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Human rights situations that require the Council's attention

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. It contains information on the recent developments on the ground up until 11 May 2012, a summary of the information submitted by the Government of the Syrian Arab Republic in several 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.

Although a ceasefire brokered by the United Nations was announced on 12 April 2012, its implementation remained partial and fragile during the reporting period. Despite some improvements on the ground, violence and killings, including during armed clashes, through shelling and the use of explosive devices, continued throughout the Syrian Arab Republic, and the civilian population remained significantly insecure. There were credible reports of ongoing serious human rights violations.

* Late submission.

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I. Introduction

1. In its 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 authorities of the Syrian Arab Republic. In the resolution, the Council requested actions from the Government of the Syrian Arab Republic to put an immediate end to all violence and all human rights violations. It also requested that I present a report on the implementation of resolution 19/22 at its twentieth and twenty-first sessions. The present report, which is submitted to the Council pursuant to that request, summarizes the recent developments on the ground up until 11 May 2012 and 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) between 2 April and 7 May 2012. The report also contains information on actions taken by relevant international stakeholders, including the Security Council, the Joint Special Envoy of the United Nations and the League of Arab States, and other United Nations entities.

II. Recent developments

2. On 16 February 2012, the General Assembly adopted resolution 66/253, in which it endorsed 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. In that context, the Assembly requested me and other United Nations entities to support the efforts of the League of Arab States, including through the appointment of a special envoy to promote a peaceful solution, and through technical and material assistance. On 23 February 2012, in response to resolution 66/253, the Secretary-General of the League of Arab States and I announced the appointment of Kofi Annan as our Joint Special Envoy to help to resolve the Syrian crisis. The Security Council lent its support to the appointment in the statements made by the President of the Council on 21 March (S/PRST/2012/6) and 5 April 2012 (S/PRST/2012/10), and in resolutions 2042 and 2043 (2012) of 14 and 21 April 2012, respectively.

3. The mandate of the Joint Special Envoy is to use his good offices to bring an end to all violence and human rights violations and to promote a peaceful solution to the Syrian crisis, working with all relevant actors of the United Nations and the League of Arab States through consultations on the political, socio-economic, security and humanitarian situation in the Syrian Arab Republic. Since his appointment, the Envoy has engaged with the Government of the Syrian Arab Republic and the Syrian opposition, as well as with regional and international stakeholders, with a view to finding a peaceful solution to the crisis.

4. On 25 March 2012, the Government of the Syrian Arab Republic pledged to implement the six-point plan proposed by the Joint Special Envoy, which aimed at bringing an immediate end to all forms of violence by all parties, to protect civilians, obtain humanitarian access and facilitate an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people. In a communication addressed to the Envoy on 1 April 2012, the Government of the Syrian Arab Republic pledged to immediately cease troop movements, end the use of heavy weapons in population centres and begin to pull back military concentrations in and around population centres no later than 10 April 2012. Similar commitments to respect the cessation of violence were sought from anti-Government armed groups by the Envoy. While the ceasefire came into effect on 12 April 2012, it was not fully respected during the reporting period.

5. In the framework of the six-point plan, the Government of the Syrian Arab Republic also committed itself 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. The Government also pledged to ensure freedom of movement throughout the country for journalists, and to ensure a non-discriminatory visa policy for them. In addition, the Government undertook to respect freedom of association and the right to peaceful assembly.

6. It should be recalled that the Security Council, in its resolution 2043 (2012), authorized, for an initial period of 90 days, the deployment of the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), comprising an initial deployment of up to 300 unarmed military observers as well as an appropriate civilian component, as required by the Mission to fulfil its mandate. Its mandate is to monitor the cessation of armed violence in all its forms by all parties, and to monitor and support the full implementation of the above-mentioned six-point plan. During the reporting period, a certain reduction in violence was observed in areas where UNSMIS was present.

III. Information from the Government of the Syrian Arab Republic

7. In its resolution 19/22, the Human Rights Council requested specific actions from the Government of the Syrian Arab Republic to address the human rights and humanitarian situation, particularly in paragraphs 3, 4, 9, 11, 12, 13, 17 and 18. On 12 April 2012, OHCHR, on my behalf, addressed a note verbale to the Permanent Mission of the Syrian Arab Republic in which it requested information on any steps taken by the Government to implement resolution 19/22. In response, on 1 May 2012, the Permanent Mission addressed a note verbale to OHCHR in which it pointed out that the Government rejected and would continue to reject resolution 19/22, arguing that it went beyond the mandate of the Council, was inconsistent with the Charter of the United Nations and did not reflect the reality on the ground. According to the Government, resolution 19/22 lacked credibility owing to the absence of reference to the grave and systematic human rights violations perpetrated by what it called “terrorist armed groups”. The Government provided information on human rights violations that it attributed to “terrorist armed groups”, as described below. Information on alleged violations committed by other actors was not provided.

8. In its note verbale of 1 May 2012, the Government of the Syrian Arab Republic stated that, in accordance with its international obligations and commitments and in line with the State’s sovereignty and the choices of the Syrian people, it had cooperated openly and transparently with all United Nations mechanisms, eschewing politicization and prejudgements based on “fabricated evidence” to condemn the Syrian Arab Republic. According to the Government, States seeking the “destruction” of the Syrian Arab Republic had ignored its cooperation with the United Nations. In this context, the Government considered that the information it had transmitted to OHCHR and the United Nations prior to the adoption of Human Rights Council resolution 19/22 had not been reflected in the resolution. The Government considered resolution 19/22 to be part of a campaign against the Syrian Arab Republic and, in its view, it merely reflected accounts from media outlets funded by States seeking the “destruction” of the Syrian Arab Republic.

9. In its note verbale of 1 May 2012, the Government of the Syrian Arab Republic stated that resolution 19/22 sent a clear message to “terrorist armed groups” and their sponsors that they were allowed “to spill Syrian blood and to continue their operations”. In the view of the Government, this negative and dangerous message had resulted in an escalation of terrorist operations in Damascus and the second largest city in the Syrian Arab Republic, Aleppo, in addition to other cities where, the Government stated, residents did

not obey the instructions of “terrorist armed groups”. The Government also stated that intentional, widespread and gross violations that amounted to crimes against humanity committed by “terrorist armed groups” had intensified in Syrian cities. The Government deplored the fact that resolution 19/22 did not address the issue of countries that fund, arm and train “terrorist armed groups”, contrary to the Charter. In this context, the Government noted that neighbouring countries were being used as a base for “terrorist armed groups”, and reported that the relevant Syrian authorities had been thwarting infiltration attempts of “terrorist armed groups” into the Syrian Arab Republic on a daily basis.

10. From 2 April to 7 May 2012, the Permanent Mission of the Syrian Arab Republic addressed several notes verbales to OHCHR, mainly on casualty figures within the national security and armed forces, as well as among civilians, reportedly as a result of acts committed by “terrorist armed groups”. The Government also provided information on kidnappings and armed attacks on, and the sabotage and looting of, private and public property. The present report includes the most recent figures submitted by the Government. According to information sent by the Government, “terrorist armed groups” had committed the following violations:

(a) **Killings.** According to the Government, more than 6,144 Syrian citizens, including civilians and members of national security forces and armed forces, had been killed. The Government also reported that 478 members of the national security and 2,091 members of the armed forces had been killed by “terrorist armed groups” between 23 March 2011 and 20 March 2012. It added that more than 100 Syrian scientists, intellectuals and athletes had been killed for refusing to join the “terrorist armed groups”. The Government reported that different methods had been used by the “terrorist armed groups” to kill people from different groups: those who did not support the calls of the “terrorist armed groups” and belonged to given groups in society were shot and killed, while the “slaughter technique” was reserved for other population groups. The Government reported that dead bodies had been put on display, killings had been filmed by perpetrators and footage disseminated over the Internet;

(b) **Kidnappings and abductions.** According to the Government, more than 1,500 citizens had been kidnapped or abducted, of whom the fate of 1,000 remained unknown. The majority of those kidnapped or abducted had been reportedly subjected to torture and detention. The Government reported that it had begun to find bodies of victims in wells, rivers and sanitation networks;

(c) **Torture.** The Government stated that “terrorist armed groups” had kidnapped and tortured citizens in detention facilities under their control, a number of which were reportedly in areas “freed from the grip of terrorists”. The Government added that instruments utilized for torture were found at these locations. According to the Government, people were killed if the requested ransom was not paid, or were executed without any request for ransom;

(d) **Violations of freedoms of religion and belief.** The Government reported that “terrorist armed groups” had targeted and tried to expel particular communities from areas in which they have lived for generations by threatening, intimidating or killing those who refused to give up their private property. The Government also pointed out that terrorist armed groups had targeted mosques, churches and monasteries;

(e) **Violations of freedom of opinion and expression.** The Government stated that “terrorist armed groups” had threatened, intimidated and killed those who disagreed with them or ignored their calls to participate in strikes or protests, or whom they suspected of supporting the Government, as well as journalists who, according to the Government, wrote the truth and were targeted and killed;

(f) **Violence against women.** According to the Government, there were many cases where citizens had been held up on highways, with women raped before being shot. The Government reported on other cases where women had been kidnapped and forced to become sex slaves by “terrorist armed groups”, reportedly in detention facilities under their control;

(g) **Violence against children.** According to the Government, “terrorist armed groups” had lured several children into carrying out terrorist operations for money, and reportedly kidnapped and killed children (as in the case of a boy named “Adnan Amran”, less than 9 years old, whose body was found on the rooftop of a building in Al-Ladhiqiyah). According to the Government, children had been killed to put pressure on their parents (as in the case of the son of the Grand Mufti of the Syrian Arab Republic, Saria Hassoun);

(h) **Violations of the right to food.** According to the Government, “terrorist armed groups” had destroyed sources of staple food, olive groves and water resources relied on by farmers. In some areas, farmers had reportedly been prevented from reaching their farms and gathering their harvest;

(i) **Violations of the right to health.** According to the Government, “terrorist armed groups” had kidnapped and killed doctors, raped nurses, shelled hospitals and stolen and destroyed medical supplies. The Government underlined the psychological suffering of Syrian citizens as a result of these acts;

(j) **Violations of the right to education.** The Government stated that “terrorist armed groups” had deprived citizens of their right to education by preventing children and students from going to school and university in some governorates and by using schools as a base for their terrorist operations;

(k) **Incidents of theft and sabotage.** The Government reported that there had been 1,292 incidents of looting, 2,256 cases of theft of vehicles and 2,618 cases of sabotage of private and public property from the beginning of the events to 15 March 2012. According to the Government, the financial losses of the electricity sector caused by the attacks of “terrorist armed groups” exceeded 334 million Syrian pounds during the period from 1 to 17 April 2012;

(l) **Transportation sector.** The Government reported that “terrorist armed groups” had killed eight employees of the Ministry of Transport, and had kidnapped another 14. The fate of eight of them remained unknown. The Government added that “terrorist armed groups” deliberately targeted buses used to transport Ministry employees. The Government also added that “terrorist armed groups” had stolen the identification cards of State employees to perpetrate terrorist operations. According to the Government, damage to the Ministry of Transport up until the end of February 2012 exceeded an estimated 3.8 billion Syrian pounds as a result of attacks by “terrorist armed groups”.

12. In a note verbale dated 7 April 2012, the Government of the Syrian Arab Republic stated that it was continuing its investigations into human rights violations and would hold the perpetrators accountable. It stated that it had received more than 4,800 complaints. The Government reported that a number of commissioned officers with different ranks, including two brigadier generals, non-commissioned officers and elements of the national security and armed forces, were facing trial, and that 74 members of the public forces of order had been punished. The Government stated that it would continue to investigate all alleged human rights violations.

IV. Implementation of Human Rights Council resolution 19/22

13. In paragraphs 3 and 4 of its resolution 19/22, the Human Rights Council strongly urged the Government of the Syrian Arab Republic to put an immediate end to violence and all human rights violations, and demanded that it meet its responsibility to protect its population. As noted above, the Government, in its note verbale of 1 May 2012, did not provide information in that regard.

14. Despite the announcement of a ceasefire brokered by the United Nations on 12 April 2012, implementation of the ceasefire remained partial and fragile during the reporting period. Despite some improvements on the ground, the civilian population remained significantly insecure. Violence and killings, including during armed clashes, continued throughout the country. An increase in the use of explosive devices, inflicting loss of life among civilians, was also reported. Credible reports indicated that Government security and armed forces continued, unabated, to commit serious violations of human rights, including by the shelling of civilian areas and the use of lethal force against demonstrators, arbitrary arrests, torture and summary and extrajudicial execution of activists, defectors and opponents. Furthermore, ongoing violations by armed anti-Government forces continued to be reported, including cases of kidnapping and abduction, and the torture and killing of members of the security and armed forces and pro-Government elements.

15. In paragraph 9 of resolution 19/22, the Human Rights Council urged the Government of the Syrian Arab Republic 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 Government did not provide OHCHR with information on the status of implementation of paragraph 9. In its note verbale of 1 May 2012, however, the Government stated that the Council had failed to address, in this context, the unilateral sanctions imposed on the Syrian Arab Republic or the attacks by “terrorist armed groups”, which had resulted in the current livelihood crisis in the country.

16. On the basis of a Government-led needs assessment mission conducted from 18 to 26 March 2012, the United Nations and the Organization of Islamic Cooperation estimated that, at that time, 1 million people were in need of humanitarian assistance in the Syrian Arab Republic. The scale and scope of humanitarian operations, however, remained insufficient to meet humanitarian needs, and the humanitarian capacity remained limited on the ground. Further to the needs assessment mission, the Syrian authorities and humanitarian actors agreed about the significant humanitarian needs and that civilians in affected areas needed urgent and effectively targeted aid in terms of shelter, food, health, education, livelihood, agriculture, water and sanitation. As at 8 May 2012, however, the modalities of the humanitarian response were still being discussed with the Government of the Syrian Arab Republic. As a result, civilians continued to bear the brunt of the deteriorating humanitarian situation.

17. 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 Syrian refugees, and the neighbouring countries hosting them, with support. In March 2012, UNHCR launched the Syria Regional Refugee Plan to address the needs for protection and assistance of refugees fleeing from the Syrian Arab Republic into neighbouring countries, namely Iraq, Jordan, Lebanon and Turkey. According to UNHCR, as at 9 May 2012, more than 67,668 refugees fleeing the Syrian Arab Republic were receiving assistance from UNHCR and the national authorities in Iraq (3,391), Jordan (15,344), Lebanon (25,922) and Turkey (23,011). The number of Syrian refugees in Turkey had reportedly decreased slightly in the previous month owing to voluntary repatriations. UNHCR had registered 55,198 persons from the Syrian Arab Republic in neighbouring countries.

18. In paragraph 11 (a) of resolution 19/22, the Human Rights Council demanded that the Syrian authorities respect the demands and aspirations of the Syrian people. I took note of the parliamentary elections held on 7 May 2012 and of the fact that the opposition boycotted the poll. As noted above, the six-point plan is aimed at facilitating an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people once fully implemented.

19. In paragraph 11 (b) of resolution 19/22, the Human Rights Council also demanded that the Syrian authorities put an immediate end to all attacks on journalists and to ensure adequate protection, fully respect freedom of expression and allow independent and international media to operate. The Joint Special Envoy reported that he had been informed by the Government that more than 114 journalists had been given visas, and that international reporting from the Syrian Arab Republic had increased pursuant to the six-point plan.

20. In paragraph 11 (c) of resolution 19/22, the Human Rights Council further demanded that the Syrian authorities take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, including refugees and diplomatic staff, and to ensure the protection of their property. The Government did not provide OHCHR with information on the status of implementation of paragraph 11 (c). According to media reports, some foreigners were killed while others were detained.

21. In paragraph 11 (d) of resolution 19/22, the Human Rights Council demanded that the Syrian authorities lift the blockade of Homs, Dar'a and Zabadani and of all other cities under siege. The Government did not provide OHCHR with information on the implementation of paragraph 11 (d). Credible sources report that checkpoints controlled by Government forces and by armed anti-Government groups remained, mainly in Homs, Idlib, Dar'a and Hama.

22. In paragraphs 12 and 13 of resolution 19/22, the Human Rights Council called upon the Government to act in accordance with the Plan of Action of the League of Arab States of 2 November 2011, and its decisions of 22 January and 12 February 2012, including to release all those detained arbitrarily following the recent incidents; to withdraw all military and armed forces from cities and towns; to guarantee the freedom of peaceful assembly; and to allow access for all relevant institutions of the League. Despite the six-point plan and the announcement of the ceasefire, reports of the use of live and lethal fire during protests continued. Furthermore, credible sources reported continued cases of arbitrary detention, including of children. In addition, other credible sources reported that the Government had not withdrawn all heavy weapons from cities.

23. Paragraphs 14, 15, 16, 17 and 21 of resolution 19/22 concerned the mandate and work of the independent international commission of inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011. Further to paragraph 14 of resolution 19/22, in which the Council extended the mandate of the commission of inquiry, the commission resumed its work and OHCHR continued to provide it with full secretariat support. The commission is to give an oral update to the Council at its twentieth session, and to present a written update report at its twenty-first session. To date, despite the fact that the Council, in paragraph 17 of resolution 19/22, called upon the Government to cooperate with the commission of inquiry, the commission has not been granted access to the country. On 26 March 2012, further to paragraph 21 of resolution 19/22, the Council transmitted the updated report of the commission of inquiry to me for appropriate action and transmission to all relevant United Nations bodies.

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

While the Government of the Syrian Arab Republic has interacted with some special procedures, recent requests by mandate holders for visits to the country remain pending or unanswered. For instance, on 19 October 2011, the Government replied positively to a request made by the Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit the Syrian Arab Republic. In its reply to the request, the Government invited the Special Rapporteur to visit at an appropriate time for both sides during the first months of 2012. A letter from the Special Rapporteur suggesting a visit in March 2012 remained, however, unanswered. On 19 April 2012, the Special Rapporteur on the human rights of internally displaced persons addressed a request to visit the Syrian Arab Republic to its Permanent Mission in Geneva.

25. With reference to an OHCHR field presence in the Syrian Arab Republic, the Government did not address this issue in its note verbale of 1 May 2012. It should be recalled that the Ambassador of the Syrian Arab Republic, during a meeting with representatives of OHCHR on 11 January 2012, pointed out that, at the time, his Government was not yet ready to cooperate with OHCHR.

26. In paragraph 19 of its resolution 19/22, the Human Rights Council invited me to take the measures necessary to support the efforts of the League of Arab States to achieve a peaceful solution to the situation in the Syrian Arab Republic. As noted above, the General Assembly, in its resolution 66/253, endorsed 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. The mandate of the Joint Special Envoy, which is based on resolution 66/253, reflects therefore all relevant decisions of the League of Arab States. The Envoy has regularly briefed the Assembly and the Security Council on his activities, and continues to provide regular reports thereon, as requested. I have also reported to the Assembly and to the Council on support for the efforts of the League of Arab States to achieve a peaceful solution to the situation in the Syrian Arab Republic consistent with the Charter of the United Nations and the League's decisions. In this context, both the Joint Special Envoy and I have called on all parties to adhere to the cessation of violence in all its forms, to cooperate with UNSMIS and to implement the six-point plan in its entirety 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. As I have noted previously, the efforts of the Envoy and UNSMIS are possibly the only remaining chance to stabilize the situation in the Syrian Arab Republic and to avoid a civil war.

27. In accordance with paragraph 21 of Human Rights Council resolution 19/22, an update report on the implementation of the resolution is being prepared and will be presented to the Council at its twenty-first session.