

Distr.: Restricted
26 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 4

Human rights situations that require the Council's attention

**Oral Update of the Independent International
Commission of Inquiry on the Syrian Arab
Republic**

I. Introduction

1. The Independent International Commission of Inquiry (CoI) submits this Update pursuant to Human Rights Council resolution 19/22 of 23 March 2012. The Update describes the findings of the CoI based on investigations into alleged human rights violations in the Syrian Arab Republic that have taken place since the CoI previous report dated 22 February 2012 (A/HRC/19/69). On 1 June 2012, the Human Rights Council in special session adopted resolution A/HRC/RES/S-19/1 further mandating the CoI to urgently conduct a special inquiry into the events in Al-Houla.

2. The findings reported are based on three investigative missions conducted in March and in April, and on a third one that began in May and continues at the time of writing. It builds upon two previous Periodic Updates, one released on 16 April and the other on 24 May. It includes information gathered through 15 June 2012. The CoI conducted 383 interviews, of which 50 were with women and 11 with children. The protection and safety of interviewees is of paramount importance. Consequently, names and other identifying features of those interviewed are not included in the Update.

3. In rendering its findings, the CoI has adopted an inclusive approach to information gathering, accepting submissions from a wide range of sources, including the Government of the Syrian Arab Republic and those groups and organizations opposing it. The collected materials, which include photographs, videos, satellite imagery, interviews and documentary evidence, are carefully examined for reliability and credibility. Incidents are included in the Update only when corroborated to a level where the CoI found it had reasonable grounds to believe that events occurred as described. As the CoI continues investigating, it is updating the confidential list of identified perpetrators, which it will hand over to the High Commissioner once the mandate of the Commission ends.

4. The CoI Chair is grateful to the Syrian authorities for enabling a visit to Damascus on 23–25 June, which provided him an opportunity to explain in person to the members of the Government the nature of the Commission's work as well as the modalities necessary for it to be successful. While there, he met with the Deputy Foreign Minister, the Deputy Justice Minister and other officials, including the Head of the National Independent Legal Commission established by the Government to investigate crimes committed in the context of the crisis since March 2011. He also met with staff of the UN Supervision Mission in Syria (UNSMIS), members of the diplomatic community and civil society. He met as well with the Syrian Orthodox Patriarch in Damascus and 20 families from Damascus and Homs governorates whose relatives were killed allegedly due to their allegiance to the Government. The visit allowed him to discuss the Al-Houla investigation with the authorities and to come to an understanding as to how the CoI would deploy effectively in the Syrian Arab Republic for the purposes of carrying out investigations. He hopes that the visit will pave the way for the CoI to begin its work in earnest in the Syrian Arab Republic, thereby fulfilling its mandate.

Context

5. Since its establishment in September 2011, the CoI has consistently expressed its concern about the deteriorating human rights situation in the Syrian Arab Republic. Gross violations of human rights are occurring regularly, in the context of increasingly militarized fighting which – in some areas – bears the characteristics of a non-international armed conflict. Whereas the Government had initially responded to demonstrations with police units and security forces, the violence soon shifted to fighting between its army together with what appear to be pro-Government militias and numerous, armed anti-Government

fighters. The rapid rise in violence occurs in inverse proportion to the respect for international human rights norms.

6. The CoI remains concerned by the displacement of civilian populations, both within the Syrian Arab Republic and across its international borders – numbers of refugees now reaching 92,000; the pillaging and burning of homes; the tightly controlled security environment resulting in restrictions on the fundamental freedoms of movement, speech and association; and the systematic denial, in some areas, of the basic requirements of human life such as food, water and medical care. OCHA reports that 1.5 million people need humanitarian assistance in Syria.

Political Developments

7. Throughout the reporting period, efforts to reach a political solution have been undermined by further escalation of violence. The League of Arab States (LAS) initiative withdrew in February 2012. The departure of the LAS monitors took place against a backdrop of rapidly escalating violence, especially in the city of Homs, where heavy artillery was used in shelling entire residential areas, resulting in significant civilian casualties. On 29 February 2012, Government troops entered Baba Amr neighbourhood and the anti-Government armed groups withdrew. This did not put an end to violence in Homs. In March 2012, the CoI recorded massacres in several neighborhoods of the city.

8. Alongside the upturn in violence, diplomatic efforts to negotiate a peaceful resolution to the crisis gathered pace. On 23 February 2012, the UN and the LAS jointly named former Secretary-General of the United Nations, Kofi Annan, as Joint Special Envoy (JSE) on the Syrian crisis. On 16 March 2012, the JSE announced a “six point plan”¹ to stop violence and start a political process. The 12 April 2012 announcement of a cease-fire was swiftly followed by the arrival of the UN Supervision Mission in Syria (UNSMIS) led by Major-General Robert Mood. The arrival of UNSMIS led initially to a decrease in violence in some areas and an opening to the possibility of a Syria-led negotiation process.

9. Meanwhile the Syrian authorities proceeded with two political initiatives, which aimed at reform. The first was the referendum on a new constitution on 26 February 2012, followed by parliamentary elections on 7 May 2012. Official election sources declared participation levels of 51% of the electorate. These political steps were viewed by neither the Syrian opposition nor the anti-Government armed groups as inclusive or sufficient.

10. By May 2012, violence was once again escalating. Armed clashes began to be reported daily between pro-Government forces and anti-Government armed groups throughout the country, many resulting in civilian deaths and injuries. Killings took place

¹ Excerpts of the JSE’s six-point plan:

- (1) commit to work with the Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people;
- (2) commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms . . . the Syrian government should immediately cease troop movements towards, and end the use of heavy weapons in population centres, and begin pullback of military concentrations in and around population centres. . . Similar commitments would be sought by the Envoy from the opposition and all relevant elements to stop the violence;
- (3) ensure timely provision of humanitarian assistance to all areas affected by the fighting;
- (4) intensify the pace and scale of release of arbitrarily detained persons;
- (5) ensure freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;
- (6) respect freedom of association and the right to demonstrate peacefully as legally guaranteed.

on what appeared to be mainly sectarian grounds. Where previously victims were targeted on the basis of their being pro- or anti-Government, the CoI has recorded a growing number of incidents where victims appear to have been targeted because of their religious affiliation.

11. The 7 June 2012 speech of the JSE to the UN articulated the difficulties faced by those making diplomatic efforts. The JSE urged the international community to take action to prevent the situation in the country from further deterioration. The obstacles faced by UNSMIS reflected a lack of common ground among the parties to the conflict. These challenges were exacerbated by significant differences among States.

Military and security situation

12. Despite the commitment to a ‘cessation of armed violence’, military engagements have escalated dramatically over the reporting period and have extended to other regions and levels not previously involved. The situation on the ground is dangerously and quickly deteriorating.

13. The Syrian Government forces have intensified their military operations against areas presumed to be strongholds of anti-Government armed groups or those supporting them. Government forces continued to use machine guns, artillery and tanks in shelling restive neighbourhoods and localities while increasingly employing aviation assets in attacks against anti-Government armed group strongholds. Heavy military equipment including tanks, armoured personnel carriers (APC), mounted machine guns and artillery continued to be deployed and used in different localities. Meanwhile, a small but steady flow of defections, coupled with cases documented by the CoI where the army has abandoned its checkpoints in Homs governorate, indicate that the regular forces are exhibiting a certain fatigue.

14. Helicopter gunships and artillery have been used in the shelling of entire neighbourhoods believed to be anti-Government, even during the presence of observers, as occurred in Dayr Al-Zawr and Aleppo in May 2012. This reveals the increasing difficulty of the Government to preserve its hold over large areas through the deployment of military and security forces. The inability to hold territory equally explains the army’s shift in strategy from static permanent positions to attacking the anti-Government armed forces and then making tactical withdrawals.

15. Defections from different army and security forces continued during the reporting period throughout the Syrian Arab Republic, sometimes costing the lives of the defecting soldiers and often leading to retaliatory operations against their families or communities by the Government forces.

16. The anti-Government armed groups, including those affiliated to the “Free Syrian Army” (FSA), continued to engage with the Government forces through direct combat, the use of Improvised Explosive Devices (IEDs) and attacks on military/security facilities. The Homs neighbourhoods of Khaldieh, Al-Qusour, Bab S’baa and the city of Al-Qusayr have effectively become battlefields between the FSA and Government forces, causing thousands of inhabitants to flee. While the CoI has not noted the use of new or more sophisticated weaponry by anti-Government armed groups, their operations in some locations are improving in efficiency and organisation. These groups appear to have spread throughout the country, expanding their activities to new areas, and clashing simultaneously with Government forces on multiple fronts. Their increasing capacity to access and make use of available weapons has been demonstrated in recent weeks.

17. In Damascus, Homs, Hama, Idlib and Aleppo governorates, these groups have effectively challenged the Government authority. For example, the Government forces’

control of the country's borders has been regularly undermined. Cross border movements of refugees as well as of anti-Government fighters appear to be more frequent and fluid.

18. The CoI has noted the increased use by anti-Government armed groups of IEDs against army and security convoys, patrols and facilities such as military buildings and checkpoints. In, at least, one case, this has led to collateral damage among civilians and their properties. According to reliable sources, anti-Government armed groups have also been using IEDs in assassinations, targeting Government officials and individuals from the army and security forces.

19. New anti-Government groups, bolstered by defections, have emerged. Several newly created groups, such as Ahrar Al-Sham and Al-Islam Brigades, have not announced an affiliation to the FSA. Most of these groups declare their objective to be the protection of civilians from attacks by the military and security forces. The CoI, however, has documented cases where groups are involved in criminal/opportunist activities such as kidnappings and abductions for ransom.

II. The CoI Findings

Casualties

20. The CoI has recorded numerous casualties resulting from incidents across the country. In line with its methodology, the CoI reports the deaths only of those persons about which it has first-hand information through individual interviews that its investigators conducted. In the CoI figures, no distinction is made between civilians and fighters. Injured persons are not included in the count of casualties. The CoI, through 383 interviews of victims and witnesses of events since its February 2012 report to 15 June 2012, was able to confirm 435 deaths.

21. Information provided by the Syrian Government concerning the number of deaths as a result of the unrest, indicates that by 27 April 2012 some 6143 Syrian citizens had been killed. This number includes 3211 civilians, 478 public order officers, 2088 military personnel, 204 women and 56 children. Another 106 people were assassinated according to the Government. The Syrian Government supplemented these figures, according to which 804 persons were killed (both armed forces and civilians) in the period between 7 May and 4 June 2012. The CoI is not in a position to confirm these figures.

22. Other entities, in particular non-Governmental organizations, are also counting casualties by employing a variety of methods. The number reported by these groups ranges from 13,000 to 17,000. These figures could not be confirmed by the CoI.

Special inquiry into Al-Houla

Introduction

23. On 25 May 2012, amidst armed confrontations between Government and anti-Government armed forces in the town of Taldou, Homs Governorate, more than 100 people were allegedly killed. Although some were victims of armed clashes, the significant majority were reported to be women and children who had been deliberately killed in their homes.

24. In resolution A/HRC/RES/S-19/1 the Human Rights Council directed the CoI

“to urgently conduct a comprehensive, independent and unfettered special inquiry, consistent with international standards, into the events in el-Houleh, and if possible

to publicly identify those who appear responsible for these atrocities, and to preserve the evidence of crimes for possible future criminal prosecutions or a future justice process, with a view to hold to account those responsible; and also requests the commission to provide a full report of the findings of its special inquiry to the Human Rights Council at its twentieth session, and to coordinate, as appropriate, with relevant UN mechanisms.”

25. Al-Houla refers to a group of towns located approximately 30 kilometers northwest of Homs. Its three main towns - Tal Addahab, Kafr Laha and Taldou - have a population exceeding 100,000 of which the majority is Sunni Muslim. The towns are ringed by Shia villages to the southeast, and Alawi villages to the southwest and the north. Government forces are present in Al-Houla with permanent security force installations, including police and military intelligence services. A number of fortified checkpoints were set up during the crisis (see annexed Maps).

Government’s account of the events

26. Immediately after the incident the Government of the Syrian Arab Republic announced the formation of a National Commission of Inquiry (inquiry), including membership from the Ministries of Defense, Interior and Justice. The General Command of the Armed Forces appointed Brigadier General Jamal Qassem Al-Suleiman to lead the inquiry. On 4 June the CoI addressed a Note Verbale to the Permanent Mission of the Syrian Arab Republic requesting access to the country and a copy of the results of the inquiry. On 6 June the CoI received a report containing the preliminary results. There is no information when the final report will be available.

27. The Government’s inquiry found that the Syrian Army defended itself from an attack by what it deemed ‘terrorists’ (the term used in the Note Verbale), and that a number of its soldiers were killed in the clashes. The report acknowledged the deaths of civilians and describes the victims as peaceful families who had refused to rise up against the State or participate in demonstrations. It further suggested as a motive for the Al-Sayed family killings that they were allied with Abdelmuti Mashlab, a new member of the Syrian Parliament, and their political loyalties were thus, presumably, pro-Government.

28. The victims were reportedly killed by terrorists numbering between 600–800, who had entered Al-Houla previously from the villages of Al-Rastan, Sa’an, Bourj Qaei and Samae’leen, among other locations. The terrorists were said to have gathered in Taldou, launched the attack on security forces and while that attack was taking place a part of the group, or a separate group, went to the crime scenes and perpetrated the murders.

29. The Government inquiry further found that the number of deceased people claimed in media reports of the incident were inflated because they included also members of terrorist groups who had been killed fighting Government forces. The Government inquiry also found that the evidence of close proximity killings exculpated the military as the victims could, thus, not have been killed in shelling – as was initially claimed. The report included testimony from two eye-witnesses who appeared to have been in the vicinity of the armed groups at various points during the events and whose testimony is consistent with the Government’s version.

30. The report does not describe the methodology employed in the inquiry, for example, the number of witnesses interviewed or how and where the Government inquiry interviewed the witnesses. The inquiry’s preliminary report states that the two eyewitnesses were “from the region,” and that their identities were kept confidential for fear of reprisal. There is no indication of any other evidentiary material collected for the inquiry, whether it examined video or photographic evidence or whether it attempted to visit the scene of the crime, find and interview injured persons or secure medical records.

The report does not indicate that testimony was collected from military personnel who would have been involved in the fighting or present on the day the events occurred.

Findings

31. The CoI was unable to visit the site of the killing as it has yet to be afforded access to the country. This fact substantially hampered the investigation, and its findings should be viewed in that light.

32. The CoI conducted its investigation by interviewing witnesses either by telephone/skype, or in person if they had fled the country. It collected and reviewed materials from a variety of sources, both governmental and non-governmental. The CoI reviewed satellite imagery taken prior to and after the incident, as well as other photographs and videos.

33. The CoI also took note of the engagement by various UN human rights mechanisms following the allegations concerning the Al-Houla events. On 30 May 2012 the Committee against Torture expressed its grave concern over the tragic events. On 31 May 2012, the Committee on the Rights of the Child deplored the possible deliberate targeting of children. Both statements were transmitted to the President of the Human Rights Council (HRC) on 1 June 2012. On the part of Special Procedures, a statement on behalf of all mandate-holders was delivered at the 19th Special Session of HRC on 1 June 2012, condemning a series of attacks on residential areas in Syria, in particular the massacre of civilians in Al-Houla.

34. The evidence collected by the CoI indicates that in the 24-hour period beginning at noon on 25 May 2012, at least 100 people were killed in the town of Taldou. Shortly after the Friday prayers, a demonstration took place near the town center. The protestors appear to have been fired upon or shelled by Government forces. Either in retaliation, or in a pre-meditated attack, anti-Government armed groups, including the FSA present in Taldou, fired upon the security forces checkpoints, probably overrunning one or two of them. Several people were killed in these clashes or as a result of the shelling. According to multiple accounts, shelling by Government forces continued throughout the day. The CoI was able to verify shelling damage to buildings by comparing satellite images from the morning of 25 and the morning of 26 May. Much of the damage appeared to be caused by mortars, including large caliber mortars, heavy machine guns or light artillery.

35. In the late afternoon and evening of 25 May, at a minimum 50 civilians were killed, the bulk of those were members of the Abdulrazzak family. Another 13–15 members of the Al-Sayed family were killed later, probably after dark, although the precise timing for either killing could not be determined by the CoI. The CoI received information that members of other families may have been killed, but the CoI was unable to verify these assertions. The list of names of the deceased was not consistent among various sources.

36. The victims were predominantly women and children, and most appear to have been killed in their homes. Evidence indicates they died by gunshots fired at close range to the upper body. The killings reportedly occurred in, at least, two locations. The first is on Saad Road (*Tariq Al-Sad*) which lies at the south-west edge of Taldou (Map 2: A) where many members of the Abdulrazzak family were killed. The second location is on Main Street (Al-Raeesi), approximately 1000 meters below the clock tower roundabout (Map 2: B), where members of the Al-Sayed family were killed.

37. On 25 May there were Government checkpoints along Main street: one in the very heart of Taldou at the clock tower roundabout (Map 1: CP 1), possibly another one at the

Military intelligence building,² a mobile one between *Qaws* (the “Arches,” at the original entrance to Taldou) and the National Hospital (Map 1: CP 2). The hospital was itself a military post, having been taken over by the army several months earlier (Map: Army post 1). Another military position established at the Water Company, described by both the opposition and the Government to be just outside the southwest entrance of the city (Map: Army post 2) – appears to be in an elevated location, providing a clear view over the town of Taldou, including Saad Road. The (direct) distance from the Water Company location to Saad Road crime scene is 1.3 km. According to accounts collected and based on satellite imagery, the river cuts access between Main Street where the army checkpoints are located and Saad Road. There were no visible checkpoints on Saad Road itself.

Saad Road killings (Abdulrazzak family and others)

38. By most accounts the killings on Saad Road occurred between 16:00 and 18:00 hrs on 25 May. The Abdulrazzak family lived in the last set of houses on Saad Road in the direction of the dam. Apparently multiple families lived in each house. The location is 500 meters away from the closest Government checkpoint known as *Qaws*, near the National Hospital. There is, however, a small river running between the locations so they are not directly accessible one to the other - except perhaps by foot across the riverbed.

39. Interviewees who arrived at the Abdulrazzak compound described the scene inside the houses as horrific, with groups of women, boys and girls huddled together in the corner of living rooms. Most victims appeared to have been killed at close range; their upper bodies exhibited wounds consistent with the use of firearms. Blood was visible on the walls, indicating many were standing when shot. Witnesses described bodies of men, women and children outside the homes and on the street.

40. Accounts collected from those who told the CoI they were among the first to arrive at the scene described the use of sharp objects in the killing of the Abdulrazzak family. Multiple interviewees described stab wounds and the apparent use of axes or similar (*satour*). One person early on the scene described to the CoI a bloody knife allegedly found in one house. Another described multiple knives found, one knife bearing the inscription “*We will sacrifice ourselves for you Hussein*” - which is a Shia slogan. The CoI viewed a video of a knife with such an inscription, although it could not verify its authenticity. Other witnesses stated that all victims had been shot, apart from those killed in the shelling. Video and documentary evidence available to the CoI was inconclusive on this point.

41. Multiple accounts indicated that the homes had been ransacked and valuables stolen in the course of the killing. There appears to have been, at least, one survivor from the Abdulrazzak home, although the CoI was unable to interview this person.

42. Accounts varied as to who was in control of the southern portion of the village of Taldou and specifically the street where the Abdulrazzak family’s house is located. Opposition forces may have been in control of parts of the city, mostly in the north.

43. The CoI determined that neither the anti-Government armed groups nor the security forces could fully control access to Saad Road to the exclusion of the other. The Government forces’ deployment on the military positions did not equate to control of Saad Road and that, in any event, it is possible that one or all checkpoints were engaged in fighting at the time of the Abdulrazzak killings. It is important to note, however, that movement of vehicles or military equipment, explosions or armed clashes would likely have been detectable by the Water Company position. Access for any sizable group would

² The Commission understands the Military Intelligence building to be the “detachment” referred to in the Government report (see map).

