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Situation of human rights in the Syrian Arab Republic: Implementation of Human Rights Council resolution 19/22

Report of the Secretary-General*

Summary

The present report reflects the status of implementation of Human Rights Council resolution 19/22 of 23 March 2012, following my first report on the matter which covered the period up until 11 May 2012 (A/HRC/20/37). The present report contains information on relevant developments up until 20 July 2012; a summary of the information submitted by the Government of the Syrian Arab Republic through means of notes verbales addressed to the Office of the United Nations High Commissioner for Human Rights during the reporting period; as well as information on measures and actions taken by relevant international stakeholders.

The ceasefire which came into effect on 12 April held for several days. From 16 April until early May 2012, the cessation of armed violence was not fully respected; however, there was a general reduction in violence, including in the use of heavy weaponry. The presence of UNSMIS observers in some areas appeared to have a calming effect. Since 10 May, the situation deteriorated with a surge in the use of improvised explosive devices. In parallel, there were reports of intermittent fighting between the parties and the use of heavy weapons by Government forces. From late May 2012, conditions further deteriorated with a rise in attacks by Government forces on population centres, using heavy weapons and mechanised infantry as part of a campaign to clear anti-Government armed groups. These attacks were accompanied by a rise in attacks by anti-Government armed groups targeting Government security forces, as well as Government and civilian infrastructure, using small arms, improvised explosive devices and rocket-propelled grenades. The continuous fighting between the parties and the use of heavy weapons by the Government and the increase in the use of improvised explosive devices

* Late submission.

resulted in heavy civilian casualties, and mass displacement of civilians inside and outside the country.

During the reporting period, there were reports of numerous human rights violations committed by the Government forces, which may amount to crimes against humanity and, possibly, war crimes. There were also increasing reports that anti-Government armed groups were committing serious human rights violations.

It should be noted that throughout the reporting period, the six-point plan remained central to the efforts aimed at peacefully resolving the conflict in the Syrian Arab Republic.

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I. Introduction

1. In resolution 19/22, the Human Rights Council condemned in the strongest terms the sharply escalating widespread, systematic and gross violations of human rights and fundamental freedoms perpetrated by the Syrian authorities, and requested action from the authorities to put an immediate end to all violence and all human rights violations.

2. The Human Rights Council requested that I present a report on the implementation of resolution 19/22 at its twentieth and twenty-first sessions. On 27 June 2012, my first report on the implementation of resolution 19/22 was presented to the Human Rights Council and covered the period up until 11 May 2012 (A/HRC/20/37). Pursuant to the Council's request, the present report focuses on the status of implementation of resolution 19/22, and outlines relevant developments up until 20 July 2012. It summarises information submitted by the Government of the Syrian Arab Republic by means of notes verbales addressed to the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the reporting period. Furthermore, the report includes information on measures taken by relevant international actors, including the Security Council, the General Assembly, the Joint Special Envoy of the United Nations and the League of Arab States on the Syrian Crisis (the Joint Special Envoy), and other United Nations entities.

II. Recent developments

A. Current context

3. It is recalled that on 8 May 2012, the International Committee of the Red Cross (ICRC) stated publicly that it had reached the conclusion that a non-international armed conflict was occurring in Syria between Government forces and armed opposition groups present and operating, in particular, in Homs and Idlib provinces. On 16 July 2012, the ICRC further stated that the confrontations between the Government forces and armed opposition groups in several areas of the country, including but not limited to Homs, Idlib and Hama, met the threshold of a non-international armed conflict.

4. On 2 July 2012, the High Commissioner for Human Rights briefed the Security Council on the human rights situation in the Syrian Arab Republic. During her briefing the High Commissioner recalled the obligation of both parties to abide by international human rights and humanitarian law. The High Commissioner reported on serious human rights violations committed by both parties that might amount to crimes against humanity and, possibly, war crimes and urged that perpetrators be held accountable.

B. The efforts of the Joint Special Envoy of the United Nations and the League of Arab States on the Syrian crisis

5. During the reporting period, the six-point plan remained central to the efforts aimed at peacefully resolving the conflict in the Syrian Arab Republic. A detailed account of the implementation of the six-point plan was presented in my report to the Security Council of 6 July 2012 (S/2012/523), as well as my letters of 25 and 27 May 2012 (S/2012/363 and S/2012/368) to the Security Council.

6. On 7 June, the Joint Special Envoy reported to the Security Council that the six-point plan had not been implemented and that there had not been a cessation of violence despite the efforts of the United Nations Supervision Mission in the Syrian Arab Republic

(UNSMIS) to support the parties to de-escalate the crisis. He reported that human rights violations continued, and further noted that violence by Government forces had intensified while anti-Government armed groups stated that they would not respect the demand for the cessation of hostilities and intensified their attacks. On 30 June, in Geneva, the Joint Special Envoy convened a meeting of the Action Group for Syria consisting of the Secretaries-General of the United Nations and the League of Arab States, the European Union, the five permanent members of the Security Council, as well as other countries with influence over the parties to the conflict. In its communiqué of 30 June 2012, the Action Group renewed the commitment to the Joint Special Envoy's six-point plan and set out principles and guidelines for a Syrian-led political transition.

C. United Nations Supervision Mission in the Syrian Arab Republic

7. It is recalled that following the announcement of the United Nations backed cessation of armed violence, which came into effect across the country on 12 April 2012, the Security Council authorized, in resolution 2043 (2012), the deployment of UNSMIS. The Mission was deployed for an initial period of 90 days to monitor the cessation of armed violence in all its forms by all parties, and to monitor and support the full implementation of the six-point plan endorsed by the Security Council in resolution 2042 (2012). By 30 May 2012, UNSMIS was fully operational, and worked actively in support of all aspects of the six-point plan, while monitoring and supervising the cessation of violence.

8. From late May 2012, violence sharply increased throughout the country. The escalation of violence affected directly and indirectly UNSMIS observers and ultimately impeded the implementation of their mandated activities. On 15 June, UNSMIS temporarily suspended its operations due to increased violence, obstacles to monitor the situation on the ground, and the direct targeting of its personnel and assets. UNSMIS resumed limited activities, subject to security conditions, on 26 June 2012. The Mission undertook visits to hospitals and schools in order to monitor, observe and report on the impact of the violence on the civilian population, and to assess medical protection and humanitarian access.

9. On 20 July 2012, when UNSMIS initial 90-day mandate expired, the Security Council unanimously adopted resolution 2059 (2012) to renew the mandate of the Mission for a final period of 30 days. The Security Council indicated that further renewals would be possible only if it could be confirmed that the use of heavy weapons had ceased and a reduction in violence by all parties was sufficient to permit UNSMIS to implement its mandate.

III. Information from the Government of the Syrian Arab Republic and its position towards resolution 19/22

10. On 1 June 2012, OHCHR addressed, on my behalf, a note verbale to the Permanent Mission of the Syrian Arab Republic requesting information on any measures taken or envisaged by the Government to implement resolution 19/22. Upon the request of the Permanent Mission, the submission deadline was extended by one month, namely until 11 July 2012. On 16 July 2012, the Permanent Mission addressed a note verbale to OHCHR providing it with information related to resolution 19/22.

11. During the reporting period OHCHR received 56 additional notes verbales from the Permanent Mission of the Syrian Arab Republic. Some of these notes verbales were addressed to relevant special procedures mandate holders of the Human Rights Council, to treaty bodies, and to the international independent commission of inquiry on the Syrian Arab Republic. Some of the notes verbales included statistics on casualty figures among

citizens. Other notes verbales related to allegations of kidnappings, sabotage and looting of, and attacks on, private and public property, which the Government attributed to “terrorist armed groups”, including numbers of explosives that were either defused by the Government forces or exploded. Several notes verbales included information on official investigations into incidents of mass killings at Al-Houla and Al-Qubeir, committed in May and June 2012 respectively. The present report includes a summary of the notes verbales specifically addressed to OHCHR and containing information relevant to the implementation of Human Rights Council resolution 19/22.

12. In its note verbale dated 16 July 2012, the Government reiterated that it continued to reject resolution 19/22, arguing that it was political and went beyond the Human Rights Council’s mandate to protect and promote human rights. The Government reiterated its commitment to all human rights mechanisms which are not “politicised”. It stated that resolution 19/22 failed to recognise the considerable efforts made by the Government to meet its commitments and international obligations towards its population, as well as towards political and governance reform. In the same note verbale, the Government provided information on human rights violations reportedly perpetrated by what it called “terrorist armed groups”. Information on alleged violations committed by Government forces or pro-Government militias was not provided.

13. The Government reiterated that armed groups continued to conduct criminal and terrorist acts against Syrian citizens while sabotaging public and private property. According to the Government, these groups received large quantities of weapons from some member States, while manufacturing others. The Government reported that it had discovered a large number of explosives and missiles in several warehouses and farms. It added that similar explosives were planted in crowded places, or targeted Government forces as well as citizens refusing to join or support “terrorist armed groups”.

14. The Government stated that while resolution 19/22 attributed violations against children to the Syrian authorities, it disregarded violations committed by “terrorist armed groups” through killings, kidnappings, and using children as human shields. According to the Government, these groups exploited children for political gains and for media purposes, inter alia, through filming children in emotionally-moving staged scenes attributing violations to Government forces. The Government reported that “armed terrorist groups” had prevented children from attending schools and attacked, set on fire and used schools as a base for terrorist acts and as detention facilities for torture and executions. In this context, the Government reiterated that it was aware of its responsibilities and obligations towards its population, in particular children, and that it had sought to raise awareness among parents on issues related to child protection and the risks that they might face as a result of the acts of “armed terrorist groups”.

15. In the Government’s opinion, the fact that the Human Rights Council did not condemn the acts of “terrorist armed groups” in resolution 19/22, gave green light to these groups to continue their brutal practices and human rights violations. The Government considered that the Human Rights Council failed to address Member States’ funding, arming, training and harbouring of these “terrorist armed groups”.

16. The Government reiterated that resolution 19/22 had failed to address the issue of sanctions and their negative impact on the Syrian people and on the already dire humanitarian situation in the country. According to the Government, the Syrian Arab Republic “has been subjected to more than 60 packages of illegal unilateral coercive sanctions by the United States, the European Union, the League of Arab States, Turkey, Switzerland, Canada, Australia, Japan and others”. The Government noted that these sanctions targeted all aspects of life, including the economy, finance, agriculture, industry, food, medicine, tourism, transportation, science and culture. The Government described these sanctions as amounting to collective punishment aimed at obtaining political gains

through pressure on the Syrian people who were directly suffering from these unilateral measures.

IV. Implementation of Human Rights Council resolution 19/22

17. In resolution 19/22, the Human Rights Council requested actions from the Government of the Syrian Arab Republic, particularly in paragraphs 3, 4, 9, 11, 12, 13, 17 and 18. In the opinion of the Government, as expressed in its note verbale dated 16 July 2012, the responsibility to implement the bulk of the operative paragraphs of resolution 19/22 requesting to halt the violence and human rights violations lays on “terrorist armed groups” as well as on member States funding, supporting and harbouring these groups. The Government called upon the international community to put an end to this foreign intervention and to assert pressure on these member States to stop human rights violations by proxy through the acts of “terrorist armed groups.”

A. Ending violence and human rights violations

1. Violence

18. The Human Rights Council, in paragraphs 3, 4 and 13 (a) of resolution 19/22, strongly urged the Syrian authorities to put an immediate end to violence and all human rights violations, and demanded that it meet its responsibility to protect its population. In paragraph 13 (c), the Council demanded that the Government withdraw all military and armed forces from cities and towns in accordance with the Plan of Action of the League of Arab States of 2 November 2011 and the League’s decisions of 22 January and 12 February 2012.

19. Under the six-point plan the Government committed to bringing an immediate end to all forms of violence by all parties and to protect civilians. It is recalled that in a communication addressed to the Joint Special Envoy on 1 April 2012, the Government had committed to immediately cease troop movements, end the use of heavy weapons in population centers, and begin to pull back military concentrations in and around population centers no later than 10 April 2012. Similar commitments to respect the cessation of violence from anti-Government armed groups were sought by the Joint Special Envoy.

20. The ceasefire which came into effect on 12 April held for several days. From 16 April until early May 2012, the cessation of armed violence was not fully respected; however, there was a general reduction in violence, including the use of heavy weaponry. The presence of UNSMIS observers in some areas appeared to have a calming effect.

21. From early May 2012, an increase in the number and size of improvised explosive devices marked a significant deterioration of the situation on the ground. On 10 May, in Damascus, two suicide-bomb attacks targeted Government facilities resulting in the killing and injury of members of the Government forces, as well as civilians. The following day, in Aleppo, one bomb exploded in a market area, and Government forces reportedly seized a truck carrying heavy explosives device before it could detonate. In parallel, there were reports of intermittent fighting between the parties to the conflict, and of an increase in the number of heavy weapons used by Government forces in or near population centres. Anti-Government armed groups also attacked Government forces, installations and checkpoints.

22. From late May 2012, conditions deteriorated with a rise in attacks by Government forces on population centres, using heavy weapons, including tanks and artillery shelling, helicopter rockets, and cannons and mechanised infantry, as part of a campaign to clear anti-Government armed groups. Heavy weapons were used particularly in Dara’a, Homs,

Hama, Idlib and Rif Damascus, and expanded to the larger urban areas of Deir Ezzor, Damascus and Aleppo. These attacks were accompanied by an increase in planned and coordinated attacks by anti-Government armed groups targeting Government forces, as well as Government and civilian infrastructure, using small arms, improvised explosive devices and rocket-propelled grenades.

23. There have been allegations of indiscriminate and disproportionate use of force by Government forces during armed clashes that took place in populated areas. Such use of force has resulted in heavy civilian casualties and mass displacement of civilians inside and outside the country. While the United Nations is unable to verify the number of casualties, the Government reported that more than 7,000 citizens had been killed. Some Syrian non-governmental organizations and opposition groups report that between 13,000 and 17,000 citizens have been killed as a result of the crisis.

24. The Government did not provide any information with respect to the withdrawal of heavy weapons from population centres during the reporting period. It only stated that when it withdrew heavy weapons from such areas during the visit of the Arab Observers' Mission, which was deployed in December 2011, the "terrorist armed groups" reinforced their position quickly and continued to terrorize and intimidate civilians.

25. In its note verbale dated 16 July 2012, the Government reported that it had issued strict orders to security forces not to use weapons, except in cases of self-defence, armed clashes with "terrorist armed groups", or to prevent horrifying acts against, or mass killings of, citizens in areas where the security forces were present. In the Government's opinion, the security forces carried out their duties with utmost professionalism, accuracy and self-control towards civilians while protecting their right to life from crimes committed by "terrorist armed groups".

2. Human rights violations

26. OHCHR received information indicating that Government forces continued to commit numerous human rights violations during the reporting period, including arbitrary arrest and detention, torture and other forms of ill-treatment in detention, sexual violence, as well as extrajudicial executions and unlawful killings. Similar violations were reportedly committed against women and children. There were also increasing reports of abductions, torture and ill-treatment and murder of captured members of Government forces, pro-Government militia and civilians by anti-Government groups. There were also reports of summary executions carried out by such groups of those in their custody after allegedly subjecting them to "speedy trials." OHCHR received further information indicating that anti-Government armed groups violated the rights to children, including by using children as soldiers. There were also other reports that both Government forces and anti-Government armed groups deployed snipers who targeted civilians.

27. In its note verbale dated 16 July 2012, the Government of the Syrian Arab Republic reported to have taken measures to promote and protect the human rights of all Syrians, without discrimination based on race, ethnicity, colour, sex, religion or affiliation.

28. The Government further reported that, since the beginning of the crisis, it carried out transparent, impartial and independent investigations into human rights violations to hold perpetrators to account and provide remedy to victims. It referred to the establishment of a National Independent Legal Commission to investigate all crisis-related crimes, reporting that it had reviewed more than 6,400 complaints and referred a large number of cases to the competent authorities. The Government also mentioned a Special Commission of Inquiry it had established to investigate the Al-Houla incident which occurred in May 2012. The Government stated that both Commissions enjoyed wide powers in accordance with the highest international standards, including the authority to access any information they

deemed necessary. The Government considered that these Commissions had proved their ability to provide justice at the national level. In this context, the Government noted that the relevant authorities had imposed disciplinary sanctions against a number of members of the Government forces while some remained under investigation and others were facing trial by competent courts.

B. Humanitarian assistance

29. In paragraph 9 of resolution 19/22, the Council urged the Syrian authorities to ensure timely, safe and unhindered access for all humanitarian actors and to ensure the safe passage of humanitarian and medical supplies into the country. The humanitarian situation continued to deteriorate as a result of the intensified fighting. The continued violence and fighting have hampered efforts to address humanitarian needs. Humanitarian actors estimated that there were 1.5 million people affected by the conflict in the Syrian Arab Republic as of 13 July 2012.

30. Over the reporting period, attacks on hospitals, medical facilities and ambulances increased, as well as direct threats to and killings of medical personnel. Moreover, access to health, especially for those perceived to be affiliated with the opposition or anti-Government armed groups, was undermined by the occupation and use of hospitals as military bases or by the presence of Government forces inside or in the proximity of hospitals. Furthermore, there were reports of destroyed, burned or ransacked medical facilities by anti-Government armed groups. There were also reports that hospitals were used as military bases also by anti-Government armed groups.

31. Since my last report to the Human Rights Council on the implementation of resolution 19/22, the Government agreed to the Syria Humanitarian Assistance Response Plan, and the United Nations has scaled up its humanitarian assistance. Up to 800,000 people were provided with food assistance in July 2012. Non-food items, emergency health assistance, remedial education and other activities have also increased. Despite the challenging security situation during the reporting period, following the agreement with the Government, the United Nations was in the process of expanding its presence. Eight international NGOs started their humanitarian response to the affected population and an increasing number of national NGOs and community-based organisations were participating in the humanitarian response as of 13 July 2012. These efforts, however, remain insufficient to meet the growing needs.

32. In this context, the Government recalled that, in March 2012, it jointly led the process of assessing the humanitarian needs of those affected by the crisis. It stressed that it implemented its commitment to allow the distribution of humanitarian aid in accordance with the relevant United Nations Memorandum of Understanding. Nevertheless, only a small portion of the Humanitarian Response Plan was funded as of mid-July, hindering the humanitarian response. The Government reported that it was also directly providing humanitarian assistance, including medical aid, food and other services to those in need, and was carrying out projects to reconstruct destroyed buildings to facilitate the return of displaced persons to their homes.

33. In notes verbales dated 19 June and 16 July 2012, the Government reported that “terrorist armed groups” prevented humanitarian aid from reaching those in need and targeted humanitarian workers. The Government attributed the attack on a convoy of the ICRC and the Syrian Arab Red Crescent (SARC), which was targeted by an explosive device injuring three workers on 13 June 2012, to “terrorist armed groups”. The Government further added that in June 2012, it carried out several attempts to enable access by the ICRC to areas in Homs controlled by “terrorist armed groups” to evacuate sick and wounded persons, the elderly, women, children and those with special needs, and

to facilitate the provision of humanitarian aid. According to the Government, “terrorist armed groups” refused to evacuate sick or wounded persons or to allow humanitarian assistance and targeted the humanitarian workers in the area for three weeks, until the Syrian National Reconciliation Committee, in coordination with relevant stakeholders, succeeded in evacuating 92 civilians. The Government states that those who remained were used as human shields by “terrorist armed groups” who disregarded their obligations under international human rights and humanitarian law.

34. During June 2012, humanitarian actors reported that the implementation of humanitarian ceasefires negotiated in Homs and Deir Ezzor with the parties to the conflict to allow the evacuation of civilians and bodies, as well as the provision of humanitarian and medical assistance, had not been successful, with both parties not suspending hostilities as planned.

C. Refugees outside the Syrian Arab Republic

35. In paragraph 10 of resolution 19/22, the Human Rights Council invited all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide support to Syrian refugees and neighbouring countries hosting them.

36. As a result of the conflict, the refugee flow to countries neighbouring the Syrian Arab Republic continued unabated during the reporting period. The number of refugees has doubled since my last report to the Human Rights Council. According to UNHCR, a total of 119,618 Syrian refugees, of whom 75 per cent are women and children, were receiving assistance in neighbouring countries at of 19 July 2012: Turkey (42,682); Jordan (36,450); Lebanon (32,486); and Iraq (8,000).¹ UNHCR also reported that due to increasing anxiety about the situation, over 13,000 Iraqi refugees left the Syrian Arab Republic during the first half of 2012, most returning to Iraq.²

37. Syrians escaping the conflict were increasingly seeking shelter beyond the region. In Europe, the number of Syrian asylum seekers has markedly increased. As of 20 July, about 12,000 Syrian asylum applications had been submitted for European countries, according to UNHCR.³

38. A revised Refugee Response Plan was launched on 28 June to help Syrian refugees in neighbouring countries. Only 26 per cent of the total needs were funded as of 19 July 2012, putting host countries under considerable strains.

39. In addition, an estimated number of 1 million internally displaced persons was reported in the Syrian Arab Republic as of 19 July 2012.

D. Measures taken by the Government to meet the demands and aspirations of the Syrian people

40. In paragraph 11 (a) of resolution 19/22, the Human Rights Council urged the Syrian authorities to respect the demands and aspirations of the Syrian people. It is recalled that the six-point plan and the Action Group Communiqué aimed at facilitating an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian

¹ UNHCR, Syria Regional Refugee Response, 19 July 2012.

² OCHA, Humanitarian Bulletin on Syria, Issue No.3, 5 July 2012.

³ OCHA, Humanitarian Bulletin on Syria, Issue No.5, 20 July – 3 August 2012.

people. On 7 June 2012, in a briefing to the General Assembly and the Security Council, the Joint Special Envoy stated that the plan had not been implemented, noting that this would not allow for a meaningful political dialogue.

41. During the reporting period the Government of the Syrian Arab Republic announced additional initiatives within the framework of political and governance reforms which it considered to be in pursuit of political pluralism and a democratic political process. Following the referendum of 26 February 2012, parliamentary elections were held on 7 May, and a new Government was appointed on 23 June 2012.

42. The Government referred to a comprehensive national dialogue which it had launched in mid-2011, reportedly to reach a national peaceful solution. According to the Government some parties continued to reject this dialogue. The Government argued that it had nevertheless pursued its reform efforts, and indicated that the newly appointed national unity Government included a spectrum of national opposition that reject the use of weapons and are against foreign intervention. Furthermore, the Government pointed out that an opposition leader was acting as the Deputy Prime Minister, while another opposition leader was appointed as the Minister of the newly-established Ministry of National Reconciliation to follow up on all the problems caused by the recent crisis and to find appropriate solutions in various fields.

43. The Government reported that it was carrying out democratic and comprehensive political, economic and social reforms, while prioritising the issue of human rights. It noted that these reforms aim at achieving the demands of the people through elections and dialogue. It added that within the framework of such reforms, it revised the majority of laws in compliance with international standards, such as the Election Law No. 101 (2011), the Political Parties Law No. 100 (2011), and the abolition of the Emergency Law and the State Security Court. The Government stressed that it adopted new laws, such as the law regulating peaceful demonstration, while taking into account international standards in the relevant fields.

44. The Government also referred to amendments made to the Constitution, which was approved through a referendum in February 2012. These amendments, according to the Government, include significant changes such as the abolition of Article VIII of the Constitution which articulated the role of the Baath Party in the leadership of the State and society, in addition to other paragraphs taking into account reforms in the field of human rights and the State's international obligations and commitments.

45. The Government reported that it had introduced a new election system consistent with international standards, ensuring transparency, integrity and equal representation for all segments of society. It asserted that the new electoral system guarantees the rights to freedom of expression, opinion and peaceful assembly, and of belonging to political parties in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. According to the Government, 18 political parties participated in the elections, which reportedly represent a twofold increase in the number of licensed political parties. The Government noted that 5,186,957 citizens - 51.26% of the electorate - voted freely in 15 electoral districts despite the exceptional circumstances on the ground, and attempts to disrupt the electoral process by "terrorist armed groups."

E. Media and journalists

46. In paragraph 11 (b) of resolution 19/22, the Human Rights Council demanded that the Syrian authorities put an immediate end to all attacks on journalists and that they ensure adequate protection, fully respect freedom of expression and allow independent and international media to operate.

47. The Government pledged to ensure freedom of movement for journalists throughout the country, and to ensure a non-discriminatory visa policy for them under the six-point plan. After 25 March 2012, the Government accelerated the issuance of entry visas to journalists. During the reporting period, OHCHR periodically received notes verbales from the Government concerning the number of international and Arab journalists and media organisations that had been given entry visas. The most recent communication on the subject was received on 16 July 2012 and covers the period from 25 March 2012 until 12 July 2012, stating that over 237 international media outlets had entered the Syrian Arab Republic. In this connection the Government also referred to its note verbale of 31 May 2012, addressed to me and the President of the Security Council, which listed the names of 28 foreign journalists who had reportedly entered the Syrian Arab Republic illegally (S/2012/389).

48. As noted in my report to the Security Council dated 6 July 2012 (S/2012/523), several international media outlets reported that visas had not been issued for several months to their journalists. Some Syrian journalists reported that they had been detained by Government forces or physically attacked or harassed by anti-Government gatherings. There were also reports that journalists affiliated to official Syrian media channels did not venture into areas controlled by anti-Government armed groups out of concern for their safety.

49. On 28 June 2012, the Government informed OHCHR that “terrorist armed groups” had attacked the headquarters of the Syrian news channel Al-Ikhbariya, near Damascus, on 27 June, destroying the station and killing three journalists, four team members and the security guards of the building. On 2 July 2012, the Al-Nusra Front claimed responsibility for the attack on its website.

50. The Government considered that the Human Rights Council had overlooked the issue of sanctions imposed on Syrian governmental and non-governmental media outlets, press and bloggers by some member States. It referred, among others, to the League of Arab States’ resolution of 2 June 2012, requesting the administrators of the Arab satellite communications organization to take necessary action to stop broadcasting Syrian governmental and non-governmental satellite channels. In the Government’s view that resolution aimed at censoring and excluding alternative views from the mainstream media discourse. In this context, the Government also referred to a note verbale of 19 June 2012 addressed to the President of the Security Council and myself (S/2012/461). The Government saw these measures as unilateral and aimed at silencing the Syrian national media in blatant contradiction with the principle of freedom of media and information and with the provision of the six-point plan regarding journalists’ freedom of movement. According to the Government, such measures gave the green light to “terrorist armed groups” to target Syrian journalists and media organisations.

F. Foreign nationals

51. In paragraph 11 (c) of resolution 19/22, the Human Rights Council requested that the Syrian authorities take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, including refugees and diplomatic staff members, and the protection of their property.

52. The situation in the Syrian Arab Republic has gradually and significantly affected the situation of refugees living in the country, including 500,000 Palestinian refugees and

over 103,000 registered Iraqi refugees.⁴ In June, UNHCR noted that refugees inside the Syrian Arab Republic had not been directly targeted during armed clashes but were reporting more and more security incidents affecting them. The capacity to deliver protection and assistance to these refugees is also negatively affected due to the conflict.⁵

53. In its note verbale dated 16 July 2012, the Government pointed out that it was guaranteeing the security and safety of all diplomats, refugees, and tourists, as evidenced by its history as a haven for those persecuted or discriminated against. The Government reported that a certain number of refugees had been killed by gunfire, explosives or other criminal methods. It mentioned the discovery of the corpses of 19 young Palestinian men near Aleppo who had allegedly been kidnapped by “terrorist armed groups” and were later executed.

54. The Government pointed out that there was a category of foreigners “sponsored by other member States” who had illegally entered the Syrian Arab Republic to carry out terrorist attacks. It referred to its note verbale of 16 May 2012 to the Security Council Committee concerning counter-terrorism, which listed the names of 10 non-Syrian citizens who had illegally entered the country and were killed while engaging in terrorist armed operations against the Syrian Army (S/2012/328).

55. Furthermore, the Government reported that it detained 26 foreigners who, it stated, were engaged in terrorist acts. It pointed out that the leadership of al-Qaeda had called upon its members to go and fight in Syria. According to the Government, once the involvement of foreign nationals was revealed, “terrorist armed groups” deliberately started disposing of the corpses of those killed to hide the evidence of foreigners’ involvement through burning or burying the corpses in deserted areas or throwing them into rivers. According to the Government some Member States who sponsored resolution 19/22, were training, supporting and hiring mercenaries to fight in the Syrian Arab Republic in complete disregard for international efforts to combat mercenaries, including relevant decisions of the General Assembly and the Human Rights Council.

G. Cities under siege

56. In paragraph 11 (d) of resolution 19/22, the Human Rights Council demanded that the Syrian authorities lift all sieges imposed on cities. The Government did not provide OHCHR with information on this subject.

57. Further reports indicate that checkpoints controlled by Government forces, as well as by anti-Government armed groups increased throughout the country. Lists of wanted persons have reportedly been circulated and individuals have been arrested at checkpoints in Homs, Al Ladhqiyyah, Idlib, Aleppo, Dar’a and Damacus governorates. Government checkpoints have also been reportedly preventing patients from accessing health care.

58. Information received by OHCHR indicates a pattern of military operations on alleged anti-Government strongholds that included cordons, the use of heavy weapons and house-to-house search operations. According to the information received by OHCHR, targeted areas were cordoned off through the establishment of checkpoints around that area and cutting of water, electricity and other basic services. Reports show that once the areas were cordoned, artillery and tank units supported by helicopters, conducted heavy shelling. Ground forces then entered those areas to complete the military operations.

⁴ OCHA, Humanitarian Bulletin, Middle East and North Africa, no.2, May-June 2012.

⁵ The Government estimates that the number of Palestinian refugees and Iraqi refugees stands over 1 million each.

H. The Plan of Action of the League of the Arab States

59. In paragraph 12 of resolution 19/22, the Human Rights Council called upon the Government to implement the Plan of Action of the League of Arab States of 2 November 2011 in its entirety, as well as the League's relevant decisions, without delay.

60. In its note verbale dated 16 July 2012, the Government of the Syrian Arab Republic noted that it had implemented in good faith the Plan of Action of the League of Arab States, and recalled that it had granted access to, and facilitated, the Arab Observers' Mission, and withdrew its forces from the cities.

61. The Government also noted that it cooperated with the Joint Special Envoy, agreed to six-point plan and implemented much of this plan, and sincerely supported and facilitated the work of UNSMIS observers, and provided them with protection. These efforts, according to the Government, reflect its willingness to cooperate with the international community to reach a peaceful solution which would be based on national dialogue. In this context, the Government accused "terrorist armed groups", and some Member States that funded and armed them, of hampering UNSMIS observers from carrying out their mandate and the implementation of the six-point plan.

62. The Government stated that it remained supportive of the political dialogue, and that there must be an international commitment and political will to fully implement the six-point plan. It noted that unless the arming and financing of "terrorist armed groups" ceased, it would be difficult to implement the plan based on the sole Government's commitment. It added that while it welcomed the outcome of the Action Group on 30 June 2012, the "terrorist armed groups" and the member States that supporting them were against that outcome.

I. Detainees

63. In paragraph 13(b) of resolution 19/22 the Human Rights Council demanded that Government release all persons detained arbitrarily due to the crisis in accordance with the Plan of Action of the League of Arab States and its decisions of 22 January and 12 February 2012.

64. Under the six-point plan, the Government has an obligation to intensify the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons and persons involved in peaceful political activities, and to allow access to detention places. As noted in my report of 7 July 2012 to the Security Council, progress in this area was insignificant in a context where the status and conditions of thousands of detainees across the country remained unclear (S/2012/523). This includes not only persons engaged in armed fighting but also human rights defenders, political activists, women and children.

65. During the reporting period the Government addressed a number of notes verbales to OHCHR regarding detainees, stating that it had gradually released almost 4,200 detainees as of 10 July 2012. In its note verbale of 16 July 2012, the Government reported that more than 10,000 prisoners had benefited from four Presidential Amnesty decrees, as well as a large number of citizens who surrendered, gave up weapons, and made a written commitment that they would refrain from carrying weapons or otherwise prejudice the security and stability of the Syrian Arab Republic, were also released.

66. The Government reported in several notes verbales addressed to OHCHR that it had released 206 detainees on 10 June 2012 and 500 others on 13 June 2012. Furthermore, it reportedly released 275 detainees on 10 July 2012, and 92 detainees on 17 July 2012. The

Government did not share with OHCHR the list and details of the persons released. UNSMIS observed the release of 609 detainees countrywide in the context of three Government release exercises on 31 May, 14 June and 11 July 2012, as noted in my report of 6 July to the Security Council (S/2012/523).

67. In its notes verbales dated 16 July 2012, the Government denied that its security forces had imprisoned, tortured, and killed children, noting that if children were mistakenly arrested, they would be released immediately and would not be brought to court provided they were under the minimum age of criminal responsibility.

68. There are continuing reports of anti-Government armed groups abducting or kidnapping individuals. In some cases payment or ammunition were reportedly made in exchange for release of people held by such in exchange of their release.

J. Rights to freedom of association and peaceful assembly

69. In paragraph 13(d) to resolution 19/22, and while referring to the League of Arab States, the Human Rights Council demanded that the Government guarantee the right to peaceful assembly and allow access for all relevant institutions of the League.

70. It is recalled that under the six-point plan, the Government of the Syrian Arab Republic pledged to ensure respect for freedom of association and the right to demonstrate peacefully. As noted in my report of 6 July to the Security Council (S/2012/523), the broad context of human rights violations and intimidation in the Syrian Arab Republic does not constitute an environment in which citizens can express their opinions and demonstrate freely. Despite the risks of violence, protests continued to take place during the reporting period, albeit for shorter periods and on a smaller scale in comparison with the demonstrations which were reported at the early stages of the crisis. Pro-Government demonstrations also took place in a range of locations.

71. There were continued reports of Government forces using excessive force, including live ammunition and lethal force, to disperse peaceful demonstrations in different parts of the country during the reporting period. According to reports between May and June 2012 at least 200 demonstrators were treated at local hospitals in Aleppo, suffering from bullet wounds, of whom ten reportedly died. Credible sources also reported that at least six civilian casualties, including four deaths resulted from indiscriminate shooting by Government forces during a demonstration in Aleppo on 6 July 2012. Furthermore, several demonstrators had been detained for participating in protests without due process and held incommunicado.

K. The independent international commission of Inquiry on the Syrian Arab Republic

72. Paragraphs 14, 15, 16, 17, 20 and 21 of resolution 19/22 referred to the mandate and work of the independent international commission of inquiry on the Syrian Arab Republic, which was established pursuant to Human Rights Council resolution S-17/1 of 23 August 2011. The commission continued to carry out its mandate, with OHCHR providing it with full secretariat support. Pursuant to paragraph 14 of resolution 19/22, the commission presented an oral update to the Council at its twentieth session (A/HRC/20/CPR.1). The oral update included also the preliminary findings of the commission's special inquiry into the events of Al-Houla pursuant to Human Rights Council resolution S-19/1 of 1 June 2012. The commission is due to present a written updated report to the Human Rights Council at its twenty-first session (A/HRC/21/50).

73. In paragraph 17 of resolution 19/22, the Human Rights Council repeated its call upon the Government of the Syrian Arab Republic to cooperate with the commission of inquiry. The Chairperson of the commission visited Damascus on 23-25 June 2012 to discuss with the Syrian authorities the work of the commission. The details of that visit were reported in the commission's oral update on 27 June 2012 (A/HRC/20/CPR.1). To date, however, the commission was not granted access to the country to carry out in situ investigations.

74. It is recalled that on 27 June 2012, the independent international commission of inquiry on the Syrian Arab Republic presented its oral report to the Human Rights Council, pursuant to resolution 19/22 (A/HRC/20/CRP.1). The report included information up until 15 June 2012. The commission of inquiry stated that it had reasonable grounds to believe that people had been killed, arbitrarily arrested, detained, tortured and subjected to sexual violence by Government forces and pro-Government militia, and that crimes against humanity may have been committed by Government forces. The commission of inquiry also reported that security forces personnel and civilians had been killed, abducted and tortured by armed opponents, who had increased their use of improvised explosive devices. The commission of inquiry was not able to ascertain responsibility for several incidents, throughout the country, in which explosives were used.

75. In paragraph 20 and 21 the Human Rights Council decided to transmit the reports of the commission of inquiry to all relevant United Nations bodies and Secretary-General for appropriate action, and recommended that the main bodies of the United Nations urgently consider the reports of the commission of inquiry and take appropriate action to address human rights violations, as well as crimes against humanity that may have been committed. During the reporting period, I transmitted the oral update of the commission of inquiry (A/HRC/20/CRP.1) to the Security Council on 19 July 2012. It is recalled that the Secretary-General transmitted the report of the commission of 23 November 2011 (A/HRC/s-17/2/add.1) to the Security Council on 13 December 2011.

L. OHCHR and special procedures mandate holders of the Human Rights Council

76. In paragraph 18 of resolution 19/22, the Human Rights Council reiterated its call upon the Syrian authorities to cooperate with its special procedures and with OHCHR, including through the establishment of a field presence.

77. In response to this request the Government reiterated in its note verbale of 16 July 2012 that it had collaborated in a serious and transparent manner with the special procedures of the Human Rights Council and other human rights mechanisms "eschewing politicization" in accordance with the State's commitments and international obligations. The Government also pointed out that it regularly provided OHCHR with documented information, including the preliminary findings of the Special Commission of Inquiry on the Al-Houla incident. The Government did not address the question of an OHCHR field presence in its note verbale of 16 July 2012.

78. On 1 June 2012, during the Council's nineteenth special session, on the human rights situation in the Syrian Arab Republic, all special procedures mandate holders presented a joint statement, deploring the alarming deterioration of the situation of human rights in Syria, and underlining that all available information indicated that crimes against humanity, and possibly other crimes under international law, had been committed. The mandate holders called on the authorities to provide full and unhindered access, inter alia, to special procedures of the Human Rights Council.

79. Requests for visits to the Syrian Arab Republic by special procedures mandate holders of the Human Rights Council, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the human rights of internally displaced persons, remained pending. On 13 July, the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a request to visit the country.

M. Efforts by the Secretary-General

80. In resolution 19/22, paragraph 19, the Human Rights Council invited me to take the necessary measures to support the efforts of the League of Arab States to achieve a peaceful solution to the situation in the Syrian Arab Republic.

81. It is recalled that the Plan of Action of the League of Arab States of 2 November 2011, and the League's decisions of 22 January and 12 February 2012, were endorsed by General Assembly resolution 66/253. In this context, I continued to support the efforts of the Joint Special Envoy of the United Nations and the League of Arab States whose mandate was based on resolution 66/253, and therefore reflected all relevant decisions of the League of Arab States. A detailed account of my efforts in this context was presented in my letters of 25 and 27 May 2012 to the Security Council (S/2012/363 and S/2012/368), as well as in my report to the Security Council of 6 July 2012 (S/2012/523).

82. Over the reporting period, I have consistently called on all parties to step back from the ever-deepening confrontation, and to cooperate with UNSMIS. I urged them to recommit to fulfilling their obligations under the Joint Special Envoy's six-point plan in good faith, following the path outlined by the Action Group on 30 June 2012, with a view to paving the way for an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people.
