

## **Statement of Mr. Pinheiro, Chair of the Commission of Inquiry on the Syrian Arab Republic**

### **Check Against Delivery**

Madame President,

Excellencies,

Ladies and Gentlemen,

The Commission 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 security forces, the violence soon evolved into fighting between its army together with pro-Government militias, and anti-Government armed groups.

Despite the commitment to a ‘cessation of armed violence’ under the Joint Special Envoy’s six-point plan, military engagements have escalated dramatically over the reporting period and have extended to other regions not previously involved.

Syrian Government forces have intensified their military operations against areas presumed to be strongholds of anti-Government armed groups or those supporting them. At the same time, the anti-Government armed groups, including those affiliated to the “Free Syrian Army” continued to engage with the Government’s forces through direct combat, the increased use of Improvised Explosive Devices and attacks on military and security facilities. In the last three months hostilities by anti-Government armed groups have taken on more clearly the contours of an insurrection.

I am grateful to the Syrian authorities for enabling a visit to Damascus on 23-25 June, which provided me an opportunity to explain in person to the members of the Government, the nature of the Commission's work. While there, I 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. I also met with staff of the UN Supervision Mission in Syria, members of the diplomatic community and civil society. I met as well with the Syrian Orthodox Patriarch in Damascus and families from Damascus and Homs whose relatives were killed allegedly due to their allegiance to the Government.

The visit allowed me particularly to discuss the Al-Houla investigation with the authorities and to build an understanding as to how the Commission would deploy effectively in Syria for the purposes of carrying out investigations. The Government's openness in hosting my visit, I believe may pave the way for the Commission to begin working inside Syria.

Madame President,

I turn my remarks now to events in Al-Houla, where this Council directed the Commission to conduct a special inquiry. It is here perhaps, more than in any other place, that the lack of access to Syria was most heavily felt.

It is generally acknowledged that more than 100 people were killed on 25 May in Taldou – one of Al-Houla's larger towns - during armed confrontations between Government and anti-Government forces. Although a number of those killed fell victim as a result of the

armed clashes and the shelling, the significant majority were reported to be women and children who were deliberately killed in their homes.

The Commission received a Note Verbale from the Government on 6 June, containing the preliminary findings of a Government Inquiry on the incident. Their report laid blame for the deaths on “terrorists” coming from outside Al-Houla.

Opposition activists reported that the perpetrators were *Shabbiha* from neighbouring villages, perhaps acting together with, at the behest of, or in collusion with, the army.

The Commission considered that there were three possible scenarios in light of the evidence. First, that the perpetrators were *Shabbiha* or other local militia from neighbouring villages, possibly operating together with, or with the acquiescence of, Government forces; second, that the perpetrators were anti-Government armed groups seeking to escalate the conflict while punishing those that failed to support - or who actively opposed - the rebellion; or third, the perpetrators were foreign groups with unknown affiliation.

The Government had superior equipment. Evidence available indicates they had deployed armoured personnel carriers, tanks and/or self-propelled anti-aircraft guns and mortars in Taldou and the surrounding areas. The Government clearly had the capacity to shell any location in the entire town – and, in fact, did shell several locations. There is no indication that the Government attempted the next day to secure the crime scene, which had already been disturbed by the removal of the bodies.

Government positions in Taldou appeared to have had a clear line of sight to the location of the killings, making access for perpetrators not aligned with the Government difficult. Government shelling will have caused a number of the deaths, and controlling the timing and location of the shelling would also have made it easier to control access to the crime scenes. Finally, the manner in which these killings took place resembles those previously and repeatedly documented to have been committed by the Government.

Taldou appeared aligned to the opposition more than the Government. It was opposition groups who first arrived on the scene, cared for the wounded, prepared the deceased for burial, and were present in large numbers during the funeral. The Commission has testimony indicating that those who fled the area, fled to anti-Government controlled parts of town. Still, without further investigation, the victims' loyalties could not be determined.

The Commission believes that while the anti-Government forces could access one of the sites despite the superior firing position of the Government, it would have been difficult (although not impossible) for them to access the other site. Thus, while the Commission could not rule out the possibility of anti-Government fighters being responsible for the killing, it was considered unlikely. Similarly, we could not rule out the possibility of the involvement of foreign groups of unknown affiliation.

Inconsistencies in the available evidence hindered our ability to determine the identity of the perpetrators at this time. Nevertheless, we consider that forces loyal to the Government may have been responsible for many of the deaths. We will continue our investigation until the end of our mandate.

Madame President,

Turning now to other violations recorded, the Commission considers it has reasonable grounds to believe that Government forces and *Shabbiha* have perpetrated unlawful killings, arbitrary arrests and detention, torture and other forms of ill-treatment in the reporting period. Particularly affected are children who continue to suffer in the context of the on-going events in the Syria. Despite the difficulties in collecting evidence of sexual violence, interviews conducted by the Commission indicated that Government forces and *Shabbiha* have committed acts of sexual violence against men, women and children.

The Commission considers it has reasonable grounds to believe that anti-Government armed groups have extra-judicially executed captured members of the Government forces, *Shabbiha*, foreign fighters, supporters of the Government, suspected informers and/or collaborators. The Commission also found that anti-Government armed groups have tortured captured members of the Syrian security forces and/or their alleged supporters and abducted civilians and members of Government forces, usually to facilitate prisoner exchanges. We are particularly concerned by reports that anti-Government armed groups have been using children as medical porters, messengers and cooks, exposing them to risk of death and injury.

There have been a number of incidents, including attacks on United Nations staff operating inside Syria, attacks on religious buildings and the series of explosions, as described above, where we were unable to determine the perpetrators. We will continue to investigate these crimes.

Madame President,

The Commission, in accordance with its mandate, continues to document human rights violations committed by all parties without distinction. We hope that its work will help a future independent, impartial judicial body to ensure the accountability of those responsible for the violations recorded in its Reports and Updates.

As a result of the reported flow of new weapons and ammunitions both to the Government forces and to the anti-Government armed groups, the situation risks becoming more aggravated in the coming months. The international community must not fail to exert a concerted effort to put an end to the violence.

Our view remains that the further militarization of the crisis will be catastrophic for the people of Syria and the region. The cessation of hostilities is of paramount importance. It is the civilian population, from various communities, who are suffering in this conflict, many paying with their lives.

We firmly believe that the Joint Special Envoy's six-point Plan, supported by UNSMIS, offers the best framework for a resolution of the conflict. In this context we are encouraged to learn that the Action Group will take place in the near future. We are convinced this Group opens a real possibility for genuine inclusive dialogue, leading to the end of this spiral of violence.