. The commission also received information about Syrian civilians reinforcing anti-Government armed groups, which increases problems of effective control even at the level of local FSA groups. The FSA leadership abroad indicated to the commission that groups on the ground did not receive orders from it. The leadership saw its role as facilitating coordination between different FSA groups and ensuring its media outreach.

109. As the commission was unable to verify the existence of a functioning chain of command or a superior/subordinate relationship between the highest leadership of the FSA and local units, it was unable to determine individual responsibility of FSA leaders abroad. Rather, the commission’s findings pertain to violations perpetrated by FSA groups in different locations within the country.

2. Abuses by Free Syrian Army groups and other armed groups

110. The Government, in public statements and communications to the commission, repeatedly stated that anti-Government armed groups, in particular FSA groups, had committed gross abuses of human rights. In its note verbale addressed to the commission dated 23 January 2012 (annex XI), the Government referred to “acts of kidnapping, killing, mutilation, forced and involuntary disappearance and violations of the right to life committed by armed groups against Syrian citizens, including women, children and personnel of the army and security forces”. It also mentioned “the killing and forced displacement of anyone who did not comply with the orders of armed groups to participate in protests, strikes, civil disobedience or did not subscribe to their terrorist agenda.” SANA has alleged such incidents in its daily reporting.

111. The commission repeatedly invited the Government to provide information on specific cases. On 15 February 2012, the Government provided a list of specific incidents, providing the date, place and details on “armed actions by terrorist armed gangs” for the period from 23 December 2011 to 10 February 2012. The lists details attacks in all 14 governorates on military and security forces and civilian targets such as schools, universities, factories and warehouses. In the category of attacks on public and State property, 212 incidents are detailed; another 162 incidents concerned bombings or attempted bombings, and 85 incidents involved attacks on installations of the State forces and the police.

112. In its report, the League of Arab States referred to bombing of buildings, trains carrying fuel, vehicles carrying diesel oil and explosions targeting the police, members of the media and fuel pipelines. Without further disaggregating responsibility, the League concluded that some of the attacks had been carried out by the FSA, and others by other anti-Government armed groups.

113. The commission documented instances of gross human rights abuses committed by members of various FSA groups.

114. In Homs, FSA members were found to have tortured and executed suspected *Shabbiha* members in retaliation for abuses committed by *Shabbiha* or plain-clothed security officials posing as them. In late January 2012, in Karm Al-Zeitun, FSA members and others lynched a man suspected of working with the State security forces, and paraded his body on a pick-up truck through the streets.

115. In late December 2011, FSA members in Bab Amr captured two suspected *Shabbiha* members following an exchange of fire. The two men were beaten by the local population. In this instance, FSA members pulled the men away from the angry mob and took them for interrogation to an undisclosed location.

116. In November 2011, in Bab Amr, armed group members abducted a foreign media worker and mistreated him for several hours before releasing him.

117. There were also reports of FSA members in Homs taking security agents, their family members or foreign nationals of certain countries hostage to obtain the release of people detained by State forces. The FSA leadership acknowledged in a written exchange with the commission that FSA groups had indeed abducted foreign nationals, but described those captured as foreign fighters.

118. Some armed civilians in Homs, including armed civilians belonging to the FSA, sought to exact blood revenge for abuses by killing family members of security personnel or *Shabbiha*. The FSA leadership in Homs and also the local coordination committee denounced such collective reprisals and tried to contain them.

119. Credible reports indicated that members of FSA groups in other locations had tortured or summarily executed captured members of the armed forces or security forces. In mid-November 2011, members of the FSA near Talbiseh tortured a member of Military Intelligence during an interrogation. The captured man was beaten, whipped with a cable and threatened with a knife. In late November 2011, a FSA group from Rif Dimashq captured, tortured and killed a member of the security forces.

120. The commission highlights the fact that FSA members, including local commanders that have command responsibility, may incur criminal responsibility under international law.

V. Conclusions and recommendations

121. The grave and ongoing human rights crisis in the Syrian Arab Republic is the consequence of a combination of factors, including a State that has failed to respond to the legitimate political, economic and social demands of its people and its position in the highly complex geopolitics of the region.

122. The response of the security apparatus to what started as peaceful dissent soon led to armed clashes. One year later, the Syrian Arab Republic is on the brink of an internal armed conflict. Diverging agendas within a deeply divided international community complicate the prospects for ending the violence.

123. The socio-economic situation in the country has deteriorated, leaving the vast majority of the population in a state of disarray. Meeting basic needs to sustain everyday life has become increasingly difficult for the population at large. In this respect, the commission of inquiry does not support the imposition of economic sanctions that would have negative impact on the human rights of the population, in particular of vulnerable groups.

124. The continuation of the crisis carries the risk of radicalizing the population, deepening inter-communal tensions and eroding the fabric of society.

125. The commission remains convinced that the only possible solution to end the violence is an inclusive dialogue leading to a negotiated settlement that effectively ensures the human rights of all people in the country.

126. The Government has manifestly failed in its responsibility to protect the population; its forces have committed widespread, systematic and gross human rights violations, amounting to crimes against humanity, with the apparent knowledge and consent of the highest levels of the State. Anti-Government armed groups have also committed abuses, although not comparable in scale and organization with those carried out by the State.

127. In accordance with international law, the responsibility to investigate, prosecute and punish international crimes and other gross violations rests first and foremost with the State. The crimes against humanity and other gross violations documented in the commission's reports have been committed, however, within a system of impunity. Profound structural reforms in the political, justice and security sectors are necessary to break the culture of impunity and to deliver justice to the victims.

128. Reconciliation and accountability should be based on broad, inclusive and credible consultations involving all Syrian people and situated within the framework of international law. International justice mechanisms could be used to support and complement national efforts.

129. In the meantime, thorough monitoring of the situation of human rights needs to be continued and evidence of international crimes and other gross violations systematically collected to facilitate the process of holding those responsible for such acts accountable.

130. The commission makes the recommendations below to immediately end the violence and to initiate a longer process to achieve reform, reconciliation and accountability.

A. Ending violence

131. The commission calls for an urgent, inclusive political dialogue, bringing together the Government, opposition and anti-Government actors to negotiate an end to the violence, to ensure respect for human rights and to address the legitimate demands of the Syrian people. A contact group composed of States with diverse positions on the situation in the Syrian Arab Republic should be established to initiate a process leading to such a political dialogue. An international peace conference should be convened as soon as possible to facilitate this process.

132. The commission recommends that the Government implement the recommendations issued in its first report,²² and that it also:

(a) Ensure that all people in detention are informed promptly of the reasons for their detention and any charges against them, and allowed prompt and regular access to a lawyer of their choice and visits by their families, who should also be notified about their status and location;

(b) Conduct fair trials for deserters and armed group members, and ensure that no evidence obtained by torture is relied on;

(c) Take all feasible measures to locate and identify persons who died during the unrest and determine the fate of disappeared persons;

(d) Deploy civilian police, instead of the army or security forces, to control and protect protests by unarmed civilians, and provide them with training and non-lethal equipment to control crowds in compliance with international standards;

(e) Publish a list of all places currently being used as detention facilities, together with information on the agency or unit responsible for their supervision;

(f) Publish the rules of engagement guiding army and security force operations against anti-Government armed groups.

133. The commission renews its recommendation that all armed groups ensure respect for and act in accordance with international human rights law. Armed groups, in particular the FSA and its local groups, should:

(a) Adopt and publicly announce rules of conduct that are in accordance with international human rights law and other applicable international standards, including those reflected in the Declaration of Minimum Humanitarian Standards;²³

(b) Publicly pledge not to torture or execute captured soldiers, *Shabbiha* members or civilians, not to target people who take no part in the clashes, and not to take hostages, whether civilian or military;

(c) Instruct FSA members to abide by these commitments and hold perpetrators of abuses within their ranks accountable;

(d) Take care to minimize the risk of civilians coming under Government fire or facing reprisals as a result of the deployment of FSA members in specific places;

(e) Provide relevant humanitarian and human rights institutions with all available information on the fate of persons it has captured, and give such actors full and unimpeded access to detainees.

134. The commission recommends that the United Nations include a strong human rights component in any international mission deployed to the Syrian Arab Republic, with the mandate and capacity to monitor effectively any human rights violations, including those involving violence against women, children and minorities.

135. The commission recommends that OHCHR and the future Special Rapporteur on the situation of human rights in the Syrian Arab Republic continue to identify, where possible, those responsible for international crimes with a view to ensure that perpetrators are held accountable. OHCHR, in cooperation with the Special

²² A/HRC/17-2/Add.1, para. 112.

²³ E/CN.4/1995/116.

Rapporteur, should maintain and update the confidential database established by the commission.

B. Reconciliation, accountability and reparation

136. The commission recommends that the Syrian Arab Republic carry out profound political, justice and security sector reforms. These should include the removal of legal and institutional obstacles to the independence of the judiciary; the abolition of immunities from prosecution enjoyed by members of the military and security forces; a credible vetting process to remove officers involved in gross human rights violations from the military and security forces; a comprehensive reform of the Penal Code; the ratification of the Rome Statute of the International Criminal Court; and the adoption of domestic legislation consistent with it.

137. The Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve reconciliation, truth and accountability for gross violations occurring since March 2011, as well as reparations and effective remedies for the victims. Women, minorities and victims groups should be adequately represented.

138. The process should provide for reparation and effective remedies for victims and their families. The international community should contribute to make adequate reparation possible.

139. The commission recommends that the Syrian Arab Republic seek technical assistance with regard to reform and consultation processes and related training for policymakers, judges, prosecutors and security sector officials from the United Nations, in particular OHCHR. To facilitate the process to achieve reconciliation and accountability, the international community should consider implementing the jurisdiction of suitable international justice mechanisms.

Annexes

Annex I

Note verbale dated 13 December 2011 addressed to the Permanent Representative of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland, and refers to its notes verbales of 29 September 2011, 19 October 2011 and 4 November 2011, as well to the Chairperson's letter of 27 October 2011. The Commission also takes note of the letter dated 12 October 2011 from the Permanent Representative of the Syrian Arab Republic and the note verbale dated 17 November 2011 from the Syrian Arab Republic addressed to the Independent International Commission of Inquiry.

In its report, transmitted to the Syrian Arab Republic and the President of the Human Rights Council on 28 November 2011, the Commission strove to reflect the position of the Government of the Syrian Arab Republic, including existing policies and announced reforms expressed in public pronouncements and media reports. The Commission believes that a visit to the country would have allowed the Commission to interact directly with Government officials and to ascertain the circumstances of the reported killing of members of the military and security forces. The Commission remains eager to reach out to their families and to wounded soldiers, as well as to suffering civilians across Syrian communities. It also looks forward to the opportunity of meeting the members of the National Independent Special Legal Commission and learning about its work and findings.

In this context, the Commission wishes to reiterate its request to visit the Syrian Arab Republic as part of fulfilling its mandate and in preparation of the written update requested by the Human Rights Council for its 19th session. The Commission looks forward to the results of the 12 December 2011 local elections and to interact with newly elected officials.

The Commission avails itself of this opportunity to renew to the Permanent Representative of the Syrian Arab Republic assurances of its highest consideration.

13 December 2011



Annex II

Note verbale dated 21 December 2011 from the Permanent Representative of the Syrian Arab Republic addressed to the commission

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

21 December, 2011

598/11

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and in reference to the Note Verbal of the Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1 dated 13/12/2011; has the honour to attach herewith the respond of the Syrian Arab Republic Government to the request of the Commission to visit Syria.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights the assurances of its highest consideration.

OHCHR REGISTRY

22 DEC 2011

Recipients: M.E.N.A.....

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Office of the High Commissioner for Human Rights
Palais Wilson

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MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

**Mr. Chairperson and Members of the Independent International Commission
of Inquiry pursuant to resolution A/HRC/S-17/1**

We received your Note Verbal dated 13/12/2011, which reiterates the request of the commission to visit the Syrian Arab Republic “as part of fulfilling its mandate and in preparation of the written update” to its report published on 13/11/2011, in which you politicized the human rights situation in Syria in an unprofessional, selective and subjective manner, where you undertook what you called “investigations” in a way that lacks the simplest basis of professional investigation, and consigns with the agenda of certain countries aiming to destroy Syria, and to intervene militarily in Syria under the pretext of “protecting the civilians”.

You have grossly exceeded your mandate by holding the Syrian Government fully accountable for what has been going on in Syria, while you have given a blind eye to the violations of human rights committed by the terrorist groups, and you have refrained from referring to millions of dollars funneled to these groups in the form of money, weapons, and media and logistical support, aiming to ruin Syria and kill its people.

Syria has fully cooperated with you, despite the fact that it has not approved of the resolution establishing your committee, and has provided you with numerous documents and documented information regarding the real situation in Syria.

However, you have ignored everything you have received from Syria and you were content only with certain references to them in your report, calling them “allegations” or annexes.

Syria has reiterated that it has formed an independent, impartial and honest judicial Investigation Commission with wide powers to investigate all the crimes committed in the context of the recent events. The Judicial Commission is working continuously to prove the truth for the sake of comforting the souls of the victims and to punish the perpetrators. We have repeatedly clarified that this Commission has not concluded its work yet, and that the Syrian government does not want to anticipate its work and to present non-objective or politically motivated results as did the International Commission of Inquiry in its report. Furthermore, we have reiterated our readiness to consider cooperation with the international commission of inquiry after the Syrian investigation committee has reached concrete results. However, you chose to refuse this and instead turned to listening to whom you call witnesses from international and regional organizations and journalists and NGOs, and those whom you call “defectors from the military and security services”. You have interviewed 223 “witnesses” as mentioned in your report, which leads us here to ask you: Have you called upon any of the martyr Sari Saoud’s family members to listen to their testimony? Or have you listened to the testimony of the “deceased” Zainab, whom you have added to the list of “civilians killed by the security forces” and those you described as “Al Shabiha” based on media reports, which later turned out to be alive? Or have you listened to the testimony of any of the family members of the martyr General Abdo Kheder Tallawi’s who was killed along with his three children in cold blood and whose bodies were mutilated? And why have you refused all of the documented information you received from Syria regarding the case of the child Hamza Al Khatib and preferred instead certain false media

reports in order to form serious accusations against Syria of committing crimes against humanity.

You have relied upon interviews with politicians, journalists, and persons who have interest in destroying Syria, as well as non-Syrian citizens, some of whom are from countries that are involved in the events causing the deaths of Syrians on a daily basis. Some of those are directly contributing to the fabrications of stories against Syria, and others have Syrian blood on their hands. You have shut your ears to the voices of the real victims. How do you claim impartiality and objectivity while you have never met any of the above mentioned victims and many others who have suffered from the scourge of terrorism in Syria?

Hundreds of terrorists have publically admitted that they killed protestors and that they were involved in looting, killing, mutilating bodies, and fabricating stories in return of money they received from some neighboring countries. Those people described the killings of whoever did not protest with them or cooperated in ruining Syria. They also proudly spoke of the burnings, mutilations of bodies, and rape.

You have ignored all of our confirmed information as well as the confirmed information of a number of news agencies upon which you relied in your investigations pertaining to the existence of armed groups killing innocent people and targeting the army, security, intellectuals and scientists in Syria. With the aim to draw the attention to the non peaceful nature of the events in Syria, we have previously informed the office of the High Commissioner for Human Rights on 22/06/2011 of the death of more than /260/ martyrs from the army and security forces in armed attacks. This number grew to /600/ martyrs by 20/08/2011, and then /1100/ by 19/10/2011. The total number of martyrs has now surpassed /2000/ members of the security forces and the Syrian Army, this while you still refuse to

believe or listen to the fact that terrorist acts are being committed in Syria. Is there no place for these facts in your report?

We did not find any indication to the destruction of railways, oil pipelines, as well as the burning of schools, hospitals and official establishments, nor any reference to the destruction of the infrastructure and the ruining of the economy. Do the victims of these violations not deserve your attention?

Does the terrorizing of civilians and forcing them to abandon their homes and properties, and rendering them displaced in areas of a certain sectarian color, and killing them and mutilating their bodies to divide the country on a sectarian basis - in a clear violation of their right to life, and a violation of the prevention of extrajudicial killing as well as the violation of the freedom of religion and belief, does it not deserve any attention from you considering that you have been mandated to investigate these violations? And we ask here: do you plan to call for any non-politicized action to address these issues other than the call for military intervention in Syria?

How can the Commission confirm that crimes against humanity have been committed without having followed the simplest rules of professional and objective investigation in collecting evidence? Unfortunately the International Commission of Inquiry chose to describe everything that it has received concerning these gross violations of human rights in Syria as allegations, while it considered everything all the allegations made by journalists and representatives of NGOs as confirmed and documented information, even though this information is not linked in any way with evidence. The Commission was deliberately selective in using information regardless of its source and credibility, in a clear breach of the basic principles of impartiality, objectiveness and professionalism implemented in any investigation process. The report lacks professionalism in its preparation and precision in the

information and method, and has used erroneous and fabricated information to launch serious accusations and in making recommendations that go in the direction towards intensifying the campaign waged by certain countries against Syria. Therefore, this report cannot be considered separate from this campaign.

The Commission has fully exceeded its mandate, and surpassed its original mission of investigating violations of International Human Rights Law free from double standards and politicization. The Commission immersed itself in the campaign against Syria in a clear violation of its mandate and the resolution establishing it.

The Commission failed to abide by one of the most important objectives of the United Nations which is the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state. The Commission's report was completely politicized and selective, and lacks professionalism and the simplest rules of International Law and Rules of International Human Rights Law, but also the Charter of the United Nations. It has become clear that one cannot build on this report in any future action against Syria, and raises serious questions about the credibility of the Commission.

Syria has previously underlined, and also reiterates today that the only solution to this crisis is national dialogue. Unfortunately, the commission has failed to call for any form of national dialogue, and preferred to violate the Human Rights of the Syrian citizens, first and foremost the right of life, by calling for foreign armies to intervene in Syria.

Syria has chosen the path of reform and fulfilling the demands of its people, and to investigate the events in an impartial and honest manner. Syria also has chosen the path of dialogue. We expect the Commission to contribute to the

achievement of these goals, and to participate in helping Syrians to move peacefully through dialogue towards a better future, and not through calling for the intervention of foreign armies under the pretext of the Protection of Civilians.

We call upon you to listen to the voice of righteousness, justice and objectivity, and to reflect the truth as it comes from the voices of those who know it and live it, and not through allegations of people living thousands of miles from Syria and who are implicated in acts of killings and terrorizing Syrians. We also call upon you not to follow the calls for foreign intervention in Syria and ask you to restore your true role in investigating human rights violations, and to support reform and dialogue plans in Syria in order to overcome this crisis which is draining precious Syrian blood to the benefit of foreign agendas that do not help in protecting and promoting human rights.

In light of the above, and in light of: your lack of commitment to the principles of professional, non-politicized and non-selective investigation; your lack of concern to expose the reality and the violations of victims' rights committed by terrorists groups against Syrians; and your satisfaction with exposing the mere of what you receive from the Syrian authorities and describing it as "allegations" or adding them in "annexes"; we do not see at the present time any benefit in any request to visit Syria. We await seeing a real change in the direction of working towards revealing the truth according to real testimonies of real witnesses and victims of human rights violations. Only then you will find all our doors open for you in Syria.

Kindly accept our highest considerations.

Annex III

Note verbale dated 27 December 2011 from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Human Rights Council

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



OHCHR REGISTRY

27 DEC 2011

Recipients: H.R. Council

N° 611/11

Geneva, 27th December 2011

الجُمْهُورِيَّةُ اَلْعَرَبِيَّةُ اَلسُّورِيَّةُ
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and following all the Mission's communications regarding the recent events in the Syrian Arab Republic, has the honour to forward to H.E Ms. Laura Dupuy Lasserre, President of the Human Rights Council the attached official statistics of the documented acts of killing, kidnapping, looting, and car theft that took place in the Syrian Arab Republic between 15/03/2011 and 19/12/2011.

The Permanent Mission of the Syrian Arab Republic kindly requests the publication of the above mentioned document, in all official languages of the UN, as official documents of the Human Rights Council.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to the President of the Human Rights Council, the assurances of its highest consideration.

H.E Ms. Laura Dupuy Lasserre
President of the Human Rights
The Office of the High Commissioner for Human Rights
Palais des Nations
1211 – Geneva 10



إحصائيات بحوادث (القتل والخطف والسلب وسرقة السيارات)

في القطر منذ بداية الأحداث وحتى تاريخ ١٩/١٢/٢٠١١م

أولاً. حوادث القتل الواقعة على المدنيين والعسكريين والشرطة، وفقاً لتقارير المشافي، والضبوط المنظمة من قبل الوحدات الشرطة، وبلغ عددها /٣٢٥٩/ موزعة على الشكل التالي :

١. حوادث القتل الواقعة على المدنيين :

| المحافظة | دمشق | ريف دمشق | حماة | طرطوس | اللاذقية | حلب | الحمص | القطر | السويداء | درعا | رقيا | ريف دمشق | دمشق | المحافظة |
|----------|------|----------|------|-------|----------|-----|-------|-------|----------|------|------|----------|------|----------|
| العدد | ٨٥ | ١٥٣ | ٣٤١ | - | - | ٢٢ | ٢٨٠ | ٢٤٣ | ١٢٤ | ١٠ | ٤٢ | ٢ | ١٣٦ | |

علماً أن هناك عدد غير معروف من القتلى المدنيين خلال الأحداث لم يتم التعرف على عددهم نظراً لعدم إمكانية الوصول إلى جثثهم، أو تنظيم ضبوط بمقتلهم بسبب نقلهم فوراً من قبل ذويهم دون الإعلام عن وفاتهم، أو دفن بعضهم من قبل المسلحين حتى لا يتم التعرف عليهم.

٢. حوادث القتل الواقعة على العسكريين : (الشهداء من الجيش ٩١٣) وفقاً لقائمة وزارة الدفاع المرسلة لمكتب الأمن القومي حتى تاريخ ١٨/١٢/٢٠١١م .

٣. حوادث القتل الواقعة على الشرطة (الشهداء من الشرطة ٢١٥) :

| المحافظة | دمشق | ريف دمشق | حماة | طرطوس | اللاذقية | حلب | الحمص | القطر | السويداء | درعا | رقيا | ريف دمشق | دمشق | المحافظة |
|----------|------|----------|------|-------|----------|-----|-------|-------|----------|------|------|----------|------|----------|
| العدد | ٣ | ١٥ | ٢٢ | - | - | ٢٩ | ٨٣ | ١ | ٥٥ | - | ١ | ٦ | ٢١٥ | |

ثانياً : حوادث السلب بالعنف الواقعة على الأشخاص أو الآليات، وبلغ عددها /١٦٦٣/ حادثة موزعة على

الشكل التالي :

١. حوادث السلب بالعنف الواقعة على الأشخاص :

| المحافظة | دمشق | ريف دمشق | حماة | طرطوس | اللاذقية | حلب | الحمص | القطر | السويداء | درعا | رقيا | ريف دمشق | دمشق | المحافظة |
|----------|------|----------|------|-------|----------|-----|-------|-------|----------|------|------|----------|------|----------|
| العدد | ٥ | ٦١ | ١٩ | ١٨ | - | ٩٩ | ٧٨ | ٢ | ٨ | ١١١ | ٣٠ | ٤ | ٢٣ | ١٠ |

٢. حوادث السلب بالعنف الواقعة على الآليات ، وفقاً لما ورد في التقارير المرفقة :

| المحافظة | دمشق | ريف دمشق | حماة | طرطوس | اللاذقية | حلب | الحمص | القطر | السويداء | درعا | رقيا | ريف دمشق | دمشق | المحافظة |
|----------|------|----------|------|-------|----------|-----|-------|-------|----------|------|------|----------|------|----------|
| العدد | ١٠ | ٥٥ | - | - | - | ١٠٧ | ٣٠٨ | ٦ | - | - | - | ١ | ٣ | ١٩٥٠ |

ثالثاً : حوادث الخطف الواقعة على المدنيين والعسكريين والشرطة، وفقاً لما تم التبليغ عنه، والنتيجة التي آلت إليه عملية الخطف، وبلغ عددهم /٩٠٠/ حادثة موزعة على الشكل التالي :

١. حوادث خطف المدنيين:

| المحافظة | إجمالي المخطوفين | النتيجة المتوقعة على الخطف | | | | |
|-----------|------------------|----------------------------|----------|---------------|--------------|-------|
| | | قتل بعد الخطف | ترك بقية | ترك بدون قذية | ترك بعد سلبه | تحرير |
| دمشق | ٨ | - | - | ٤ | ١ | - |
| ريف دمشق | ٢٥ | ٣ | ٢ | ١٦ | - | - |
| درعا | ٣ | ١ | - | ٢ | - | - |
| السويداء | - | - | - | - | - | - |
| القيصية | - | - | - | - | - | - |
| حمص | ٣٨٨ | ٧٣ | ٢ | ٢١٩ | ٨ | ٦ |
| حمّاه | ١٢٩ | ١٠ | ١٠ | ٥٩ | - | ١ |
| طرطوس | - | - | - | - | - | - |
| اللاذقية | ٤ | - | - | ٤ | - | - |
| الذبل | ٩٩ | ٩ | ٥ | ٧١ | - | - |
| حلب | ٧ | - | ٣ | ٣ | - | - |
| الرقية | - | - | - | - | - | - |
| دير الزور | - | - | - | - | - | - |
| الحسكة | ٣ | - | - | ٢ | - | - |
| المجموع | ٦٠٣٢ | ٩٦ | ٢٢ | ٣٨٠ | ٩ | ٧ |

٢. حوادث خطف العسكريين ، وفقاً لما ورد في التقارير المرفقة :

| المحافظة | إجمالي المخطوفين | قتل بعد الخطف | ترك بقية | ترك بدون قذية | ترك بعد سلبه | تحرير | هروب | مجهول المصير |
|-----------|------------------|---------------|----------|---------------|--------------|-------|------|--------------|
| ريف دمشق | - | - | - | - | - | - | - | - |
| درعا | ٢ | - | ١ مفار | - | ١ سلبه | - | - | - |
| السويداء | - | - | - | - | - | - | - | - |
| القيصية | - | - | - | - | - | - | - | - |
| حمص | ١٧ | ٣ | - | ١ | - | ٣ | - | ١٠ |
| حمّاه | ٢٤ | ١ | - | ٢ | - | - | - | ٢١ |
| طرطوس | - | - | - | - | - | - | - | - |
| اللاذقية | - | - | - | - | - | - | - | - |
| الذبل | ٢٢ | ١ | ١ | ٣ | - | - | - | ١٧ |
| حلب | ١ | - | ١ | - | - | - | - | - |
| الرقية | - | - | - | - | - | - | - | - |
| دير الزور | ٤ | - | - | ٣ | - | - | - | ١ |
| الحسكة | - | - | - | - | - | - | - | - |
| المجموع | ٧٠ | ٥ | ٣ | ٩ | ١ | ٣ | - | ٤٩ |

٣. حوادث خطف الشرطة ، وفقاً لما ورد في التقارير المرفقة :

| المحافظة | عدد المختطفين الإجمالي | قتل بعد الخطف | ترك يفتيه | ترك بدون هدية | ترك بعد تسليمه | تحرير | هروب | مجهول (مقتول) |
|-----------|------------------------|---------------|-----------|---------------|----------------|-------|------|---------------|
| ريف دمشق | ٢ | - | ١ | - | - | - | - | ١ |
| لوزيا | ٨ | ٢ | - | ٢ | ٢ | ١ | ١ | - |
| السويداء | - | - | - | - | - | - | - | - |
| القيسية | - | - | - | - | - | - | - | - |
| حمص | ١٥ | ٤ | - | ٧ | - | - | - | ٤ |
| حماه | ٧٢ | ٤ | - | ٣١ | - | - | - | ٣٧ |
| دمشق | ١ | - | - | ١ | - | - | - | - |
| طرطوس | - | - | - | - | - | - | - | - |
| اللاذقية | ١ | - | - | ١ | - | - | - | - |
| الدلي | ٣١ | ٦ | - | ١٣ | - | - | - | ١٢ |
| حلب | ٣٠ | - | - | ٢٩ | - | - | - | ١ |
| الرقية | - | - | - | - | - | - | - | - |
| دير الزور | ٤ | - | - | ١ | - | - | ٣ | - |
| الحسكة | - | - | - | - | - | - | - | - |
| المجموع | ١٦٤ | ١٦ | ١ | ٨٥ | ٢ | ١ | ١ | ٥٥ |

رابعاً - السيارات المسروقة في المحافظات، وبلغ عددها /٨٨٨/ سيارة موزعة على الشكل التالي :

١. السيارات الشرطة :

| المحافظة | دمشق | ريف دمشق | لوزيا | السويداء | القيسية | حمص | حماه | طرطوس | اللاذقية | الدلي | حلب | الرقية | دير الزور | الحسكة | المجموع |
|----------|------|----------|-------|----------|---------|-----|------|-------|----------|-------|-----|--------|-----------|--------|---------|
| العدد | - | - | - | - | - | - | ٤ | - | - | ٥ | - | - | - | - | - |

٢. السيارات الحكومية :

| المحافظة | دمشق | ريف دمشق | لوزيا | السويداء | القيسية | حمص | حماه | طرطوس | اللاذقية | الدلي | حلب | الرقية | دير الزور | الحسكة | المجموع |
|----------|------|----------|-------|----------|---------|-----|------|-------|----------|-------|-----|--------|-----------|--------|---------|
| العدد | - | ٣ | ٢ | - | - | ٤١ | ١٢٧ | ١ | - | ١١٧ | ٤ | - | ١ | - | ٢٩٦ |

٣. السيارات المدنية :

| المحافظة | دمشق | ريف دمشق | لوزيا | السويداء | القيسية | حمص | حماه | طرطوس | اللاذقية | الدلي | حلب | الرقية | دير الزور | الحسكة | المجموع |
|----------|------|----------|-------|----------|---------|-----|------|-------|----------|-------|-----|--------|-----------|--------|---------|
| العدد | ٤٧ | ٧٧ | ٨ | - | - | ١١٧ | ١١٨ | ٩ | - | ١٥٩ | ٢٦ | ١ | ٢١ | - | ٥٨٣ |

- ربطا ملف تفصيلي.

(Unofficial translation)

Statistics of Acts of Killing, Kidnapping, Looting and Car Theft from 15/3/2011 - 19/12/2011

Source: letter from the Permanent Mission of the Syrian Arab Republic dated 27/12/2011

1. Killing incidents of civilians, military personnel and policemen according to hospital reports and policing units

| <i>Province</i> | <i>Total</i> | <i>Hassakah</i> | <i>Deir Al Zour</i> | <i>Al Raqah</i> | <i>Aleppo</i> | <i>Idlib</i> | <i>Al Ladhqiyyah</i> | <i>Tartus</i> | <i>Hamah</i> | <i>Homs</i> | <i>Al Qunaytirah</i> | <i>Al Suwayda</i> | <i>Drac</i> | <i>Rif Dimashq</i> | <i>Damascus</i> |
|--|--------------|-----------------|---------------------|-----------------|---------------|--------------|----------------------|---------------|--------------|-------------|----------------------|-------------------|-------------|--------------------|-----------------|
| Killings of civilians ^a | 2,131 | 2 | 42 | – | 10 | 234 | 124 | 22 | 280 | 829 | – | – | 341 | 153 | 85 |
| Killing of policemen | 215 | 1 | 6 | – | – | 29 | 1 | – | 55 | 83 | – | – | 22 | 15 | 3 |
| Killing of soldiers (based on information provided by the Office of National Security as of 18.12.2011) | 913 | | | | | | | | | | | | | | |
| Total | 3,259 | | | | | | | | | | | | | | |

^a The list is not exhaustive because the State could not physically reach all bodies, or because they were buried by family members or armed groups

2. Looting

| <i>Province</i> | <i>Total</i> | <i>Hassakah</i> | <i>Deir Al Zour</i> | <i>Al Raqah</i> | <i>Aleppo</i> | <i>Idlib</i> | <i>Al Ladhqiyyah</i> | <i>Tartus</i> | <i>Hamah</i> | <i>Homs</i> | <i>Al Qunaytirah</i> | <i>Al Suwayda</i> | <i>Drac</i> | <i>Rif Dimashq</i> | <i>Damascus</i> |
|-----------------|--------------|-----------------|---------------------|-----------------|---------------|--------------|----------------------|---------------|--------------|-------------|----------------------|-------------------|-------------|--------------------|-----------------|
| Civilians | 468 | 10 | 23 | 4 | 30 | 111 | 8 | 2 | 78 | 99 | – | 18 | 19 | 61 | 5 |
| Vehicles | 1,195 | – | 1 | 3 | 44 | 661 | – | 6 | 308 | 107 | – | – | – | 55 | 10 |
| Total | 1,663 | | | | | | | | | | | | | | |

Kidnapping incidents: Civilians, military personnel and policemen and the result

| <i>Kidnapped civilians</i> | <i>Total</i> | <i>Killing after kidnapping</i> | <i>Released after ransom</i> | <i>Released without ransom</i> | <i>Released after looting</i> | <i>Liberation</i> | <i>unknown destiny</i> |
|----------------------------|--------------|---------------------------------|------------------------------|--------------------------------|-------------------------------|-------------------|------------------------|
| Damascus | 8 | – | – | 4 | 1 | – | 3 |
| Rif Dimashq | 25 | 3 | 2 | 16 | – | – | 4 |
| Draa | 3 | 1 | – | 2 | – | – | – |
| Al Suwayda | – | – | – | – | – | – | – |
| Al Qunaytirah | – | – | – | – | – | – | – |
| Homs | 388 | 73 | 2 | 219 | 8 | 6 | 80 |
| Hamah | 129 | 10 | 10 | 59 | – | 1 | 49 |
| Tartus | – | – | – | – | – | – | – |
| Al Ladhiqiyah | 4 | – | – | 4 | – | – | – |
| Idlib | 99 | 9 | 5 | 71 | – | – | 14 |
| Aleppo | 7 | – | 3 | 3 | – | – | 1 |
| Al Raqa | – | – | – | – | – | – | – |
| Deir Al Zour | – | – | – | – | – | – | – |
| Hassakah | 3 | – | – | 2 | – | – | 1 |
| Total | 666 | 96 | 22 | 380 | 9 | 7 | 152 |

| <i>Kidnapped military personnel</i> | <i>Total</i> | <i>Killing after kidnapping</i> | <i>Released after ransom</i> | <i>Released without ransom</i> | <i>Released after looting</i> | <i>Liberation</i> | <i>Escaped</i> | <i>unknown destiny</i> |
|-------------------------------------|--------------|---------------------------------|------------------------------|--------------------------------|-------------------------------|-------------------|----------------|------------------------|
| Rif Dimashq | – | – | – | – | – | – | – | – |
| Dar'a | – | – | 1 (1,400 bullets) | – | 1 (weapon) | – | – | – |
| Al Suwayda | – | – | – | – | – | – | – | – |
| Al Qunaytirah | – | – | – | – | – | – | – | – |
| Homs | 17 | 3 | – | 1 | – | 3 | – | 10 |
| Hamah | 24 | 1 | – | 2 | – | – | – | 21 |
| Tartus | – | – | – | – | – | – | – | – |
| Al Ladhiqiyah | – | – | – | – | – | – | – | – |
| Idlib | 22 | 1 | 1 | 3 | – | – | – | 17 |
| Aleppo | 1 | – | 1 | – | – | – | – | – |
| Al Raqa | – | – | – | – | – | – | – | – |
| Deir el-Zour | 4 | – | – | 3 | – | – | – | 1 |
| Hassakah | – | – | – | – | – | – | – | – |
| Total | 70 | 5 | 3 | 9 | 1 | 3 | – | 49 |

| <i>Kidnapped policemen</i> | <i>Total</i> | <i>Killing after kidnapping</i> | <i>Released after ransom</i> | <i>Released without ransom</i> | <i>Released after looting</i> | <i>Liberation</i> | <i>Escaped</i> | <i>unknown destiny</i> |
|--------------------------------|--------------|---|--------------------------------------|--|---------------------------------------|-------------------|----------------|----------------------------|
| Rif Dimashq | 2 | – | 1 | – | – | – | – | 1 |
| Dar'a | 8 | 2 | – | 2 | 2 (guns) | 1 | 1 | – |
| Al Suwayda | – | – | – | – | – | – | – | – |
| Al Qunaytirah | – | – | – | – | – | – | – | – |
| Homs | 15 | 4 | – | 7 | – | – | – | 4 |
| Hamah | 72 | 4 | – | 31 | – | – | – | 37 |
| Damascus | 1 | – | – | 1 | – | – | – | – |
| Tartus | – | – | – | – | – | – | – | – |
| Al Ladhiqiyah | 1 | – | – | 1 | – | – | – | – |
| Idlib | 31 | 6 | – | 13 | – | – | – | 12 |
| Aleppo | 30 | – | – | 29 | – | – | – | 1 |
| Al Raqa | – | – | – | – | – | – | – | – |
| Deir el-Zour | 4 | – | – | 1 | – | – | 3 | – |
| Hassakah | – | – | – | – | – | – | – | – |
| Total | 164 | 16 | 1 | 85 | 2 | 1 | 4 | 55 |

Total kidnappings

Total kidnapping incidents 900

Car theft

| | |
|-------------------|------------|
| <i>Police car</i> | 9 |
| Government car | 296 |
| Civil car | 583 |
| Total | 888 |

Annex IV

Note verbale dated 28 December 2011 addressed to the Permanent Representative of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland, and refers to its note verbale of 13 December 2011 and the response dated 21 December 2011 from the Syrian Arab Republic Government.

The Commission wishes to recall that the Human Rights Council, in its resolution S-17/1 of 23 August, mandated the Commission to (i) investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, (ii) to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, (iii) where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable. The Human Rights Council requested the Commission to make its report public before the end of November 2011 and to present a written update to the Council at its nineteenth session, in March 2012. It also requested the full cooperation of the Syrian Arab Republic.

In order to fulfil its mandate, the Commission collected first-hand information through interviews with victims and witnesses of events in the Syrian Arab Republic. The Commission undertook 223 interviews with Syrians who left the country after the unrest began. Among those interviewed 69 % were civilian victims and witnesses, 25% were defectors from the military and security forces and 6% were other sources. The standard of proof was met when the Commission obtained a reliable body of evidence, consistent with other information, indicating the occurrence of a particular incident or event. The Commission ensured that all its interlocutors had the opportunity and time to consider the Commission's request for interviews and either accept it or reject it.

In addition, a public call was made to all interested persons and organizations to submit relevant information and documentation that would help the Commission implement its mandate. It held meetings with Member States from all regional groups, regional organizations, including the League of Arab States and the Organization of Islamic Cooperation, non-governmental organizations, human rights defenders, journalists and experts. Reports, scholarly analyses and media accounts, including Syrian official sources such as SANA, as well as audio and visual material, were also duly considered.

Prior to the release of its report S-17/2/Add.1 dated 28 November 2011, the Commission requested access to the Syrian Arab Republic in its notes verbales dated 29 September, 19 October, 27 October and 4 November 2011. In its letter dated 27 October 2011, the Commission reiterated its invitation to the members of the national Independent Special

Legal Commission and relevant Syrian officials to visit Geneva in November. A questionnaire was annexed to the letter with a view of engaging the Government of the Syrian Arab Republic in a dialogue. The Commission stressed that the deadline for the submission of its report to the Human Rights Council was before the end of November.

Despite these numerous attempts, to date, the Commission has not received from the Syrian Arab Republic Government any cooperation, documents or substantive information related to the events since March 2011. No access to the Syrian Arab Republic was granted to the Commission. No Syrian officials met with the Commission even when on official visit to Geneva in the context of the Universal Periodic Review. No answers were provided by the Government on the detailed questionnaire sent by the Commission. No information was provided concerning the work of the national Independent Special Legal Commission.

The only correspondence from the Government of the Syrian Arab Republic received by the Commission prior to the release of its report were two letters dated 12 October and 17 November 2011. In those letters, attached as Annex III and VII to the Commission's report, the Government expressed its position that it would examine the possibility of cooperating with the commission once its own commission had concluded its work and this despite the deadline of the public release of the Commission's report by end-November.

While the Commission deeply regrets not having had access to the Syrian Arab Republic and despite the lack of cooperation by the Syrian Arab Republic, the Commission's report of 28 November and more specifically paragraphs 30, 31, 32, 33, 34, 37, 38, 40 and 51, strove to reflect the position of the Government of the Syrian Arab Republic, including existing policies and announced reforms expressed in public pronouncements and media reports.

As stated in its report, the Commission is aware of acts of violence committed by demonstrators, army defectors or opponents of the Government. It also referred to 1,100 members of State forces who had been killed by terrorists and armed gangs according to official statements. The Commission did not receive from the Government any information about the cases of Sari-Saud, General Abdo Kheder Tallawi and his children as well as the case of Hamza Al Khatib. The Commission would have welcomed the Government's cooperation in facilitating contacts with the families of killed or wounded military and security personnel, as well as other victims. No offer of such good offices was made. Neither did the Government provide any information about the public confessions of hundreds of terrorists that the Government refers to.

The Commission continues to believe that a visit to the country would have allowed the Commission to interact directly with Government officials and to ascertain the circumstances of the reported killing of members of the military and security forces. The Commission remains eager to reach out to their families and to wounded soldiers, as well as to suffering civilians across Syrian communities. In its report, the Commission recommended that opposition groups ensure respect for and act in accordance with international human rights law and that Member States suspend the provision of arms and other military material to all parties.

The Commission refutes any accusation of politicisation, selectivity and non-objectivity. The Commission has shown extreme diligence in maintaining its independence from all Member States and organisations. At no point has the Commission advocated, implied or referred to any use of force or foreign intervention. It has submitted its report to the Human Rights

Council asking the Government of the Syrian Arab Republic, the Human Rights Council, Member States, regional organisations and non-State actors to ensure the implementation of the recommendations contained in the report led by the sole and only purpose of protecting the Syrian population. In its resolution S-17/1, the Human Rights Council decided to transmit the report of the commission and its update to the General Assembly, and recommended that the Assembly transmit the reports to all relevant bodies of the United Nations.

The Commission hopes that cooperation and dialogue could be established for the second phase of its work which will result in a written update to the Human Rights Council on 12 March 2012. Due to United Nations reporting requirements, the Commission should submit its written update by mid-February. Therefore, an open dialogue with the Government of the Syrian Arab Republic including a visit to the country and provision of relevant information should take place not later than mid-January. The Commission looks forward to the opportunity of meeting Syrian officials and the members of the National Independent Special Legal Commission.

The Commission avails itself of this opportunity to renew to the Permanent Representative of the Syrian Arab Republic assurances of its highest consideration.

28 December 2011



Annex V

**Letter dated 18 January 2012 from the commission
addressed to the President of the Syrian Arab Republic**

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/17/1

Geneva, 17 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations in Geneva and has the honour to transmit a letter addressed to H.E. Mr. Bashar AL-ASSAD, President of the Syrian Arab Republic.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic. *RC*



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

17 January 2012

Excellency,

We have the honour to address you in our capacity as the Independent International Commission of Inquiry on the Syrian Arab Republic.

The Human Rights Council of the United Nations, in its resolution S-17/1 of 23 August 2011, mandated the Commission to (i) investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, (ii) to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, (iii) where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

The Commission expresses its gratitude to Your Excellency's Government for the information provided by your note verbale of 27 December 2011. We also applaud your Excellency's decision to accept the deployment of the Observer Mission established pursuant to the Plan of Action agreed between the League of Arab States and Your Excellency's Government and hope that this decision will be followed by further cooperation with United Nations mechanisms, including this Commission.

We were encouraged to take note of reports that Your Excellency had issued an amnesty under Decree 10/2012 in relation to events since March 2011. We would be grateful to receive a copy of the decree as well as information on how many people have applied for amnesty under this or other amnesty decrees issued since March 2011, how many people have been released from detention as a result of the amnesty and how many continue to be detained.

In addition, the Commission respectfully seeks more information on several important issues that Your Excellency addressed in your comprehensive speech of 10 January 2012.

The speech made reference to acts of terrorism, sabotage and murder and the theft, looting and destruction of public and private property, including the deaths of about 30 teachers and university professors and the vandalism, burning and destruction of over a thousand schools. In this context, it was asserted that perpetrators had received money, arms and other support from foreign sources. We would be grateful for a list of specific acts of this nature and their victims; available information on the alleged perpetrators and legal action taken against them; and any evidence that the alleged acts were carried out with foreign support. Furthermore, we would be interested in continuing to receive figures on how many unarmed civilians, active members of the

State security forces, military defectors and other armed opponents have been killed in relation to the events that have taken place since March 2011.


We appreciate that Your Excellency emphasized that there is no order at any level of the State to shoot at any citizen. The speech acknowledged individual mistakes and notes that a limited number of people working for the State have been arrested in relation to murder and other crimes. We would be grateful to receive a list of state officials arrested in connection with such crimes, detailing what rank they held, what crimes they were prosecuted for, who the victims were and what reparation was provided to victims or their families. In this respect, we would also be interested to find out more about the mandate, composition and achievements of the Independent Special Legal Commission established by the Government to investigate all cases pertaining to the events that had taken place since March 2011. Furthermore, we respectfully request information on steps ordered by Your Excellency's Government to prevent future wrongdoings, in line with your command responsibility.

In the course of your speech, Your Excellency reiterated your commitment to advance reforms. In respect of our mandate, we would be particularly interested to receive copies of the Media, Political Parties and Anti-Corruption laws that were passed as well as information about the implementation of these laws. Furthermore, we would be interested to finding out more about the constitutional amendments that are to be approved in the upcoming referendum and the envisaged legislative elections.

Finally, Your Excellency also made references to economic sanctions taken against Syria and citizens being deprived of cooking gas, heating fuel and medicine. In this context, the Commission would be interested to receive more detailed information on the impact sanctions imposed against Syria have had on the living conditions and economic and social rights of the population, including the most vulnerable groups.

In the impartial pursuit of our mandate, we remain committed to seek the cooperation of the Government and undertake to reflect the information provided in our updated report to the 19th session of the Human Rights Council. To ensure that information provided by your Excellency's Government is fully reflected in the report, which will be finalized in mid-February, we would be grateful for a response at your earliest convenience. We also take this occasion to reiterate our request to carry out a visit to Syria to obtain a first-hand impression of the situation on the ground. Meanwhile, we remain open to engage in a direct, constructive dialogue with any representatives Your Excellency chooses to designate.

Please accept, Excellency, the assurances of our highest consideration.



Paulo Pinheiro
Chairperson

Annex VI

Letter dated 23 January 2012 from the commission addressed to the Minister for Justice of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Judge Tayseer Qala Awwad, Minister of Justice in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland. DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information about dissidents who have been brought before criminal courts since March 2011 for offences related to disruption of public order and/or to their conduct during demonstrations. We also remain eager to learn about your cooperation with the Independent Special Legal Commission established by the Syrian Government to investigate all cases pertaining to the events that have taken place since March 2011. The Commission looks forward to reviewing any document or statistics that the Ministry of Justice could provide related to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Justice which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro'.

Paulo Pinheiro
Chairperson

Judge Tayseer Qala Awwad
Minister of Justice
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير
القاضي تيسير قلا عواد
وزير العدل
حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابة عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د إ - ١/١٧، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/ مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتزم من سيادتكم تزويدنا بمعلومات بخصوص المعارضين الذين مثلوا أمام المحاكم الجنائية منذ شهر آذار/ مارس ٢٠١١ بتهم متعلقة بالإخلال بالنظام العام و / أو بسلوك المحتجين خلال المظاهرات. اللجنة حريصة أيضاً على معرفة ما هو نوع التعاون بين وزير العدل واللجنة القضائية الخاصة المستقلة التي أنشأتها حكومة الجمهورية العربية السورية للتحقيق في جميع الحالات المتصلة بالأحداث التي وقعت منذ شهر آذار/ مارس ٢٠١١. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية أن تقوم وزارة العدل بتزويدها بأية وثائق أو إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى وزارة العدل في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

باولو بنهيريرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex VII

**Letter dated 23 January 2012 from the commission
addressed to the Minister for the Interior of the Syrian Arab
Republic**

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Major General Mohammad Ibrahim AL-Shaar, Minister of Interior in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

bc



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning dissidents who have been arrested and detained since March 2011 for offences related to disruption of public order and/or to their conduct during demonstrations. We remain eager to learn whether investigations by the Ministry of Interior have taken place to ascertain specific responsibilities of individuals, as well as the number of persons who have been detained and the nature of the charges brought against such offenders. The Commission looks forward to reviewing any document or statistics that the Ministry of Interior could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Interior which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Major General Mohammad Ibrahim Al-Shaar
Minister of Interior
Damascus, Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير

اللواء محمد ابراهيم الشعار

وزير الداخلية

حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعيكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د/١٧-١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بأسماء المعارضين الذين اعتقلوا واحتجزوا منذ شهر آذار/مارس ٢٠١١ بتهم متعلقة بالإخلال بالنظام العام و/أو بسلوك المحتجين خلال المظاهرات. اللجنة حريصة على معرفة ما إذا كانت التحقيقات التي أجرتها وزارة الداخلية قد أجريت لتحديد المسؤولية عن الأحداث. كما نود أن تحيطونا علماً بعدد المحتجزين من المتظاهرين، وطبيعة التهم الموجهة اليهم. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان تقوم وزارة الداخلية بتزويدها بأية وثائق أو إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى وزارة الداخلية في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

Handwritten signature

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex VIII

Letter dated 23 January 2012 from the commission to the Minister for Defence of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to General Dawoud Rajiha, Minister of Defense in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland. *sc*



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning the names, ranks and number of killed and wounded among the military and security forces since March 2011, as well as the circumstances that have led to deaths and injuries. We would be grateful for your good offices to be allowed to contact the families of those members of the armed and security forces who were killed or injured since March 2011. The Commission looks forward to reviewing any document or statistics that the Ministry of Defence could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Defence which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Gen. Dawoud Rajiha
Minister of Defense
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير

العماد أول داود عبدالله راجحة

وزير الدفاع

حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د إ - ١/١٧، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بمعلومات بخصوص عدد وأسماء ورتب أفراد قوات الأمن والجيش في الجمهورية العربية السورية الذين قتلوا أو أصيبوا، بما في ذلك الظروف التي أودت بحياتهم أو أصابتهم. و تقدر اللجنة بامتنان مساعدكم الحميدة بالسماح لنا بالتواصل مع عائلات أفراد قوات الأمن والجيش الذين قتلوا أو جرحوا منذ شهر آذار/مارس ٢٠١١. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان تقوم وزارة الدفاع بتزويدها بأية وثائق او إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى وزارة الدفاع في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex IX

Letter dated 23 January 2012 from the commission addressed to the President of the People's Assembly of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to H.E. Mr. Mahmoud Al-Abrash, Chairperson of the Peoples' Assembly in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland. *bc*



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning the role of the Peoples' Assembly in monitoring the events since March 2011 as well as the impact of existing and new legislation in this regard. We remain eager to learn how the Permanent Committee on National Security and the Permanent Committee on Constitutional Affairs responded to the legislative changes resulting from the unrest in the Syrian Arab Republic since March 2011 and how they gather information regarding the implementation of the reforms announced by the Government. The Commission looks forward to reviewing any document or statistics that the Peoples' Assembly could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Peoples' Assembly which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

H.E. Mr. Mahmoud Al-Abrash
Chairperson
Peoples' Assembly
Damascus, Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الدكتور محمد الأبرش
رئيس مجلس الشعب السوري
الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي رئيس مجلس الشعب السوري،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدتكم الحميدة عند الحاجة.

كما تعلمون قام المجلس الدولي لحقوق الإنسان بتكليف اللجنة، في قراره د إ - ١/١٧، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/ مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتزم من سيادتكم تزويدنا بمعلومات حول دور مجلس الشعب السوري في مراقبة أعمال العنف المتصلة بالأحداث التي وقعت منذ شهر آذار/ مارس ٢٠١١. كما نود أن تحيطونا علماً بأثر التشريعات القائمة والتشريعات الجديدة في هذا الصدد. اللجنة حريصة أيضاً على معرفة دور لجنة الأمن القومي ولجنة الشؤون الدستورية واستجابتهن للتحديات الناجمة عن الأحداث منذ شهر آذار/ مارس ٢٠١١، بما في ذلك كيفية جمعهم المعلومات حول تنفيذ الإصلاحات التي قامت حكومة الجمهورية العربية السورية بإعلانها في هذا الصدد. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان يقوم مجلس الشعب السوري بتزويدها بأية وثائق او إحصائيات ذات صلة بمهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى مجلس الشعب السوري لتعاونه مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

Handwritten signature

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex X

Letter dated 23 January 2012 from the commission addressed to the Chairman of the National Independent Legal Commission

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Judge Muhammad Deeb Al-Muqatrin, Chairman of the Independent Special Legal Commission in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests a copy of the mandate of the Independent Special Legal Commission established by the Government of the Syrian Arab Republic. In addition, the Commission of Inquiry would be grateful to receive information concerning dissidents as well as members of the armed forces and Government security forces who the Special Legal Commission has investigated since its creation in March 2011. We remain eager to learn whether investigations by your Commission have taken place to ascertain specific responsibilities of individuals, as well as the number of persons who have been detained as a result of the work of your Commission and the nature of the charges brought against such offenders. The Commission looks forward to reviewing any document or statistics that the Special Legal Commission could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Independent Special Legal Commission which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Judge Muhammad Deeb Al-Muqatrin
Chairman
Independent Special Legal Commission
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد القاضي محمد ديب المقطرن
رئيس اللجنة القضائية الخاصة المستقلة
بشأن الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

حضرة السيد القاضي محمد ديب المقطرن المحترم،

أكتب إليكم نيابة عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د ١٧/١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بنسخة من كتاب تفويض اللجنة القضائية الخاصة المستقلة التي أنشأتها حكومة الجمهورية العربية السورية للتحقيق في جميع الحالات المتصلة بالأحداث التي وقعت منذ شهر آذار/مارس ٢٠١١. لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية حريصة أيضاً على الحصول على معلومات بخصوص المعارضين وإفراد قوات الأمن والقوات المسلحة الذي تم التحقيق معهم منذ انشاء اللجنة القضائية الخاصة. وكما نود معرفة ما إذا أجريت هذه التحقيقات بغية تحديد مسؤولية الأفراد، فضلاً عن عدد الأشخاص الذي تم اعتقالهم نتيجة التحقيقات وطبيعة التهم الموجهة اليهم. وتأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان تقوم اللجنة القضائية الخاصة بتزويدها بأية وثائق او إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة الدولية من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى اللجنة القضائية لتعاونها مع اللجنة الدولية بغية تنفيذ مهامها.



مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex XI

Note verbale dated 23 January 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the commission

| | | |
|--|---|---|
| <p>MISSION PERMANENTE DE LA RÉPUBLIQUE ARABE SYRIENNE GENÈVE</p> |  | <p>الجمهورية العربية السورية البعثة الدائمة لدى مكتب الأمم المتحدة جنيف</p> |
| <p>27/12</p> | <p>23 January, 2012</p> | |
| <p>The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and in reference to the letter of the Independent International Commission of Inquiry dated 28/12/2011, has the honour to attach herewith the official response of the Government of the Syrian Arab Republic to the above mentioned letter.</p> | | |
| <p>The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights the assurances of its highest consideration.</p> | | |
|  | | |
| <p>OHCHR REGISTRY</p> | | |
| <p>23 JAN 2012</p> | | |
| <p>Office of the High Commissioner for Human Rights Palais Wilson</p> | <p>Recipients: MENA D.C.</p> | |
| <p>Rue de Lausanne 72 (3e étage), 1202 Genève Tel: +41 22 715 45 60 Fax: +41 22 738 42 75</p> | | |

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

- 1- The Syrian Arab Republic has always welcomed cooperation and dialogue with all UN Human Rights mechanisms that enjoy objectivity, impartiality and non politicization. Syria Is always ready to pursue its dialogue and cooperation within these international norms. Nevertheless, and as Syria has pointed out in previous communications, the International Commission of Inquiry has failed at its very first test. And as Syria had expected, the Commission's Report was written beforehand, therefore it does not deserve examination because it was based on false information and predetermined ideas. For the same above mentioned reasons, the Syrian Arab Republic refuses the allegations included in the International Commission of inquiry letter dated 28/12/2011.
- 2- The Syrian Arab Republic had clearly expressed in several communications its position regarding the cooperation with the Commission, and based the matter of this cooperation upon the work of the National Independent legal Commission (the Syrian Investigation Commission). It is known that the Syrian Legal Commission and its branches in the different Syrian Governorates are investigating more than /4070/ cases, and they are working exhaustively in investigating these cases in line with the principles of justice, honesty, impartiality and objectivity, and without predetermined assumptions. The International Commission of Inquiry will be informed with the outcomes of these investigations when they are concluded.

- 3- The government of the Syrian Arab republic refuses the claims of the Commission that the Syrian Government did not provide information about the victims of the violations of human rights committed by the armed terrorist groups, and uses such claims as an excuse to ignore the victims of these violations. The Commission distanced itself from objectivity and professional investigation rules when it limited its report to the allegations presented by hostile parties to the Syrian Arab Republic with well-known motives.
- 4- The Human Rights Council has mandated the International Commission of Inquiry in its resolution S-17/1 “to establish the facts and circumstances that may amount” to violations of human rights. Hence, the Commission is requested to comply with its duties in this regards, as impartiality and professionalism oblige the Commission to seek the truth. The dangerous method adopted by the Commission in dealing with information it receives contradicts with its mandate.
- 5- The Government of the Syrian Arab Republic provided the High Commissioner of Human Rights with a considerable amount of information about victims of Human Rights violations committed by the armed terrorist groups against army and security forces and civilians. The Syrian government reiterates its will to keep the Commission and the High Commissioner of Human rights informed with the facts and cases of such violations.
- 6- As the Commission had been busy working on presenting evidence to support its pre assumptions in order to accuse the Syrian Government of committing violations of Human Rights, it neglected its duty in illustrating the stance of the International Human Rights Law regarding acts of kidnapping, killing, mutilation, forced and involuntarily disappearance, and the violation of the Right of Life committed by the armed groups against the Syrian citizens, including women, children,

and personnel of the army and the security forces, in addition to depriving the Syrian People from the right to “Freedom from Fear” as expressed in the preamble of the Universal Declaration of Human Rights. The Commission did not make reference to the killing and forced displacement of anyone who did not comply with the orders of the armed groups to participate in protests, strikes, civil disobedience or who do not subscribe to their terrorist agenda, which contradicts with the right of freedom of expression. Furthermore, the Commission did not refer to the killing and targeting of members of certain religious groups, and to the incitement of hatred against them which also violates the right of the Freedom of Religion and Beliefs. Thus, the Syrian Arab Republic is still waiting for the commission to correct its errors in this regard.

- 7- The Government of the Syrian Arab Republic, is still waiting for the Commission to clarify its position on the attacks that targeted oil pipelines, electricity stations fuel lines, bridges as well as the suicide attacks. Would the Commission ignore these facts in its report, while it waits for the Syrian Government to provide such information?
- 8- The Commission admitted in its letter the acts of violence committed by “demonstrators and defectors and government opponents”. However, the Commission merely called upon these groups to “assure their commitment to respect Human Rights”, which indicates that the Commission is convinced that these groups commit themselves to International Human Rights Law, and it only asks these groups to reiterate their commitment to it, which means that the Commission does not admit the violations committed by these groups.
- 9- The recommendations of the Commission’s report did not include any suggestions to hold these groups accountable for the terrorist acts they executed, and did not indicate the crimes against humanity they

committed. The Commission did not call for the accountability of the armed groups, even though it admitted their presence, which reflects the Commission's selectivity when it limited its accusations to the Syrian Authorities. This also proves that the report is merely based on the Commission's pre-assumptions.

- 10- In this regard, we would like to refer to the various public statements made by high officials in certain countries which certifies the existence of armed groups in Syria. These statements called upon these groups to lay down their arms and engage in the dialogue called for by the Syrian Government to stop the bloodshed of all Syrians. However, all these calls did not find their way to the Commission's report, despite the fact that such statements were made during the preparation period of the report. Furthermore, the Commission did not include in its report any recommendation that calls for stopping the incitement against the Syrian Arab Republic, which reconfirm the Commission's selectivity.
- 11- The Government of the Syrian Arab Republic is deeply concerned by the Commission's lack of professionalism, and is also concerned about the methodology adopted by the commission in its investigations, which led it to claim its ignorance of the attacks, kidnapping, torture, killings, mutilations and destructions carried out by the terrorist groups against the Syrian law enforcement personnel, their families and their homes. The Commission instead made serious accusations against these personnel in a non-objective and unprofessional manner. The Syrian Arab Republic considers these accusations to be totally false, and fully rejects them, for the Syrian Arab Army and the security forces are fulfilling their duty by protecting the Syrian People from the armed groups' terrorism and their violations of Human Rights.
- 12- Another evidence on the politicization and selectivity of the report is the Commission's use of false information in its report under the title

“Political Background”, and its listing of indications that seek to divide the Syrian society on a confessional basis, whereas it refrained from exposing related information and facts, such as Syria being a secular state enjoying a unique reality of coexistence and tolerance between all components of the Syrian society, especially that these political facts are essential in reflecting the dangerous agenda of the terrorist groups which aim to destroy the civil peace and social structure in the Syrian Arab Republic. The approach adopted by the Commission works in favour of those who seek to trigger a Civil War in Syria, by exonerating them from rejected and condemned acts of confessional incitement.

13- The Commission claims that it did not call for any international intervention in the Syrian Arab Republic. However, its recommendations reflect the opposite: the Commission had recommended immediate steps through the Security Council to implement its recommendations. The important question raised here is: what was the aim of the Commission when it called for the transmission of its report to the Security Council had it not been the foreign military intervention as was the outcome of the transmission of other countries’ files to the Security Council - leading to the killing of more than 50.000 Libyan Citizens. Furthermore, the call of the Commission to support “efforts to protect the population of the Syrian Arab Republic” without specifying such efforts leaves the door open for the military intervention under the pretext of “protecting the civilians”.

14- In this context, and considering that the Commission claims that its will is to protect the Syrian People, why did it not recommend the call for national dialogue - as it is the optimum solution to solve all issues in accordance with the Charter of the United Nations - and chose instead to support efforts to punish the Syrian People, and efforts for foreign intervention?

- 15- The Syrian Arab Republic had wished that the report's recommendations would have included the support of the reforms undertaken by the Syrian Government to fulfil its people's demands, and the call for the international community to offer all the support to these reforms, instead of portraying them as allegations, despite the fact that these reforms will promote the political, economic, social and cultural Rights of the Syrian People.
- 16- The Syrian Arab Republic also asks the Commission whether its call to support the efforts of the League of Arab States includes the boycott of Syria and the siege and the starvation of the Syrian People? Does this conform with the Commission's claim that its aim is the protection of the Syrian People?
- 17- The Syrian Arab Republic regrets once again the Commission's neglect of all information provided by Syria in response to the questions previously sent by the Commission, and that the Commission presented part of this information as "allegations", while it presented the allegations and fabrications of other parties against the Syrian Arab Republic as facts, which proves that the report of the Commission is non-credible.

Annex XII

Note verbale dated 2 February 2012 from the commission addressed to the Permanent Representative of the Syrian Arab Republic



Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

2 February 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations in Geneva and has the honour to acknowledge receipt of your note verbale dated 23 January 2012.

With respect to the criticisms of the Commission's first report contained in your note, the Commission wishes to assure your Government that we remain very firmly committed to reflecting violations and abuses on all sides, including acts committed by armed groups to which you refer.

We recall in this regard our requests for information on abuses by non-state armed groups mentioned in our communications to you of 27 October 2011, 28 December 2011 and 18 January 2012, and we would appreciate your undertaking to keep us informed about such violations. As indicated earlier, the Commission would be grateful to receive information on specific cases involving such violations and their victims, as well as available information on the alleged perpetrators and any legal action taken against them.

To reach our crucial objective of reflecting all violations and abuses, we respectfully reaffirm that only detailed information on specific cases will enable us to include the issues your Government would like to see reflected in our forthcoming report due for submission mid-February in preparation for presentation at the Human Rights Council in March.

The Commission recalls that we have received a one page table from you on 27 December 2011, but there is no description of the methodology used or of the events underlying the figures. We regret we have not yet received from your Government detailed information or data that can be followed up or used in our report.

The Commission takes note that the National Independent Legal commission is investigating more the 4,070 cases. This is the only specific item conveyed in your note verbale. We reiterate our deep interest in receiving more information about the mandate, composition and achievements of the NILC. In particular, we would like to be informed of which investigations carried out so far have led to arrests and indictments of those responsible for the violations.

The Commission would be grateful for a response at your earliest convenience to ensure that the information provided can be reflected in our report, to be finalized, as mentioned above, mid-February 2012.

The Commission takes this occasion to recall our request to visit the Syrian Arab Republic, so that we may obtain a first-hand impression of the situation on the ground and interview victims of abuses on all sides. Meanwhile, we remain open to engage in a direct, constructive dialogue with any representative(s) your Government chooses to designate.

We assure you that such a visit will have an essential impact, particularly at this present juncture, on our report, since nothing can substitute for direct and effective contact with your Government and the Syrian communities. The Commission does not take sides, and we assure you that we are concerned both by the consequences of the intensification of violence experienced recently by civilians and by members of the armed and security forces.

The main objective of the Commission is the wellbeing of all Syrians. Direct access to these communities will allow them to express their views and perceptions, and to describe their hardships and needs. A direct dialogue with members of your Government and its institutions would help clarify any questions or assessments that have arisen over the course of our inquiry. We are eager to share with your Government our methodology in full transparency. We are ready to discuss the terms of reference for such a visit with your representative in Geneva.

We understand that independent non-government organizations have recently had free access to your country, while we have not been able to visit. We assure you and your Government of the independence of our Commission and of its impartial and objective engagement with the subject matter of our inquiry. If our Commission is given the opportunity to come to your country, we will be open to discuss all aspects of our first report tabled at the Human Rights Council on 2 December 2011. We can only repeat our insistence that a direct exchange would contribute significantly to the preparation of our second report.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic. DC



Annex XIII

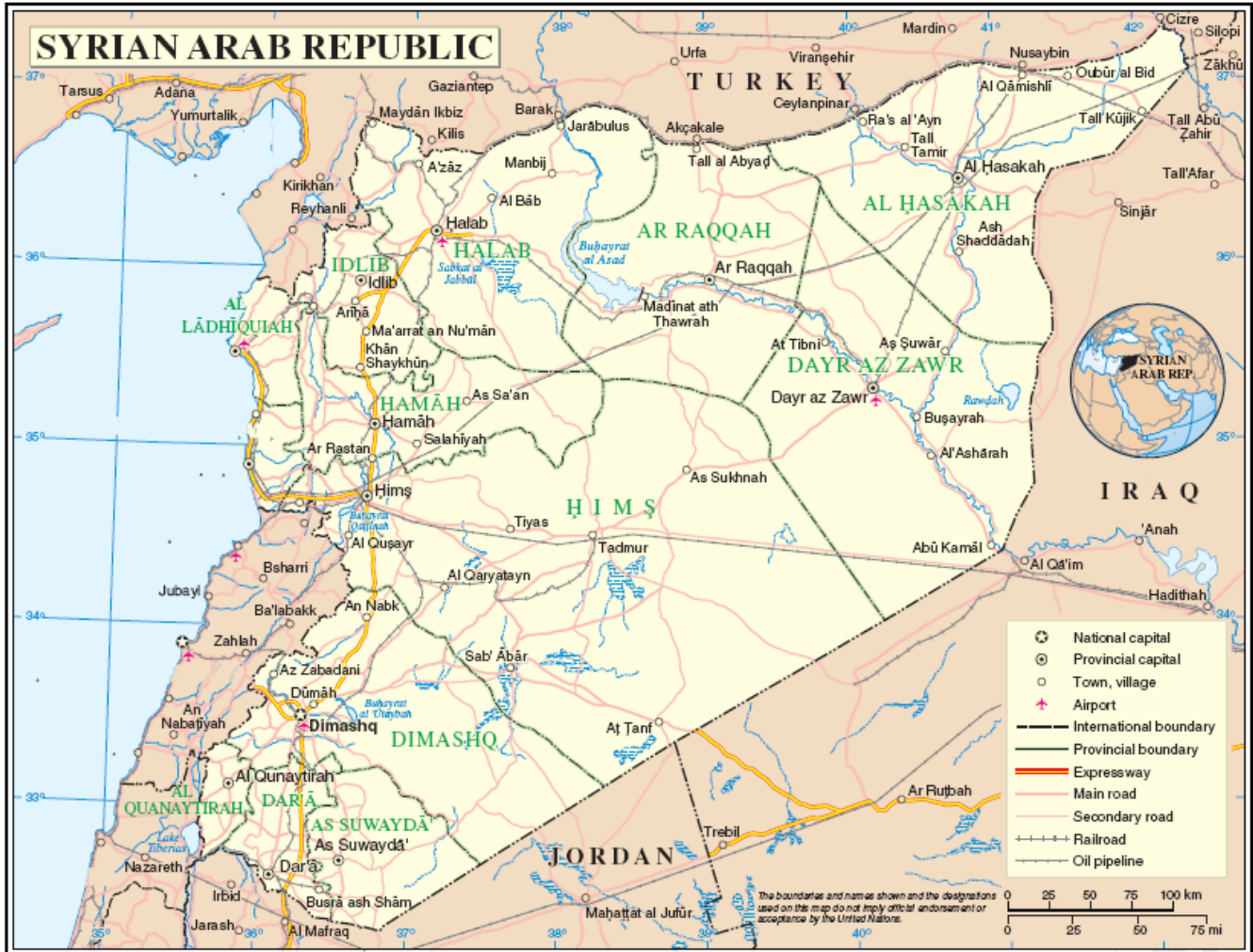
Detention locations for which the commission documented cases of torture and ill-treatment (since March 2011)

| <i>City</i> | <i>Type</i> | <i>Detention center</i> |
|------------------|-----------------|---|
| Aleppo | Security Forces | Political Security Branch |
| Banias | Security Forces | Military Security Branch |
| | Security Forces | Political Security Branch |
| Damascus | Military Prison | Sednaya Military Prison |
| | Police | Criminal Security Branch |
| | Prison | Adra Central Prison |
| | Security Forces | Air Force Intelligence Branch in Bab Tuma |
| | Security Forces | Air Force Intelligence Branch in Harastah |
| | Security Forces | Palestine Branch |
| | Security Forces | State Security Branch in Kafar Sussa |
| | Security Forces | State Security Branch in Duma |
| Dar'a | Police | Criminal Security Branch |
| | Prison | Gharez Central Prison |
| | Security Forces | Air Force Intelligence Branch |
| | Security Forces | Military Security Branch |
| | Security Forces | Political Security Branch |
| | Security Forces | State Security Branch |
| Hama | Security Forces | State Security Branch |
| Homs | Prison | Central Prison |
| | Security Forces | Air Force Intelligence Branch |
| | Security Forces | State Hospital |
| Idlib | Prison | Central Prison |
| | Security Forces | Detention facility |
| | Security Forces | Military Security Branch |
| Jisr Al Shughour | Security Forces | Military Security Branch |
| | Security Forces | Political Security Branch |
| Al Ladhiqiyah | Security Forces | Military Security Branch |

| <i>City</i> | <i>Type</i> | <i>Detention center</i> |
|-------------|-----------------|-------------------------------|
| | Security Forces | Political Security Branch |
| | Security Forces | State Hospital |
| Rif Dimashq | Security Forces | Air Force Intelligence Branch |
| | Security Forces | Military Security Branch |
| | Security Forces | Military Security Branch |
| | Security Forces | State Security Branch |
| Tadmur | Military Prison | Tadmur Military Prison |
| Tartus | Security Forces | Intelligence detention centre |
| | Security Forces | Military Security Branch |
| | Security Forces | Political Security Branch |
| | Security Forces | State security branch |

Annex XIV

Map of the Syrian Arab Republic



Map No. 4204 Rev. 2 UNITED NATIONS
May 2008

Department of Field Support
Cartographic Section