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Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Syrian Arab Republic**

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution S-16/1, in which the Council requested the High Commissioner to dispatch urgently a mission to the Syrian Arab Republic to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability.

* Late submission.

** For reasons of length, the footnotes in and the annexes to the present report are circulated as received, in the languages of submission only.

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I. Introduction

A. Background

1. Mandate

1. The fact-finding mission for the Syrian Arab Republic was established by the Human Rights Council in its resolution S-16/1, at the special session convened by the Council in the light of the widespread anti-Government protests in the Syrian Arab Republic and the grave deterioration of the human rights situation.

2. In resolution S-16/1, the Council called upon the Government of the Syrian Arab Republic to cooperate fully with the mission, including by granting access to its staff. It also condemned the use of lethal violence against peaceful protestors by the Syrian authorities and urged, *inter alia*, that no reprisals be taken against those taking part in demonstrations, and that the Government launch a credible and impartial investigation and prosecute those responsible for attacks on peaceful protestors.

3. The Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to dispatch urgently a mission to the Syrian Arab Republic to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability.

4. In resolution S-16/1, the Council requested the High Commissioner to provide a preliminary report and an oral update on the situation of human rights in the Syrian Arab Republic at its seventeenth session. It also requested her to submit a follow-up report to the Council at its eighteenth session and, at that session, to organize an interactive dialogue on the situation of human rights in the Syrian Arab Republic. The present report, submitted pursuant to those requests, covers the events in the Syrian Arab Republic since 15 March 2011.

5. Following the sixteenth special session, the High Commissioner established a mission consisting of 13 members and headed by the Deputy High Commissioner.¹ The mission began its work on 23 May 2011.

2. Dialogue with the Government of the Syrian Arab Republic

6. In a note verbale dated 6 May 2011, the High Commissioner formally requested the Government of the Syrian Arab Republic to cooperate with the mission. Having received no response from the Government on this matter, the High Commissioner reiterated her request for access to the country in another note verbale, on 20 May 2011, in a meeting with the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva on 7 June 2011, and in a letter to the Prime Minister Adel Safar, on 15 July 2011, to which was annexed a series of questions and requests for information on issues relating to detentions and the administration of justice; torture and ill-treatment; investigations into incidents of killings; and reform measures (annex I).

7. At the time of writing, the Government of the Syrian Arab Republic had not responded to the requests for access. OHCHR received five notes verbales from the

¹ The members of the mission included officials with substantive, technical and administrative expertise in the relevant fields, including human rights investigation, public order issues, forensic expertise and country knowledge.

Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva, the contents of which are referred to in this report where relevant (annexes II–VI).² On 5 August 2011, OHCHR received a letter from the Government in response to its letter to Prime Minister Safar (annex V). On 16 August, the Permanent Mission addressed a note verbale to the High Commissioner (annex VI).

B. Methodology

8. The present report covers events in the Syrian Arab Republic from 15 March to 15 July 2011. The mandate took into account the time constraints placed on the mission to complete its work in accordance with the schedule specified by the Human Rights Council.

9. The failure of the Government of the Syrian Arab Republic to cooperate with OHCHR with regard to access to the country significantly hampered the work of the mission. The present report does not therefore cover all major geographical areas where protests took place, nor is it exhaustive in documenting the many relevant incidents that occurred in the period covered by the mission's mandate. It addresses only the most serious violations.

10. In June 2011, the mission conducted three field investigations outside the Syrian Arab Republic where reliable and credible information could be obtained from a range of sources, including thousands of Syrian nationals who had fled the country in the preceding weeks. The mission interviewed a total of 180 people in four countries, some of whom were in the Syrian Arab Republic at the time of the interviews. In developing its methodology and implementing its mandate, the mission was guided by the overall concern for protection of victims and witnesses, and took the measures necessary to ensure the confidentiality of their accounts.³

11. The findings in the present report are based primarily on an analysis of first-hand information obtained through interviews conducted with victims and witnesses, consisting of civilians and military personnel, including military defectors, some of whom had refused to follow orders to shoot civilians. The findings are also based on an examination of victims of torture or other forms of ill-treatment whose injuries were still visible, and on the analysis by the mission's forensic physician of the medical reports of wounded persons in hospitals and refugee camps outside the Syrian Arab Republic, most of whom bore firearms injuries. The mission also studied information received through written communications.⁴ The mission assessed the credibility of accounts on the basis of consistency among witnesses and the existence of other corroborative accounts. The mission also interviewed witnesses regarding instances in which civilians may have used violence against security personnel or others.

12. The mission also examined more than 50 videos and numerous photographic images relating to apparent human rights violations, documented in the present report, which were

² OHCHR had also received a note verbale dated 15 April 2011 containing references to reforms announced by the Government.

³ Interaction with the media was limited to statements issued by the High Commissioner in response to further deterioration in the situation in the Syrian Arab Republic, including on 9 and 15 June 2011. The Deputy High Commissioner gave media interviews in connection with the issuance of the aforementioned preliminary report on 15 June 2011.

⁴ A public call for submissions was posted on the OHCHR website inviting the submission of written communications by individuals. During the period covered by its mandate, the mission received 135 communications, most of which were from Syrian human rights groups or individual activists, addressing issues relating to killings, arrests and torture.

obtained from both private sources and the media. It reviewed information compiled by national and international non-governmental organizations, the media and other information in the public domain. In addition, the mission considered public statements made by Government officials or submitted to OHCHR in the form of notes verbales.

13. In interpreting its mandate and examining the facts obtained through its investigations, the mission applied an international legal framework. During its investigations, the mission compiled a list of 50 alleged perpetrators at various levels of Government and its agencies in connection with incidents documented herein. This information remains confidential but may be presented by OHCHR in the context of future investigations and possible indictments by a competent prosecutor.

C. Legal framework

1. International human rights law

14. The Syrian Arab Republic is party to most of the core international human rights treaties, and has made international voluntary pledges, including to “continue working to raise promotion and protection of all human rights and fundamental freedoms”.⁵ Four of the international instruments ratified by the State and which apply to the events described in the present report are particularly relevant: the International Covenant on Civil and Political Human Rights; the International Covenant of Economic, Social and Cultural Human Rights; the Convention on the Rights of the Child; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Syrian Arab Republic is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance, although it is bound by the provisions of the International Covenant on Civil and Political Human Rights that also prohibit enforced disappearances.

2. International criminal law

15. The Syrian Arab Republic signed the Rome Statute of the International Criminal Court on 29 November 2000, but it has yet not ratified it. The Rome Statute establishes four categories of international crimes: war crimes; crimes against humanity; genocide; and the crime of aggression. In the present context, crimes against humanity are particularly relevant to the events in the country since mid-March 2011, in particular the provisions referring to murder, torture, enforced disappearances, persecution, imprisonment or other severe deprivation of physical liberty, and other inhumane acts. Despite non-ratification, the Syrian Arab Republic is still obliged to refrain from acts that would “defeat the objects and purpose of [the] treaty” according to the Vienna Convention on the Law of Treaties (art. 18), to which the State acceded in 1970.

3. Domestic law

16. While the Constitution of 1973 sets out basic freedoms that reflect international standards, Syrian domestic law cannot be adequately relied on because it violates constitutional guarantees and encourages impunity on two fronts.

17. First, the Penal Code (Law 148/1949, as amended) sets out various crimes that are broadly defined and may result in the violation of freedom of expression and association, among others. These include “spreading false or exaggerated information with the aim of harming the State”, “publishing mendacious information liable to weaken the nation’s moral” (arts. 285-286) and “belonging to a secret society that aims to change the State’s

⁵ A/65/784, annex.

political and social structure” (art. 306). While the Code of Criminal Procedure required suspects to be brought before a judicial authority within 24 hours of arrest or released,⁶ on 21 April 2011 it was amended to allow for suspects to be held for up to seven days pending investigation and the interrogation of suspects for certain crimes, renewable for up to a maximum of 60 days.⁷

18. Moreover, the State of Emergency Law⁸ provided for the detention of suspects for crimes that are not defined by this or other laws, including “crimes committed against State security and public order” and “crimes committed against public authorities”.⁹ The Law permitted Government agencies to “monitor all types of letters, phone calls, newspapers... and all forms of expression”, to “impose restrictions on the freedom of persons...[to hold] meetings”, to “evacuate or isolate certain areas” and to “seize any property or real estate”.¹⁰ It also allowed the security forces to hold suspects in preventive detention without judicial oversight for indefinite periods. It should be noted in this respect that, on 21 April 2011, the Syrian authorities lifted the State of Emergency Law and abolished the Supreme State Security Court,¹¹ even though the law itself remains in force.

19. Secondly, the security and intelligence agencies, responsible for reported atrocities committed over time and particularly since March 2011, continue to enjoy immunity from prosecution under laws that remain in force under Legislative Decrees Nos. 14/1969 and 69/2008.

D. Context of protests: political and human rights background

20. The Constitution of the Syrian Arab Republic confers on the executive authorities sweeping powers that cannot be challenged effectively by the legislature and the judiciary. The President of the Republic selects and dismisses ministers and the Prime Minister; appoints Supreme Court justices; appoints higher civil servants, security and intelligence personnel; dissolves at will the unicameral People’s Assembly (parliament); and enjoys parallel legislative privileges allowing him to bypass the Assembly. The executive authorities control most other institutions, including schools, universities, social and health services, student and trade unions, professional organizations and the media.¹² Even though

⁶ Code of Criminal Procedure, Law No. 112 of 1950 as amended, arts. 104 (1) and (2). The detaining authority violating this provision may be prosecuted for the crime of deprivation of personal liberty (Code of Criminal Procedure, art. 105), punishable by imprisonment for one to three years (Penal Code, art. 358).

⁷ Legislative Decree No. 55/2011, amending article 17 of the Code of Criminal Procedure.

⁸ Legislative Decree No. 51 of 22 December 1962 introduced the State of Emergency Law, which came into force on 8 March 1963. Article 1 of the Law declared that “a state of emergency may be declared in wartime, in the event of a war-threatening situation or in the event that security or public order in the territories of [the Syrian Arab Republic] or in part thereof is subjected to danger because of internal riots or public disasters”. The abolition of the Law, effective upon the adoption of Legislative Decree No. 161 on 21 April 2011, had been one of the protestors’ key demands.

⁹ State of Emergency Law, art. 6. Other offences include “crimes violating public trust” and “crimes that constitute an overall hazard”.

¹⁰ Article 4 (d). The Government laid siege to Dar’a and other cities and towns after the lifting of the emergency law was announced.

¹¹ Legislative Decree No. 47/1968 established the Supreme State Security Court, which operated outside the framework of the judicial system and whose verdicts were not subject to appeal. It was abolished by Legislative Decree No. 53/2011.

¹² With a few exceptions, “civil society organizations” are also run by individuals close to the ruling group, as is part of the private sector.

the Constitution¹³ reflects the predominance of some Baathist military and security officers and their families, members of the ruling group frequently sideline formal hierarchies through informal chains of command. The presidential family and most of the officers belong to the Alawite minority, which, prior to urbanization, was concentrated in the north-west of the country.

21. Since the 1990s in particular, the Government has been in an alliance of sorts with businesses that were among the principal beneficiaries of economic reforms that emphasized private sector growth. Economic liberalization and growth led to a growing gap between rich and poor, despite the rhetoric about a “social market economy”. This was compounded by cuts in social services and subsidies, severe droughts, the rise in global food prices and the negative effects of the recent global financial crisis on remittances received from Syrians working abroad. Structural shortcomings of the economy were never seriously addressed by the Government.

22. For over four decades, the situation in the country has been characterized by gross human rights violations under the cloak of emergency legislation, in force since 1963. Syrians suffered arbitrary arrests and illegal detentions, prolonged detention without trial or unfair trials before exceptional or military courts, torture and ill-treatment resulting in deaths in custody, forced disappearances and summary executions.¹⁴ The rights to freedom of expression, association and assembly have been systematically violated. The brutality of the country’s security forces is notorious, and a number of the security and intelligence agencies act as independent entities and are involved in matters beyond their official functions. They enjoy immunity from prosecution by law (see paragraph 19 above).

23. When Bashar Al Assad succeeded his father as President in July 2000, hopes were raised that a series of reforms outlined in his inaugural speech, delivered on 17 July 2000, might result in greater political freedoms and civil rights. Debate on possible reforms was tolerated to a limited extent, but was short-lived and the crackdown on political and human rights activists resumed. Promised reforms did not materialize over the next decade.¹⁵ Some of these proposals were resurrected after protests that erupted in March 2011 galvanized anti-Government sentiment nationally and developed into a significant threat to the State.

24. Economic grievances were particularly strong in traditionally poor areas, including the north-eastern and border areas, such as Dar’a. They also reinforced long-standing issues of discrimination and neglect suffered by specific ethnic and religious groups, notably the Kurds, who inhabit the north-east and who, until March 2011, were deprived of basic civil, economic and social rights.¹⁶ Sunnis often consider themselves marginalized by rulers, who are overwhelmingly Alawites. Various alliances between the rulers and Sunni entrepreneurs

¹³ Promulgated by the previous President Hafez Al Assad, father of the current President.

¹⁴ These violations have been extensively documented over the years by international non-governmental organizations, including Amnesty International and Human Rights Watch, and by the own monitoring mechanisms of the United Nations, including treaty bodies and special procedures of the Human Rights Council. A number of Syrian human rights groups have also documented many of these violations, including the Syrian Committee for Human Rights.

¹⁵ See “Popular Protest in North Africa and the Middle East (VI): The Syrian People’s Slow-motion Revolution”, International Crisis Group, Middle East/North Africa Report No.108, 6 July 2011; and “Popular Protest in North Africa and the Middle East (VII): The Syrian Regime’s Slow-motion Suicide”, Middle East/North Africa Report No.109, 13 July 2011.

¹⁶ Kurds living in the Syrian Arab Republic have been deprived of Syrian nationality since 1962, as have their descendants. Their statelessness has given rise to other problems relating to personal status and an inability to seek employment in the public sector. They have also been denied basic social and cultural rights. See CRC/C/15/Add.212.

and local notables notwithstanding, resentment is all the stronger given that Sunnis account for some 70 to 75 per cent of the population, and the Alawites 10 per cent.

25. Initial protests in Dar'a and elsewhere were local responses to specific abuses of power by Syrian officials against the general backdrop of growing economic and political discontent. The partly successful uprisings in other countries in the Middle East provided inspiration and hope, but the non-participatory and highly repressive nature of the Government made it that much harder for people to voice their grievances. Syrians still remember the shelling of Hama in 1982 by security forces, which led to the killing of between 5,000 and 10,000 people.¹⁷ In the absence of legalized opposition parties and independent organizations, discontent was channelled through informal networks and in semi-private contexts. Electronic means of communication and social media also played an important role despite the authorities' efforts to shut them down. Opposition conferences held in June and July 2011 in Antalya and Istanbul, Turkey, revealed tensions between different groups both inside and outside the country. The convening of another conference by key opposition figures in Damascus, in late June 2011, tolerated by the authorities, was contested by some of the younger activists within local coordination committees.

26. Over several weeks, cautious protests that began in marginalized regions developed into a countrywide uprising. The spread of protests and growing demands – for dignity and reforms, then for the departure of the President – seemed to reflect the failure of a policy combining harsh repression with tardy political concessions.

27. The lifting of the state of emergency was immediately followed by the shooting of peaceful protestors, which continued even as the Government-sponsored national dialogue conference was being held in July 2011; the conference was thus boycotted by the opposition.

E. Military and security forces implicated in human rights violations since mid-March 2011

28. Both the armed forces and the security forces have been involved in the suppression of peaceful protests and related violations across the Syrian Arab Republic. The civilian police have also been deployed in urban areas for the purposes of crowd control. In addition, an Alawite civilian militia known as the *Shabbiha* participated in the commission of abuses against civilians.¹⁸ According to multiple accounts obtained by the mission, foreign fighters had been present and active during operations in several locations.¹⁹

1. Armed forces

29. All three corps of the Syrian army²⁰ are said to have been deployed as support for the security forces in quelling protests since mid-March 2011²¹ and to have participated in attacks on anti-Government protests. Witness accounts indicate that the armed forces

¹⁷ See *Syria Unmasked: The Suppression of Human Rights by the Assad Regime*, Human Rights Watch, Yale University Press, 1991, pp. 19-21.

¹⁸ There are conflicting accounts regarding the origin of the word *Shabbiha*.

¹⁹ Witnesses claimed that, during raids on mosques and other public places, they heard a foreign language being spoken by some of the armed groups fighting alongside Syrian security forces. Some witnesses did not recognize the language, while others thought it may have been Farsi.

²⁰ According to the International Institute for Strategic Studies, the Syrian army is estimated at 220,000, including conscripts, with an additional 280,000 reserves. These figures exclude the Air Force, Air Defence and the Navy.

²¹ Including the Fourth Armoured Division of the First Corps.

actively participated in the killing of unarmed civilians and in imposing sieges on cities and towns, and were also complicit in the perpetration of collective punishments.

2. Security forces

30. The agencies identified by the majority of witnesses interviewed by the mission as having played the key role in suppressing peaceful protests since mid-March 2011 are the General Security Directorate (*Idarat Al Mukhabarat Al Amma*), the Political Security Branch (*Shubat Al Amn Al Siyassi*), the Military Intelligence Branch (*Shubat Al Mukhabarat Al Askariyya*) and the Air Force Intelligence Branch (*Shubat Al Mukhabarat Al Jawwiyya*). Security and intelligence agencies are pervasive and are present at all administrative levels of the State.²² Typically, each agency has a branch in each governorate and a division in each city; some also have units in villages or smaller towns. Many of the victims and witnesses interviewed by the mission identified the heads of the security and intelligence branches in their governorates or cities as having ordered the human rights abuses committed, including summary executions, arbitrary arrests and torture.²³

3. National Police Force

31. The civil police personnel of the Ministry of the Interior are divided into several forces, including the riot police, who were deployed to quell protests and demonstrations.²⁴ They were often on the front lines, usually equipped with shields and helmets with visors and armed with Kalashnikovs, batons and tear gas canisters. During some of the earlier protests, riot police used water cannon and tear gas to disperse crowds.

4. Civilian militias

32. The *Shabbiha*, led by the security forces, participated in operations against civilian protestors. They are members of the Alawite minority in the Syrian Arab Republic and are closely linked to the ruling Assad family, many of them having belonged to the earlier Defence Brigades (*Saraya Al Difa*).²⁵ Numerous victims or witnesses stated that members of the *Shabbiha* took part in the crackdown against unarmed civilians in locations including

²² Two of the main agencies – Military Intelligence and Air Force Intelligence – are nominally part of the Ministry of Defence, and their responsibilities relate to affairs of the Army, and the Air Force and Air Defences, respectively. The Political Security Branch is part of the Ministry of the Interior, and is said to have within its jurisdiction matters relating to political parties, opposition groups, students and State employees, including the police force. The General Security Directorate (formerly known as State Security or *Amn Al Dawla*) is a separate institution that falls outside the framework of any ministry, and its formal responsibilities focus on crimes affecting the internal and external security of the State.

²³ At the time of writing, the heads of these four agencies were among a number of Syrian officials and others subject to sanctions imposed by the European Union or the Government of the United States of America, or both. See “U.S. Sanctions on Syrian President, Six Senior Officials”, U.S. Department of Treasury press release, 18 May 2011; and Council Regulation (EU) No. 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria, and Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria, *Official Journal of the European Union*, vol. 54, 10 May 2011.

²⁴ Each governorate has its own Police Command, except for Damascus, where there is an additional Police Command for the capital.

²⁵ The Defence Brigades were security forces under the command of the late President’s brother, Rif’at Al Assad. They were responsible for gross violations of human rights, particularly during the 1980s, including the killing of thousands of civilians and detainees. The members of the *Shabbiha* are generally dressed in civilian clothes and armed with Kalashnikovs or various light weaponry, as well as batons, and are typically identifiable by their shaved heads, thick beards and tattooed arms.

Dar'a, Damascus, Aleppo, Baniyas, Jisr Al Shughour and Ma'arrat an Nu'man, and in widespread looting of homes and commercial property.

II. Facts

33. At the time of writing, the mission had received more than 1,900 names and details of persons killed in the Syrian Arab Republic since mid-March 2011; all are said to be civilians.²⁶ According to the Government, "hundreds of public order officers and personnel died and thousand others were injured" in protests during the same period (see annex V).

A. Details of events since mid-March 2011

1. Dar'a Governorate

34. The city of Dar'a, which has a population of approximately 80,000 and is situated in the south-west, near the border with Jordan, witnessed the country's first large-scale protests, triggered by the continued detention of a group of youths and children arrested in February 2011, accused of having written anti-Government slogans on walls. In mid-March, their relatives approached Syrian officials in the city to plead for their release,²⁷ but they were both rebuffed and insulted. In response, a demonstration was held on 18 March following Friday prayers at the Omari Mosque in Dar'a Al Balad, the old part of the city. Witnesses claimed that security forces, positioned in the square facing the Mosque, sought to quell the protest by firing tear gas, then used live ammunition, killing at least four people. The following day, security forces opened fire on a large group of mourners who had taken part in the funeral procession of the four victims, killing another two.

35. In the early hours of 23 March, security forces stormed the Omari Mosque, where some 60 protestors were spending the night in tents erected in the courtyard of the Mosque.²⁸ According to witnesses, security forces shot live ammunition in the direction of the tents, killing at least six people. The next day, several of the mourners who had taken part in the funeral procession for those killed the previous day were also shot dead. On 15 April, several people were killed and others injured when security forces shot demonstrators gathered near the Omari Mosque and the Political Security headquarters.

36. On 25 April, the army and security forces launched a large-scale military operation, putting Dar'a under siege. Tanks were stationed around the city entrances as the armed forces erected checkpoints and banned movement into and out of the city. A curfew was imposed, electricity and water supplies were cut off, and all means of communication shut down. The security forces then moved through Dar'a Al Balad, conducting house-to-house searches for wanted persons or arresting men at random. Hundreds of people were arrested. Many were routinely beaten during arrest and subsequently tortured while held in Dar'a or Damascus. The siege in its initial form lasted at least two weeks, causing acute shortages of food and water and denying the residents access to medical treatment.

²⁶ This information is compiled by local coordinating committees active within the Syrian Arab Republic in documenting the names and details of victims. The mission is unable to verify independently this information.

²⁷ The officials included the Governor of Dar'a, Faisal Kulthoum, and the head of the local Political Security branch, "Atif Najib".

²⁸ The Omari Mosque quickly became the focal point for protests, which began following noon prayers on a daily basis. It was also used as a base for a makeshift medical facility providing treatment and shelter for the injured.

37. Following these developments, numerous protests were staged elsewhere in the governorate, with inhabitants of nearby villages and towns marching towards Dar'a to demand an end to the siege. One of the largest demonstrations was held on 29 April, when thousands of people headed for Dar'a. Security forces opened fire on the demonstrators, killing at least 60 people, according to multiple witness accounts.

2. Damascus and Rif Dimashq²⁹

38. The majority of incidents involving violent dispersal of demonstrators and widespread arrests took place in towns and villages in the governorate of Rif Dimashq, including Dumah, Al Tal, Darayya, Dmair and Madaya. Similar incidents took place in several suburbs of Damascus, such as Harasta and Zamalka. In the capital, the heavy security presence militated against larger gatherings, but a number of demonstrations were held nevertheless, followed by waves of arrests.³⁰

39. On 15 March, security forces made a number of arrests during a demonstration in the Souq Al Hamidiyya marketplace in Damascus. The following day, security forces arrested 16 demonstrators who were among some 150 protestors gathered outside the Ministry of the Interior. During another protest, on 18 March, several demonstrators were beaten and arrested as they gathered outside the Omayyad Mosque.

40. On 25 March, in Dumah, north-west of Damascus, security forces started shooting randomly at civilians as they left a local mosque to begin a protest, reportedly killing 11 demonstrators. Witnesses claimed that the four main security and intelligence agencies (see paragraph 30 above) participated in the operation, and that snipers who were positioned on rooftops targeted the protestors.

41. On 1 April, around 300 people marched from a mosque in Zamalka, a suburb east of Damascus, and gathered peacefully in a central square. They were soon surrounded by an estimated 500 security personnel, many of whom were dressed in civilian clothes and who proceeded to attack them with electric batons. On 22 April, a demonstration of some 70 people in Damascus in support of the people of Dar'a was violently dispersed by security forces and 30 of the participants arrested. On the same day, a demonstration in Barzeh Al Balad, a suburb in northern Damascus, was repressed violently as security forces, including snipers, reportedly shot at demonstrators.

42. From 29 April to 2 May, Madaya, a resort town some 40 kilometres north-west of Damascus, was kept under siege. Witnesses described a large military campaign in which more than 2,000 soldiers were deployed to secure the town and set up checkpoints on its outskirts. Security forces as well as the Fourth Armoured Division of the First Corps were present, accompanied by ambulances from the Syrian Red Crescent. After cutting off all means of communication, security forces carried out widespread arrests in the town during house-to-house searches. Scores were arrested either randomly or on the basis of lists of wanted persons. According to witnesses, the detainees were beaten as they were made to

²⁹ Rif Dimashq, literally "Damascus countryside", is a separate governorate to the capital. It lies south of the governorate of Homs, and is divided into nine districts.

³⁰ On 16 February, a spontaneous demonstration took place in the Al Hariqa market in Damascus after a young man was beaten by a police officer. In protest, some 2,000 demonstrators gathered at the scene and refused to disperse until the Minister for the Interior arrived and gave assurances that he would personally investigate the case.

board buses. Most were reportedly transferred to a detention facility in Kafr Sousseh, a south-western suburb of Damascus.³¹

3. Homs Governorate

43. On 18 March, demonstrations began in Homs, the country's third largest city with a population of 1,500,000, the majority of which are Sunni Muslims, with a Christian minority. Multiple witnesses claimed that security forces identified as the "Anti-Terrorism Unit" of Air Force Intelligence sought to disperse the crowds by shooting in the air and using tear gas. According to one eyewitness, more than 40 protestors were arrested during the demonstration. The ensuing days witnessed several smaller demonstrations in various parts of the city, together with an increased use of live ammunition by security forces and mass arrests to quell protests. On 25 March, thousands of demonstrators took to the streets, some of them heading towards the Officers' Club, where security forces were stationed. Eyewitnesses reported that security forces and the *Shabbiha* fired live ammunition at protestors, while snipers targeted other civilians from rooftops.³²

44. On 17 April, 17 demonstrators were reportedly killed after thousands gathered in the city centre, partly in response to the death in custody of a tribal leader a few days earlier. One eyewitness stated that the security forces gave no warning before targeting the protestors, and that he saw a teenager next to him get shot. Several thousand protestors participated in demonstrations the following day to mourn those deaths. The Syrian authorities stated that three army officers, including a brigadier general, together with his two sons and a nephew, were killed by Salafist groups (see annex IV).

45. On 5 May, the Syrian army was deployed to Bab Amr in Homs Governorate, to quell what was described as an insurrection by Salafist armed groups.³³ According to a witness, the whole area was surrounded and orders were given to break into all houses and kill all members of armed gangs.³⁴ Dozens of people were reportedly killed in the operation, during which soldiers also received orders to plant weapons at a local mosque.³⁵ The following day, the division was ordered to besiege the town of Talbisa in preparation for a similar security operation to "cleanse" the area of armed gangs using tanks, armoured vehicles and troops. During the operation, three officers and 20 civilians were reportedly killed.

46. A large-scale military operation was launched on 25 May in the town of Ar Rastan, where "armed gangs" were still allegedly operating, and demonstrators had reportedly

³¹ Some of those detained were later released after being brought before an investigative judge, who ordered their release. Some of the accusations levelled against them included "demeaning the dignity of the country", "disrupting the peace of the nation" and "weakening the spirit of the nation".

³² One eyewitness claimed that the *Shabbiha* had been brought in to support security forces in larger demonstrations. They reportedly targeted demonstrators, directly causing a significant number of casualties. The same account details how the *Shabbiha* prevented the transport of those killed by ambulances, but instead removed them to an unknown location. Fire-fighter trucks then cleaned the bloodstains using water cannon.

³³ According to the witness statements, the orders received referred to a Salafist insurrection.

³⁴ In order to cover the whole area, the division broke into groups, each composed of roughly 100 soldiers. Each group was accompanied by six to eight members of the *Shabbiha*, to undertake what was described as the "dirty work". The witness claimed that the soldiers were given no information on how members of the armed gangs could be identified.

³⁵ Witnesses claimed that, as the troops were pulling back from Bab Amr, they broke into the mosque in the area, reportedly killing the imam and then planting arms there. They added that the security forces then arranged for the arms cache to be filmed by Syrian television and for it to be reported that armed gangs had hidden weapons in the mosque.

toppled the statue of the late President Assad. Highly consistent accounts given by witnesses described the events there. The armed forces surrounded the town, controlling all points of access with tanks and armoured vehicles to prevent the entry of food and medical supplies.³⁶ The town was divided into two operational zones. Inside each zone, rows of soldiers pushed through the different areas, preceded by officers. Behind each unit there were groups of six to eight *Shabbiha* members, allegedly ready to shoot any soldier who looked back or refused to obey orders. Soldiers broke into homes and looted, shooting indiscriminately at cars and passers-by, and damaging property. Many of the inhabitants of Ar Rastan fled to nearby fields to hide, but were pursued, and numerous people were killed. Several of the witness accounts also referred to the killing of army officers by unidentified sniper fire during the operation.³⁷

4. Hama Governorate

47. On 22 April, eight people were believed to have been killed in Hama, a city located north of Damascus with a population of some 700,000, in the first known instance of security forces firing at demonstrators with live ammunition in the city. A larger demonstration on 27 May involving thousands of people took place without any reported casualties, although elsewhere in the Governorate, mass arrests, indiscriminate shooting and looting by security forces were reported. For example, on 12 April, the village of Al Bayda (south-east of the city of Al Ladhqiyya but part of the Governorate of Hama) was the scene of destruction and looting as a military operation was launched to rid it of “terrorist gangs”. It resulted in the arrest of some 400 inhabitants, some of whom were beaten and humiliated upon arrest. According to witnesses, the armed forces deployed from Baniyas to Al Bayda received orders to shoot indiscriminately upon entering the village, said to be under the control of “terrorist groups”. Security forces also took part. Video footage examined by the mission showed scores of civilians rounded up and made to lie on the ground. Some were beaten, including one man who had a bullet wound in his back. All were then taken to an unknown destination. They were eventually released following protests by their families, apparently bearing injuries consistent with the infliction of torture.

48. On 3 June, some 50,000 protestors gathered in the Al Asi square in the centre of Hama. Security was extensive in the vicinity of the square to prevent protestors from entering. A security officer gestured to the protestors, warning them not to approach the security perimeter. A few protestors managed to get through and handed flowers to some of the security officers as a gesture of peace and the rejection of violence. As they turned back, security forces fired on the protestors, who ran or threw themselves to the ground. At the same time, numerous security officers, identified by witnesses as Military Intelligence personnel, descended from vans and took up position in the vicinity of the square and the surrounding buildings.³⁸ Other accounts confirmed that snipers, dressed in black and stationed on top of the Baath party building, started shooting at demonstrators from the opposite direction. In the aftermath of the shooting, witnesses described a chaotic scene in which demonstrators removed some of the injured on motorcycles where available, while others had to be left behind. A heavy security presence in the area, coupled with sniper fire,

³⁶ The scale and intensity of the campaign was markedly greater than in earlier operations. Witnesses reported that they had been told that Ar Rastan was “infested with armed groups”.

³⁷ According to Human Rights Watch, 41 people were killed during the operations in Ar Rastan. Accounts from eyewitnesses suggest that the figures may be significantly higher. The military operation lasted until 2 June, but was most intense during the first 48 hours.

³⁸ Some witnesses reported that security personnel were hiding in a nearby orphan’s shelter, and that they attacked demonstrators as they approached the square. Many described this incident as a trap in which demonstrators were confined to narrow alleyways with no means of escape.

prevented the transport of the wounded to hospitals for treatment. In one incident, between 20 and 25 demonstrators reportedly bled to death in the Um Al Hassan garden area as no one could reach them.³⁹ Dozens of demonstrators were reportedly killed, while others who were wounded were said to have died owing to the lack of adequate or timely medical attention.⁴⁰

49. According to many accounts, the heightened tensions in Hama after 3 June led the security forces to withdraw from the streets to avoid any further friction with protestors.⁴¹ In the ensuing weeks, tens and sometimes hundreds of thousands of demonstrators took to the streets in Hama (an estimated 200,000 people participated in a demonstration in the city on 24 June) with no visible security presence. This relative calm was broken by a series of night raids on homes that began on 3 July.⁴² Among those targeted were activists and organizers of demonstrations in the Hader and Al Sabouniyah neighbourhoods. Witnesses confirmed that security forces raided homes and arrested individuals on the basis of lists of names, and looted and damaged property at the same time. According to multiple accounts, at least 22 civilians were killed in the period leading up to 8 July during search and arrest operations.

5. Idlib Governorate

50. The largest demonstrations in Idlib Governorate took place in the towns of Jisr Al Shughour and Ma'arrat an Nu'man. Protests were also organized from the surrounding villages into the towns.⁴³ The section below describes incidents reported in Al Mastuma, Saraqeb, Jisr Al Shughour and Ma'arrat an Nu'man.⁴⁴ Most of the incidents involved the killing of peaceful demonstrators by security forces using live ammunition.⁴⁵

51. On 20 May, demonstrators heading for the town of Ariha were met with security forces based at a Baath party youth camp in the village of Al Mastuma, several kilometres south of Idlib. Witnesses described a peaceful march by demonstrators carrying olive branches, who were however fired upon with live ammunition without warning. Some of the estimated 20 security personnel had hidden behind trees, while others were positioned on rooftops.⁴⁶ An estimated 200 people were injured and 30 killed, some of whom were reportedly "finished off" with knives as they lay on the ground. Some of the witnesses assisted in collecting the bodies and taking the injured to hospital, adding that they were turned away at the hospital in Ariha. One witness claimed that he attended the funeral of a demonstrator who had the word *Maher* – in reference to Maher Al Assad, brother of the President – carved into his stomach.

³⁹ Eyewitnesses reported having found the bodies of the demonstrators in the Um Al Hassan garden area with pools of blood around them, suggesting they had bled to death.

⁴⁰ Some of the injured reportedly refused to go to public hospitals because they feared that they would be arrested by security officers stationed there.

⁴¹ To this end, security forces removed a statue of former President Al Assad from the city centre, both to avoid further clashes and to prevent it being attacked and toppled by protestors.

⁴² The security forces carrying out the arrests were believed to belong to Political Security and Military Intelligence.

⁴³ A number of predominantly Alawite villages in the area did not participate in the protests.

⁴⁴ Details of incidents reported in Ariha, Sallet Al Zuhour and other locations researched by OHCHR are not given in the present report.

⁴⁵ Several of those injured were examined by the mission's forensic physician during a field visit to Turkey.

⁴⁶ Some of the personnel wore dark green military uniforms, while others were dressed in black. The latter had shaved heads and long beards and, according to witnesses, looked "foreign".

52. On 10 June, military forces were deployed to Idlib Governorate to, according to the accounts of several soldiers who took part, regain control of several towns and villages from “armed groups” linked to “the Muslim Brotherhood” and “Salafist groups”.⁴⁷ A witness claimed that the forces, equipped with modern weaponry and more than 100 vehicles, including tanks, arrived that evening in the town of Saraqeb, south of Idlib city.⁴⁸ Demonstrators were seen chanting “freedom, freedom”; some of them were children who tried to climb on top of the military vehicles. Others called on the soldiers to go back and not to kill them. The witness claimed that he overheard a captain receiving instructions from a superior officer to “spray them with bullets”, and that several soldiers approached their superiors because they were facing unarmed civilians, including women and children. The officer stated that the orders were to shoot to kill and those who refused would themselves be killed.⁴⁹

53. Some of the most serious events witnessed in Idlib Governorate took place in Jisr Al Shughour, between Aleppo and Al Ladhqiyya, some 20 kilometres from the border with Turkey. Protests that began on 18 March passed without incident until 30 April, when, according to witnesses, some 38 to 40 people from the town were arrested during house raids. They were released following a large demonstration on 2 May, and subsequently walked through the streets without their shirts to show injuries sustained under torture. On 13 May, the Baath party building in the town was torched by unidentified persons during a demonstration, in which helicopters were seen overhead firing at the demonstrators.⁵⁰ The demonstration was held in response to an earlier incident involving the killing of 11 people and the wounding of three others travelling in a van heading to Jisr Al Shughour from Homs.⁵¹

54. On 3 June, a crowd of 30,000 protestors marched through Jisr Al Shughour. According to witnesses, security personnel used tear gas and fired in the air to disperse the crowd. The following day, some 20,000 people gathered at a public garden in the town,

⁴⁷ Witnesses referred to a “blockade of information”, that ordinary rank and file soldiers had no idea what was happening when they were deployed, and that they had not been allowed leave for several months and were confined to their barracks in between operations.

⁴⁸ The witness reported that he had been told that “terrorists had infiltrated Syria and the population needed help to resist these groups who were committing acts of violence”.

⁴⁹ According to the witness, at this stage, shooting broke out among the soldiers themselves and he fled. He had to run towards the demonstrators, since the *Shabbiha* were positioned behind the lines with instructions to shoot anyone who deserted or refused to obey orders. Another witness to the same events added that, after the operations, checkpoints were set up on the Idlib road and that he witnessed military personnel killing at point blank range three car passengers at one such checkpoint. The witness also noted during this incident the presence of *Shabbiha* members, claiming that they had shaved heads and long beards. He reported that others spoke in a foreign language or in broken Arabic. Upon deciding to leave the army, he learned that seven others who had attempted the same had been killed.

⁵⁰ It remains unclear who was responsible for setting the building on fire. Some witnesses claimed demonstrators were responsible, while others said it was Ba’ath Party officials themselves who set fire to the premises as they vacated it. Video footage of the incident appears to support the latter version.

⁵¹ On 8 May, a van carrying 17 passengers returning from Lebanon and heading to Jisr Al Shughour was attacked near Homs. The van was fired upon from two directions as it became trapped between two checkpoints. The army reportedly claimed that the van failed to stop at the first checkpoint and alerted soldiers manning the second. Photographs obtained by the mission show the vehicle riddled with bullet holes. According to the victims’ relatives, the bodies of those killed were returned to them some 10 days later, and that they were pressured into signing documents stating that the attack had been carried out by “terrorists”. In its note verbale of 5 August 2011 (annex V), the Government denied these allegations.

near the post office, for the funeral of Basel Al Masri, a protestor killed the previous evening. Al Masri was found dead with three bullet wounds, and a friend with him at the time was injured. After the funeral, one of the participants, Hassan Malesh, was killed while making a speech from a platform in the middle of the crowd. According to witnesses, he was shot dead by snipers positioned on the roof of the nearby post office.⁵² This was quickly followed by more shooting with live ammunition from the direction of the post office and adjacent security buildings. Witnesses claimed that helicopters were also used in the operation to fire on the crowds. The mission obtained the names of 14 people killed on that day. One witness stated that he took seven bodies in his car to his home village and placed them in the refrigerator of a vegetable shop, as the hospitals were controlled by security forces. According to a witness, 17 soldiers who refused orders were killed by a senior security official. Some witnesses told the mission that the official was later killed, together with several other Alawite security personnel, following their capture by protestors, while others said he had been killed by a soldier. The mission was not able to investigate these accounts further. There were more killings the following day, when security and military personnel fired on demonstrators heading for Jisr Al Shughour in an area called Sahl Al Ghab.⁵³

55. On 6 June, the Minister of Interior, Muhammad Ibrahim Al Sha'ar, announced on national television that the authorities intended to act decisively against "any armed attack" in Jisr Al Shughour. Shortly thereafter, many of the town's residents headed towards the border with Turkey, fearing reprisals and further violence by the security forces.⁵⁴ A witness reported that two army brigades advanced towards Jisr Al Shughour on 8 June to lay siege, and were stationed at the town's sugar factory.⁵⁵ Jisr Al Shughour was virtually deserted when the army entered it on 13 June, together with selected media and invited guests to witness what the authorities described as an operation to liberate the town from armed gangs.⁵⁶

56. The town of Ma'arrat Al Nu'man, located on the highway connecting Aleppo and Hama, witnessed a number of protests during which security forces used live ammunition against unarmed civilians. Regular demonstrations were held by residents of the town and nearby villages, initially in support of the people of Dar'a. Witnesses stated that, initially, the demonstrations were held without any killings, despite the presence of security forces. In one instance, water cannon were used to disperse demonstrators, and *Shabbiha* members dressed in civilian clothes beat up some of the participants. On 13 May, security forces attempted to disperse demonstrators gathered on the highway outside the town, using tear gas. According to witnesses, when this failed to halt the advance, security forces fired live

⁵² Some witnesses stated that the basement of the post office had been used by security personnel for the interrogation of suspects.

⁵³ Other witnesses claimed that, at that stage, armed clashes broke out between the group of soldiers, who attempted to flee, and the security forces. The witnesses added that two helicopters providing backup began firing at both the civilians and the fleeing soldiers. Some of the civilians managed to flee to Jisr Al Shughour safely. The mission interviewed one of the civilians wounded after the helicopters began shooting at the crowd, and another civilian who was injured as he made his way to Jisr Al Shughour.

⁵⁴ Military and security forces had reportedly gathered some 20 kilometres outside the town.

⁵⁵ According to other witnesses, the sugar factory was used in that period as the headquarters for armed forces deployed from other areas, as well as for the interrogation, detention and torture of suspects. Several sources also reported that four girls were raped at that location, although the mission was unable to corroborate these accounts.

⁵⁶ On 6 June, Syrian television reported that members of security forces had been killed in several attacks, including during an ambush by "armed gangs" operating in Jisr Al Shughour, where clashes took place at a security centre and other Government buildings were set alight.

ammunition at the demonstrators. One of the witnesses, who was injured while trying to help others, said he was taken to a private hospital, because many feared that the State-run hospitals were unsafe. Others were treated in private homes.

57. Further violence erupted during a larger demonstration on 20 May, when tear gas, hand grenades and live ammunition were used to quell the protest. In addition, snipers also fired on the crowd from positions on several buildings, including the Al Masri Mosque. Witnesses claimed that the armed forces and special police forces took part in this operation, and that *Shabbiha* members were also present to shoot anyone who disobeyed orders.⁵⁷ The security forces erected roadblocks, which were later used to trap demonstrators. In turn, demonstrators burned tyres and erected makeshift roadblocks to try to prevent the security forces from advancing.⁵⁸ In one incident, a witness who had been injured said a soldier tried to help him by gesturing him to leave, but he was seen by another soldier, who came up behind him and shot him in the head. Protestors nearby tried to pull the soldier away to safety to save him, but other soldiers approached and wrenched the body away as protestors threw stones at them. The injured witness escaped and was taken to a clinic in a village, where he said many wounded people had arrived from Al Mastuma. Others with more serious injuries requiring surgery were taken across the border to Turkey. The public hospital in Ma'arrat an Nu'man was closed during that period.

58. Two other large demonstrations were held in Ma'arrat an Nu'man, on 3 and 10 June. Thousands gathered in the street, and in both instances witnesses claimed that security forces fired live ammunition at the demonstrators without warning or instructions to disperse.⁵⁹ In addition to sniper fire, tanks were brought in; one witness saw firing from one or more of the five helicopters she counted. According to witness accounts, security forces reportedly shot dead some of the injured at point blank range as they lay on the ground. The injured had to be transferred to other locations outside the town, as most believed they would come to more harm in public hospitals controlled by security forces.

6. Other governorates

59. Baniyas in Tartus Governorate witnessed its first demonstration on 18 March, when protestors gathered outside the Rahman Mosque and headed for the city centre. The police and local sheikhs noted down a list of the protestors' grievances, but a week later, on 25 March, violence erupted, leading to casualties. According to witnesses, water cannon were used by security forces to disperse a crowd outside the Abu Bakr Mosque. Security forces, together with *Shabbiha* members and snipers, began shooting at people as they emerged from the mosque. At least three were killed and others were wounded. Three of the *Shabbiha* members were reportedly subsequently killed, when their car was intercepted by a group of demonstrators and torched. Other incidents involving the killing or wounding of civilians occurred during demonstrations held in April. On 7 May, military forces were deployed to Baniyas to lay siege to the city, accompanied by tanks and helicopters.

60. In the city of Al Ladhqiyyah (capital of Al Ladhqiyyah Governorate, located on the Mediterranean coast in the north-west of the Syrian Arab Republic), two demonstrations

⁵⁷ One witness gave an account of the killing of a soldier by a *Shabbiha* member.

⁵⁸ Several witnesses identified a key security official, who was reportedly responsible for much of the violent reaction towards demonstrators. Other witnesses identified the same person in the context of killings in Jisr Al Shughour on 4 June.

⁵⁹ Witnesses described the forces as dressed in both army and police uniforms. Many also referred to *Shabbiha* members dressed in black civilian clothes. Others said "foreigners" were present, also wearing black.

were held, on 18 and 25 March, without any confrontation with security forces.⁶⁰ During a demonstration on 26 March, security forces fired at demonstrators when they tried to topple a statue of the President.⁶¹ Witnesses said *Shabbiha* members fought alongside the security forces, reportedly attacking some of the demonstrators with knives. A demonstration on 8 April was described as particularly bloody, although witnesses were unable to say how many demonstrators were killed or injured. They claimed that, after the shooting stopped, garbage trucks were brought in by the security forces to pick bodies up off the streets.

61. The demonstrations in Aleppo began on 15 March, but have been largely confined to student demonstrations in the city's university. Several such demonstrations were held in April and May, mostly at night. According to witness accounts, some demonstrations were broken up by military and security forces in combination with other groups said to have been "recruited" for this purpose.⁶² One of the larger demonstrations took place on 30 June, when over 400 students were said to have been arrested.

62. In the governorate of Dayr Az Zawr, located in the east of Syria and sharing a border with Iraq, smaller demonstrations were first organized in mid-March, but grew larger over several weeks. According to witness accounts, security and intelligence personnel regularly filmed the protestors for the purposes of identification, and numerous arrests were made. In the demonstrations held on 20 April and 27 May, during which snipers were positioned on rooftops, witnesses said demonstrators were dispersed with tear gas and shots in the air.

63. The governorate of Al Hasakah, a predominantly Kurdish region located in the north-east and sharing borders with both Turkey and Iraq, witnessed demonstrations in a number of locations, including in the cities of Al Hasakah, Al Qamishli, Ra's al 'Ayn and Amouda. The demonstrations, which were relatively small, called for basic civil and political rights for the Kurdish minority in the Syrian Arab Republic. According to witnesses, the security forces refrained from using lethal force in this region, but infiltrated some of the protests to identify activists. A small number were arrested but later released, apparently after signing documents in which they pledged not to participate in future demonstrations.

B. Response of the Government

64. The Government of the Syrian Arab Republic has addressed five notes verbales to OHCHR in relation to the mandate of the mission. Although the Government has continued to cooperate with OHCHR, it did not grant the mission access to the country.

65. On 30 March, President Assad announced his intention to introduce a raft of reforms, including the lifting of emergency laws, the abolition of the Supreme State Security Court and amnesties for certain prisoners and detainees. The proposed reforms included legislation to regulate the right to peaceful assembly and the establishment of political parties, as well as the establishment of committees to draft electoral and

⁶⁰ According to nine witnesses who later fled to Turkey, on 18 March, the demonstrators walked towards Al Shaikh Daher square carrying olive branches. There were no clashes with security forces, but some altercations took place with scores of Alawite residents who tried to prevent the demonstrators from reaching the square.

⁶¹ Witness stated that some of the forces firing at them were dressed in military uniform, others in civilian clothes, and others in black fatigues.

⁶² In one instance, witnesses claimed that armed groups belonging to a local clan referred to in the accounts as *baltajiyya* (literally "axe carriers", but closer in meaning to "thugs") took part in breaking up protests and intimidating the demonstrators. The mission was unable to further investigate this claim.

information laws. At least two new laws have since been promulgated, and a decree was issued in April to regulate the status of Syrian Kurds.⁶³ In a note verbale dated 9 June 2011 (see annex II), the Government pointed out that, in early June, a decision was taken to establish a committee for national dialogue. In the same note verbale, it announced that a judicial committee had been established to investigate and bring to justice all perpetrators of crimes against protestors and security personnel in Dar'a on 31 March 2011. It also stated that the mandate of the committee had been recently extended to investigate all crimes committed against civilians, as well as security and army personnel, throughout the country.

66. At various times, Syrian officials, including President Assad (such as during an address to Damascus University on 20 June 2011), acknowledged the legitimacy of certain demands by protestors, drawing a distinction between those with legitimate demands and those aiming to destabilize the country. In its note verbale dated 27 June 2011 (see annex IV), the Government claimed that those aiming to destabilize the country had used legitimate protests as a cover for acts of sabotage. The Government maintained that these groups had attacked "a large number of innocent civilians and security forces" and were seeking to create "sectarian rifts" and "overthrow the regime and establish Salafist emirates". According to the Government, 260 members of the armed and security forces had been killed and a further 8,000 injured in the period up to late June 2011.

67. In its note verbale dated 5 August 2011 (see annex V), the Ministry of Foreign Affairs responded to questions by OHCHR and provided information pertaining to, inter alia, existing criminal legislation; laws granting full citizenship rights to Kurds; the adoption of parliamentary decrees to end the state of emergency; the granting of a general amnesty, which, according to the Government, has led to the release of 10,433 detainees; and the adoption of new electoral laws. The Ministry also referred to the conduct of Syrian authorities, and provided figures of cases of torture before the Syrian courts. In the same note, it claimed that the Government had established a commission to investigate allegations of crimes in the context of the ongoing events in the Syrian Arab Republic. The commission was established pursuant to decision No. L/905 of 31 March 2011 issued by the Deputy President of the Judiciary Council. The commission comprises, inter alia, the Attorney General of the Syrian Arab Republic, as Chairperson; the Head of the Judicial Inspection Department; the First Prosecutor of Damascus; and the First Investigative Judge of Damascus. The commission has been mandated to investigate into the circumstances leading to the death of a number of civilians and military personnel in Dar'a and Latakia. According to the information given in the note verbale, the commission has gathered statements from a number of witnesses in Dar'a and investigated individual allegations. Those investigated have included the former Governor of Dar'a and members of the security forces. In reference to the matter of mass graves, the Ministry noted that some armed "terrorist groups" had attacked a police station in Jisr Al Shughour with live ammunition, killing all police personnel. According to the Ministry, the corpses were then removed by bulldozers, piled up and buried in mass graves.

68. OHCHR shared the report of the mission with the Permanent Mission of the Syrian Arab Republic on 10 August for comments. The Permanent Mission addressed a note verbale to OHCHR on 16 August (see annex VI), in which it pointed out that the Government abided by international human rights law and had embarked on a series of thorough reforms. It added that those who provided information to the mission in refugee camps had breached Syrian law and therefore could not be considered reliable sources. The

⁶³ Legislative Decree No. 49, adopted on 7 April 2011. Article 1 states that individuals registered as foreigners in the Al Hasakah Governorate shall be granted Syrian nationality.

Government criticized the role of the media in distorting the facts, and claimed that the reference to a “repressive minority” in the report was unacceptable. It also claimed that this particular reference demonstrated the biased approach of the mission. According to the note verbale, the reference to 1,900 people killed in the country was correct. However, it added that the figure included police and security officers, as well as victims of terrorist armed groups. The Government also explained that 120 police officers had been brutally killed in Jisr-el Shoughour by armed groups.

III. Patterns of violations

69. The mission found a pattern of human rights violations constituting widespread or systematic attacks against the civilian population, which may amount to crimes against humanity, as provided for in article 7 of the Rome Statute of the International Criminal Court.

A. Murder and disappearances

70. Following the widespread killing of civilians by Government-controlled security forces, the Syrian Arab Republic has grossly violated the non-derogable right to life, enshrined in article 6 of the International Covenant on Civil and Political Rights.

71. The mission gathered corroborative eyewitness statements on numerous summary executions, including 353 named victims. In addition, the mission found corroborative accounts indicating that members of the security forces posed as civilians in order to cause unrest and to depict an inaccurate view of events. Civilians were often able to distinguish themselves from members of the security forces, who wore colour-coded armbands.⁶⁴ Several types of security forces and the army were deployed to the demonstrations, but were clearly not trained in crowd control.

72. While violent incidents have been caused by a minority of civilians in some demonstrations,⁶⁵ the disproportionate use of force by military and security forces are a violation of the State’s international human rights obligations.

73. Reports from a wide variety of sources assert that the demonstrations were mostly peaceful. Civilians of all ages participated in protests and often carried olive branches or bared their chests to show that they were unarmed. Government-controlled media channels reported these events inaccurately, in most cases attributing disturbances to “terrorist” elements.⁶⁶ Most killings reported were due to live ammunition fired by security forces, the military and *Shabbiha* members using Kalashnikovs and other guns.⁶⁷ Reports from witnesses indicate that there was a widespread modus operandi to kill civilians by using (a) forces on the ground; (b) snipers on rooftops; and (c) air power.

⁶⁴ According to some reports, various security units would even at times shoot at each other.

⁶⁵ For example, the mission received uncorroborated accounts from Baniyas and Jisr Al Shughour of the killing of security or other officials by demonstrators or unidentified persons.

⁶⁶ For example, there are corroborated reports that security forces planted weapons in the Omari Mosque in the city of Dar’a after clearing it and murdering civilians, then blamed innocent demonstrators. For the version of the Syrian Arab News Agency (DARA), see www.sana.sy/eng/337/2011/04/27/343519.htm.

⁶⁷ In several incidents documented by the mission, *Shabbiha* members used knives or bayonets to kill protestors.

74. Consistent with an apparent shoot-to-kill policy, most of the bullet wounds found in victims were in the head, chest and general upper body area. Interviews were conducted with a number of former soldiers who had deserted the army, the police and different branches of the security forces. They claimed that they had received clear orders to use live ammunition against protestors.⁶⁸ Those who refused to shoot civilians were shot from behind by other security officers and *Shabbiha* units. An analysis by the mission's public order expert of video footage showing security operations revealed the lack of training in riot control by most of the forces deployed against civilians. This was compounded by weaponry that facilitated the excessive use of force against civilians.

75. On the ground, officers often fired indiscriminately at civilians, at close range and without warning.⁶⁹ Many children and women were killed. In only a few demonstrations were non-lethal methods used: tear gas, water cannon and the firing of live ammunition into the air. Some of the demonstrations involved the indiscriminate use of rapid and intense ammunition fire at the same time as, or shortly after, the use of tear gas. Corroborative reports from different regions indicate that soldiers deserted after being ordered to fire on peaceful civilians.⁷⁰

76. Witnesses attested to the use of tanks, heavy machine guns mounted on anti-personnel carriers and helicopters in urban areas. Security forces also used rocket-propelled grenades and grenade launchers mounted on AK47s against civilians in other areas.

77. Summary executions were also reported outside the context of demonstrations. For example, on 1 May, in Dar'a, it is alleged that some 26 men were blindfolded and summarily shot at the football stadium, which had been transformed into the local security forces headquarters. Executions were also reported during the sieges of cities and house-to-house searches.⁷¹

78. Given that it was not permitted to visit the country, the mission was unable to verify repeated allegations that civilians were routinely and summarily executed in hospital (or make-shift hospital) beds by security forces. However, it was widely reported that forces conducted regular raids in hospitals to search for and kill injured demonstrators. The mission observed a high and consistent degree of fear among civilians of going to hospitals, with many preferring to remain untreated rather than risk being captured and killed.

79. There was a clear pattern of snipers shooting at demonstrators,⁷² including reports that officers were specially trained to deal with civilian demonstrations. Buildings where snipers were positioned included premises belonging to the security forces, Government or Baath party buildings, and mosques. In most cases, no warnings were given before opening fire. In some instances, snipers apparently even targeted people trying to evacuate the wounded.

⁶⁸ Witness stated that the orders at Saraqeb, and near the camp of the Youth of the Baath Party in Al Mastuma, were given on 20 May 2011, when security forces opened fire at demonstrators as soon as they arrived, killing more than 40 people.

⁶⁹ Early on when the protests began, instances were reported of attempted negotiation by security or military personnel seeking to disperse the crowds. In most cases, such attempts were brief. As the situation on the ground worsened, such tactics gave way to direct attacks with live ammunition.

⁷⁰ Many of these soldiers were shot dead immediately upon breaking ranks during demonstrations, and some were killed or treated inhumanely for being suspected of disloyalty towards the Government.

⁷¹ Including at Dar'a, Al Ladhiqiyah, Hamah and Jisr Al Shughour.

⁷² For example, in Dar'a, Jisr Al Shughour, Baniyas, Al Ladhiqiyya and Duma.

80. Civilians were shot at by security officers from helicopters, deployed to various demonstrations.⁷³ No warnings were given before opening fire.

81. Victims and witnesses reported widespread attempts to cover up killings by the security forces, including the use of mass graves.⁷⁴ In Al Ladhqiya, on 8 April, garbage trucks were seen collecting dead bodies. Civilians stored murdered victims in makeshift refrigerators during the sieges.⁷⁵ There were several reports, however, of security forces killing injured victims by putting them into refrigerated cells in hospital morgues.⁷⁶

82. The Syrian Arab Republic has violated its obligations under the International Covenant on Civil and Political Rights relating to enforced disappearances, particularly articles 2, 6, 7, 9, 10 and 14, and other articles relating to freedom. Many civilians, including children, have disappeared. Some bodies were returned to their families, many bearing marks of torture. The fate and whereabouts of hundreds of detainees remain unknown. Meanwhile, the mission continues to receive reports of enforced disappearances.

B. Torture

83. Of the 180 witness accounts taken by the mission, 98 revealed torture and other inhuman and degrading treatment of civilians by military and security forces, which violate the State's obligations under the Convention against Torture. A clear widespread or systematic policy appears to have been in place whereby security forces targeted people suspected of participating in demonstrations, with a view to intimidating and terrorizing them as a way to quell protests.⁷⁷ Torture and ill-treatment were commonly used to obtain false statements from detainees. Many reports spoke of security forces breaking into homes and beating civilians, including women and children. After mass arrests, security forces and *Shabbiha* members transported detainees in buses and trucks to secret detention centres or public stadiums, where the victims were then inhumanely treated or tortured.⁷⁸ Many victims were repeatedly subjected to torture upon their transfer from one detention facility to another.⁷⁹ Former detainees cited cases of death in custody as a result of torture. Others referred to the torture of children.⁸⁰ Security agents often forced family members of the deceased to sign a document stating that the person had been killed by armed gangs.

84. The mission documented numerous methods of torture, most of which are known to have been used in the Syrian Arab Republic over many years. They include severe beatings, electric shocks, suspension for long periods by the limbs, psychological torture and routine

⁷³ Including Jisr a-Shughour and Ma'arrat Al Nu'man, in Idlib Governorate.

⁷⁴ The locations of alleged mass graves will not be disclosed until they can be secured or properly exhumed.

⁷⁵ For example, in Dar'a, bodies that could not be buried during the siege were stored in a refrigerated food truck.

⁷⁶ One of the cases reported to the mission took place in Dar'a.

⁷⁷ In Dar'a, Nawa, Al Yaduda, Jisr Al Shughour, Madaya, Homs, and Hama, among others.

⁷⁸ Detention centres cited in accounts and located in or around Damascus include Kafr Sousseh, Al Mezze, Adra and Al Qaboun; other cited detention facilities were in Idlib and Homs. Most appeared to be under the jurisdiction of one of the security agencies, including Air Force Intelligence, Military Security and Political Security. Victims were often immobilized on the ground by security agents, who stepped upon their faces and tied their hands, as well being inhumanely treated during their transfer to detention centres.

⁷⁹ Some people were taken to up to four detention centres, where they were abused.

⁸⁰ These cases included that of Hamza Al Khatib, aged 13, from Dar'a, who died in custody. In its note verbale of 14 June 2011, the Government denied this allegation.

humiliation.⁸¹ The mission photographed witnesses who bore injuries consistent with the torture alleged. The mission's forensic physician examined other victims who were hospitalized after fleeing the country. Victims of arbitrary arrests declared that they had been beaten and humiliated with insults referring to their religious, democratic or political beliefs. Many victims reported abuse such as "You want freedom, this is your freedom" during torture or beatings.

C. Deprivation of liberty

85. The Syrian Arab Republic has also violated the right to liberty as enshrined in article 9 of the International Covenant on Civil and Political Rights through the widespread practice of arbitrary, unlawful arrests and subsequent unlawful detention aimed in large part at intimidating protestors, including women, children and the elderly.⁸²

86. Statements point to two categories of detainees. Firstly, individuals suspected of being Government opponents (including activists and protest organizers) arrested during sweeping raids that appeared to be both speculative and unwarranted. Secondly, detainees arrested during operations to collectively punish inhabitants of cities and towns that the authorities perceived to be recalcitrant or centres of democratic activism. Arrests appeared to be random and widespread.⁸³ Medics and human rights activists were also targeted. Several witnesses who fled the country reported that members of their families had been arrested in lieu of the person being sought.

87. Witnesses who had been detained claimed that they had been denied fair trial provisions, such as access to a lawyer or any form of legal recourse.⁸⁴ They were not informed of the reason for their arrest or allowed to contact their families. They were constantly moved from one detention centre to another without notice, and often tortured or inhumanely treated in each facility. Scores of civilians were collectively brought before investigative judges, often bearing the signs of torture or beatings, or had ad hoc hearings in their cells with military personnel, without knowing the charges against them. In addition, there was no appeal process. Many detainees were forced to sign or fingerprint documents while blindfolded, not knowing what the documents contained. Others had to sign pledges declaring that they would no longer take part in demonstrations.

⁸¹ In some cases, male detainees were forced to remain naked for long periods in their cells, or while being otherwise tortured or under interrogation. The mission received a number of reports of sexual assault or rape of women and girls during raids on homes. The mission was unable to corroborate these accounts.

⁸² Targeted and mass arbitrary arrests and unlawful detention were reported in, inter alia, Aleppo, Baniyas, Damascus (city and outskirts), Dar'a (city and outskirts), Jisr Al Shughour and Al Ladhkiyah. During the siege on Dar'a, it was reported that hundreds of people were arbitrarily arrested on a daily basis. Witnesses told the mission that, given the very large number of detainees, school yards and sports fields had been transformed into makeshift detention areas.

⁸³ Most of those interviewed by the mission were not privy to the whereabouts of their detained family and friends.

⁸⁴ See the International Covenant on Civil and Political Rights, article 14, and the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), General Assembly resolution 45/110, annex.

D. Persecution

88. The mission received disturbing reports that many discriminatory and abusive remarks about religion and/or ethnicity were made during arrest and detention, and when detainees were tortured.

89. A number of towns and cities⁸⁵ were blockaded by heavy artillery and military vehicles, including tanks and mortars, in violation of articles 10 and 11 of the International Covenant on Economic, Social and Cultural Rights. Water tanks were targeted, leaving civilians without water. Restriction of movement was imposed on civilians in a highly disproportionate manner to any threat that may have existed. Those who left their homes to find food were often killed or injured, including children shot by snipers. People were stopped at checkpoints by security personnel, who would not allow them to pass, and subject them to physical and verbal abuse. In addition, power was cut off by the security forces while cities and towns were under siege, as were means of communication. Public hospitals were sometimes closed ahead of a military operation,⁸⁶ or staff told the injured that there was no room.⁸⁷ In other instances, public hospitals refused to treat injured victims, the doctors apparently being under threat from security forces or cooperating with them. People were forced to assemble makeshift hospitals that were unable to give adequate medical attention to victims.⁸⁸ There were numerous instances of the targeting of civilians attempting to assist the wounded by moving them to safer areas or taking them to hospital. Ambulances or other vehicles used by demonstrators were also targeted.

90. Children have not only been targeted by security forces, but also repeatedly subject to the same human rights and criminal violations as adults, including torture, with no consideration for their vulnerable status. The fact that Syrian forces have tortured or killed children on several occasions – even targeted by snipers – in what are clearly not isolated incidents is a cause for grave concern.

91. Lastly, the mission received disturbing reports that many discriminatory and abusive remarks about religion and/or ethnicity were made to detainees.

IV. Recommendations

92. **Bearing in mind the findings of the mission, the response provided by the Government of the Syrian Arab Republic and the international community to date, and the ongoing situation on the ground, the High Commissioner recalls the fact that States unanimously agreed at the 2005 summit that each individual State has the responsibility to protect its population from crimes against humanity and other international crimes. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. When a State is manifestly failing to protect its population from serious international crimes, the international community has the responsibility to step in by taking protective action in a collective, timely and decisive manner.**

⁸⁵ Cities and towns under siege included Dar'a, Baniyas and Madaya.

⁸⁶ Such as in Ma'arrat an Nu'man.

⁸⁷ In one incident in Jisr Al Shughour, security forces said that they could "solve a space problem", then proceeded to murder wounded civilians.

⁸⁸ Such as the makeshift hospital set up in the Omari Mosque in Dar'a.

93. In particular, the High Commissioner recommends that the Government of the Syrian Arab Republic:

(a) Put an immediate end to gross human rights violations, including the excessive use of force against demonstrators and the killing of protestors, torture and ill-treatment of detainees and enforced disappearances, and halt all violations of economic, social and cultural rights;

(b) Take immediate steps to end impunity, including by abolishing legislation that grants security and intelligence personnel virtual immunity from prosecution;

(c) Ensure the immediate and unconditional release of detainees held on the basis of their participation in peaceful demonstrations, and other political prisoners;

(d) Ensure the safe and voluntary return of refugees and internally displaced persons to their areas of origin in the Syrian Arab Republic;

(e) Allow safe and unrestricted access to international and national journalists to investigate and report on the situation in the Syrian Arab Republic, without hindrance;

(f) Take immediate measures to ensure full and unhindered access for humanitarian workers to provide aid and assistance to those in need;

(g) Allow OHCHR immediate access to the Syrian Arab Republic to conduct investigations into all human rights abuses, irrespective of alleged perpetrator, in the context of protests since mid-March 2011;

(h) Invite the special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Working Group on Arbitrary Detention, to visit the Syrian Arab Republic to monitor and report on the human rights situation.

94. The High Commissioner also recommends that the Human Rights Council:

(a) Ensure that the situation of human rights in the Syrian Arab Republic remains on the agenda of the Council through the establishment of appropriate monitoring and investigating mechanisms, including the possibility of extending the mandate of the fact-finding mission, as well as through periodic reporting;

(b) Urge the Syrian Arab Republic to cooperate with OHCHR and the special procedures, including by granting them unfettered access to the country;

(c) Urge the Security Council to remain seized of and to address, in the strongest terms, the killing of peaceful protestors and other civilians in the Syrian Arab Republic through the use of excessive force and other grave human right violations, to call for an immediate cessation of attacks against the civilian population, and to consider referring the situation in the Syrian Arab Republic to the International Criminal Court.

95. The High Commissioner further recommends that the League of Arab States continue to be actively engaged in calling for concerted action for the protection of human rights in the Syrian Arab Republic.

Annexes

Annex I

Letter dated 15 July 2011 from the United Nations High Commissioner for Human Rights addressed to the Prime Minister of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Télégramme: UNATIONS, GENEVE
Téléc. 91 29 62
Téléphone: (41-22) 928 9257
Téléfax: (41-22) 928 0618
Internet: www.ohchr.org



Bâtiment des
Nations
CH-1211
GENÈVE 10

REFERENCE

15 July 2011

Excellency,

I write further to resolution S-16/1 adopted by the United Nations Human Rights Council in a special session on human rights in the Syrian Arab Republic on 29 April 2011. As you will be aware, this resolution requested my Office to urgently dispatch a fact-finding mission to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability.

Through a Note Verbale dated 6 May 2011, my Office formally requested Your Excellency's Government to cooperate with this mission, in particular by ensuring full access to the country. Having received no response from Your Excellency's Government on this matter, I reiterated my request for access to the country through a Note Verbale dated 20 May 2011 and again on 7 June 2011 through a meeting between the Deputy High Commissioner, Ms. Kyung-wha Kang, and Your Excellency's Permanent Representative to the United Nations Office in Geneva, H.E. Mr. Faysal Khabbaz Hamoui. I regret that the Syrian Government has to date remained silent on this matter, and once again I renew my request for access for the fact-finding mission.

I take this opportunity to stress that the material currently before my Office reflects a dire human rights situation and remains a matter of the gravest concern. Facts suggesting a pattern of widespread and systematic attacks against civilians and consequential breaches of the most fundamental rights documented by OHCHR require thorough investigation and full accountability with respect to the perpetrators. In my view, the credibility of the Syrian Government's statements on the nature of the on-going protests and the individuals or groups reportedly responsible for those abuses rests in substantial part on its willingness to allow independent investigation on the ground.

H.E. Mr. Adel Safar
Prime Minister
DAMASCUS

I have noted the series of reforms announced to date, and I welcome the information received from Your Excellency's Government on these and certain other issues. Allow me to stress however that the value of political and other reforms lies in their practical implementation, and reform plans also require transparent monitoring mechanisms to ensure sound and timely translation into effective change. More importantly, the promulgation of laws and decrees aimed at introducing greater political and civil rights cannot be accompanied by a progressively deteriorating human rights situation and commission of the gravest human rights violations.

Resolution S-16/1 also requested my Office to provide a follow-up report to the Human Rights Council at its 18th Session, containing substantive information documented by the fact-finding mission. While the refusal of Your Excellency's Government to date to grant access has hampered the mission's work, it has nevertheless documented egregious violations of human rights committed since March 2011. These include summary executions, excessive use of force in quelling peaceful protests, arbitrary detentions, torture and ill-treatment, violations of the rights to freedom of assembly, expression, association and movement, and violations of the rights to food and health, including medical treatment to injured persons. This information will form the basis of the follow-up report, which will be made public in September.

In this context, and alongside my request for the mission to be granted access to the country, my Office wishes to raise with the Syrian Government a range of issues that have emerged in the course of the mission's work and requests further information, as detailed in the Annex attached to this letter. I would appreciate receiving the responses of Your Excellency's Government to these enquiries by 5 August 2011 in order to enable my Office to reflect the position of Your Excellency's Government on these issues in its report.

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


Navanethem Pillay
High Commissioner for Human Rights

Annex:Questions submitted by the Office of the High Commissioner for Human Rights (OHCHR) to the Government of Syria, 15 July 2011.

A. Rights of individuals deprived of their liberty and the administration of justice: OHCHR would appreciate receiving the following information regarding legislative reforms announced by the Syrian Government:

1. The text of the decision announced by President Bashar al-Assad on 19 April 2011 to abrogate the 1963 State of Emergency Law and to abolish the High State Security Court. We wish to receive information regarding the legal measures taken to implement this decision, including the text of the relevant laws and their current status, including the date of their publication in the Official Gazette.
2. The text of Legislative Decree No. 61/2011 announcing a general amnesty for crimes committed before 31 May 2011, and Legislative Decree No. 72/2011 extending the scope of the amnesty to crimes committed before 20 June 2011. OHCHR would appreciate receiving information on how the amnesty laws have been implemented across the country, information about any committees (other than medical committees) which may have been set up to consider individual cases and their terms of reference, any existing appeal process for prisoners against a negative decision, and data showing how many prisoners and detainees have been released in each category. We would appreciate receiving the texts of other legislative decrees referred to in the amnesty law.¹ Additionally, Legislative Decree No. 61/2011 is also said to cover "all members of the Muslim Brotherhood party and other detainees belonging to political movements".² OHCHR wishes to receive details on which other political movements are covered under the amnesty law, and how many such detainees have been released to date and their presumed political affiliation.
3. Given the abrogation of emergency legislation on 19 April 2011, we wish to receive clarification as to the legal basis for the arrest and continued detention of individuals who have been apprehended in the context of protests and other incidents since 15 March 2011. If the purpose of the lifting of emergency laws is to afford basic rights to persons deprived of their liberty, and to curtail the exceptional powers granted to security and intelligence personnel, then it follows that other legislation is being applied in these cases. We would appreciate receiving information on current arrest and detention procedures being followed by the security forces since 19 April.
4. In its efforts to determine the fate and whereabouts of the significant numbers of persons detained or missing it has recorded since mid-March 2011, OHCHR requests information on the places of detention used by each of the security and intelligence agencies, together with information on individuals held there in connection with protests.³

¹ These are: Law 49/1980; Legislative Decree 37/1966 as amended; Legislative Decree 13/1974; and Legislative Decree 59/2008.

² Note Verbale to OHCHR dated 8 June 2011 from the Permanent Mission of Syria in Geneva.

³ This should include names, dates of arrest, place of detention, reason for arrest and the arresting authority.

B. Torture and ill-treatment and deaths in custody

1. OHCHR refers to a Note Verbale received from the Permanent Mission of Syria in Geneva, dated 14 June 2011, containing a summary of the official investigation into the death of the child Hamza al-Khatib on 29 April 2011. We wish to receive additional information on this investigation, including the following: copy of Administrative Order 913 dated 30 May 2011 establishing an investigative committee under Ministry of Interior jurisdiction; copies of all documents prepared on this case by officials on duty at Tishreen Military Hospital during the period of Hamza al-Khatib's hospitalization and death, including copies of photographs taken of the body on 30 April 2011; copy of the report of a three-person committee which prepared a comparative study between the aforementioned photographs and others taken of the body on 24 May 2011 at the National Hospital in Daraa; copy of the report prepared by the Office of the General Prosecution in Damascus relating to the procedures followed in the criminal and judicial investigations relating to the case; and copies of all documentation, including photographs, prepared on this case by medical and judicial personnel at the National Hospital in Daraa. We also request an explanation as to why there was a delay of one month before an investigation into the death of the child was established, and information on the whereabouts and condition of the body between his death on 29 April and its handing over to his family on 24 May 2011.
2. OHCHR would appreciate receiving information regarding the procedures and laws currently in force for the investigation of cases involving the torture or ill-treatment of detainees and other persons deprived of their liberty, including cases resulting in death in custody. It would be useful to receive official data from the relevant ministries and the judiciary regarding the nature and number of such investigations since January 2011, the procedures followed in these cases, and details on cases which resulted in the prosecution of officials found guilty of such crimes. These should include cases where named individuals were declared by officials to be responsible for killings and other crimes, and whose "confessions" were broadcast on Syrian television. Additional information on any provisions under Syrian law for the compensation of victims of torture and their families would also be useful.

C. Investigations into killings of civilians and security personnel, and mass graves: several communications received by OHCHR from the Permanent Mission of Syria in Geneva contained references to a judicial committee and on-going investigations into incidents involving the killing of civilians and military personnel. There have also been a number of statements by Syrian officials regarding the discovery of mass graves, responsibility for which was attributed to "armed gangs". OHCHR would appreciate receiving the following information:

1. In early June, OHCHR was informed that a judicial committee was established to "investigate and bring to justice all perpetrator[s] of crimes against protestors and security personnel in Dara'a [a]n 31/3/2011", and that "the mandate of this committee was recently extended to investigate all crimes committed against civilians and security and army personnel in all parts of Syria".⁴ We would appreciate receiving the texts of the decision to establish this committee in the first instance and to subsequently extend its mandate, and details of any

⁴ Note Verbale to OHCHR dated 6 June 2011 from the Permanent Mission of Syria in Geneva.

investigations it has conducted to date, together with the relevant findings. OHCHR notes the establishment of a complaints procedure which is accessible electronically, and which refers to a 'Judicial Private Investigation Commission'.⁵ In this regard, we request information on the composition and competence of its members, its terms of reference, and information on the nature and volume of complaints received to date. In particular, given the reference to "bringing perpetrators to justice", we wish to receive clarification as to the nature of the judicial powers of this committee. Does the committee have powers of enforcement or is it limited to making recommendations? What legislation is being used to formally charge any perpetrators with specific crimes, and which courts will be competent to hear such cases? Which laws will regulate the rights of the defendants and any appeals procedures?

2. At various times since the current protests began, Syrian officials have made references to the discovery of mass graves said to contain the remains of security personnel killed by "armed gangs". This included an announcement on 12 June, upon the entry of Syrian forces to the town of Jisr al-Shughour, of one such site said to contain the remains of some ten security personnel.⁶ OHCHR wishes to receive details of the locations and contents of all sites of purported mass graves, and the procedures followed in the exhumation of these sites and the ensuing forensic examinations. Copies of official reports of any such investigations are particularly important. We also wish to be informed of the procedures followed in the related criminal investigations to determine culpability and identify the perpetrators, and the results of such investigations.

D. Conduct of law enforcement officials: Since mid-March 2011, several Syrian Government officials have publicly stated that orders were issued to law enforcement personnel, including the security forces, not to shoot at unarmed demonstrators.⁷ Further, that the police have "strict instructions not to assault or harass the demonstrators", and that "security personnel have exercised maximum restraint while trying to control the situation".⁸ OHCHR requests the following information and clarifications:

1. What instructions were issued to law enforcement personnel assigned to deal with crowd control since protests began in mid-March 2011? Who issued these orders and to whom?
2. Were these orders issued orally or in writing? If they were oral instructions, we wish to receive details of these orders and how they were communicated to the relevant commanders. We also wish to receive copies of any written orders and information on how they were disseminated and to whom. Additionally, what procedures are in place to ensure that orders on crowd control mechanisms are implemented, and what disciplinary measures are in place to deal with breaches of these orders?

⁵ Referred to in Note Verbale to OHCHR dated 6 June 2011 from the Permanent Mission of Syria in Geneva (www.ohchr.org).

⁶ There were also references to "three mass graves dug by the armed groups and fundamentalist forces" having been discovered by the Syrian authorities (Note Verbale to OHCHR dated 27 June 2011 from the Permanent Mission of Syria in Geneva).

⁷ Note Verbale to OHCHR dated 15 April 2011 from the Permanent Mission of Syria in Geneva.

⁸ Note Verbale to OHCHR dated 27 June 2011 from the Permanent Mission of Syria in Geneva.

3. Were these or other orders also issued to members and commanders of the Syrian armed forces, who also participated in a number of incidents since March 2011? We would appreciate receiving details of any oral or written orders issued in this regard. We also seek clarification of laws and procedures governing the role and conduct of specialised military agencies, including Air Force Intelligence (*al-Mukhabarat al-Jawwiyya*) and Military Security (*al-Amn al-Askari*).
4. How many security agencies are authorized to deal with public order issues, and particularly with peaceful assemblies or demonstrations? Which law enforcement agencies, including security and intelligence agencies, participated in crowd control operations since March 2011?
5. Is there a crowd control strategy for managing demonstrations and peaceful assemblies, and is it integrated in an overall strategy for dealing with public order issues?
6. What decision-making criteria are available, if any, to assist in applying legitimate and reasonable tactical options that are proportional to crowd behaviour? What level of law enforcement officials take such decisions, in particular with regard to the use of lethal weapons?
7. Under what circumstances does Syrian law permit law enforcement officials to carry and use firearms? What types of firearms and ammunition are permitted for use in the context of demonstrations and peaceful assembly?
8. What procedures are followed by commanders to communicate to crowds the intent to use force, and to ensure that adequate time is given for such warnings to be observed?
9. What procedures are integrated into operations plans for crowd control to facilitate the movement of ambulances and to ensure adequate medical services for emergency cases?
10. OHCHR would appreciate receiving copies of the relevant Syrian laws governing the conduct of law enforcement officials generally, including amendments to the Police Service Regulations (Law 1962/1930), and the Syrian Penal Code (Law 148/1949).⁹ Of particular relevance is information on legislative amendments currently in force relating to the use of force, including non-lethal incapacitating weapons.
11. We also seek clarification of any other laws and procedures governing the role and conduct of specialised security and intelligence agencies, including the General Intelligence Directorate (*Idarat al-Mukhabarat al-Amna*) and Political Security (*al-Amn al-Siyasi*). What is the current status of Legislative Decree No. 14/1969, which provided immunity from prosecution for employees of General Intelligence except by order of the Director, and Legislative Decree No. 69/2008, which extended this immunity to members of other security forces except by order of the Armed Forces General Command?¹⁰ Are there cases where such immunity was waived? What other mechanisms or laws are available to ensure that abuses of powers by law enforcement personnel are prosecuted as criminal offences under the law?

⁹ Selected articles of the Syrian Penal Code and the Police Service Regulations were accessed on the Syrian Ministry of Interior website.

(<http://www.syriampi.gov.sy/portal/index.php?page=show&ex=2&dir=docs&ex=2&ser=2&lang=1&cat=71>).

¹⁰ Legislative Decree No. 14 of 15/01/1969 establishing the General Intelligence Directorate; and Legislative Decree No. 69 of 30/09/2008 amending the Military Penal Code.

E. Political and other reforms announced by the Syrian Government, OHCHR would appreciate receiving the latest information regarding the implementation of these measures:

1. The text of the new law regulating the right to peaceful assembly, which the Syrian authorities said had been issued on 21 April 2011.¹¹ We would appreciate clarification of the current status of this law, and what procedures and consultations were followed in its preparation.
2. Information regarding the decision taken on 11 May 2011 to establish a National Committee of Legal Experts to draw up a new law on elections.¹² We would appreciate receiving the text of this decision, details of the composition of this committee, the terms of reference of its mandate, its progress to date and an indication on the proposed timeline for the issuance of the law.
3. Information regarding the decision taken on 24 May 2011 to establish a National Committee to draw up a new information law.¹³ We would appreciate receiving the text of this decision, details of the composition of this committee, the terms of reference of its mandate, its progress to date and an indication as to whether the draft law may be drafted within the two-month deadline proposed by the Syrian authorities.
4. Information regarding the decision taken on 5 June 2011 to establish a committee to draw up a new law on political parties.¹⁴ We would appreciate receiving the text of this decision, details of the composition of this committee, the terms of reference of its mandate, its progress to date and an indication as to whether the draft law may be drafted within the one-month deadline proposed by the Syrian authorities.
5. Information regarding the decision taken on 1 June 2011 to establish a Committee for National Dialogue.¹⁵ We would appreciate receiving the text of this decision, details of the composition of this committee, the terms of reference of its mandate and its progress to date.
6. Text of the decree issued by President Bashar al-Assad in early April concerning the issue of the 1962 Census and the status of stateless members of the Kurdish community in Syria. According to Syrian officials, "beneficiaries of this decree were given the full rights of citizens".¹⁶ OHCHR wishes to receive information on how the provisions of this decree have been implemented to date.

END

¹¹ Note Verbale to OHCHR dated 6 June 2011 from the Permanent Mission of Syria in Geneva.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Note Verbale to OHCHR dated 15 April 2011 from the Permanent Mission of Syria in Geneva.

Annex II

**Note verbale dated 6 June 2011 from the Permanent Mission
of the Syrian Arab Republic addressed to the Office of the
United Nations High Commissioner for Human Rights**

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE

الجمهورية العربية السورية
البعثة الدبلوماسية لدى مكتب الأمم المتحدة
جنيف

N° 290/11

Geneva, 6 June 2011

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the High Commissioner for Human Rights, and the honour to inform of the latest steps of political reform in the Syrian Arab Republic.

As The High Commissioner already knows, Syria has lifted the state of emergency, and has abolished the High State Security Court early in April 2011, in addition to setting up a judicial Committee to investigate and bring to justice all perpetrator of crimes against protestors and security personnel in Dara'a in 31/3/2011.

New more advanced steps were taken since that date within the continuing reform process the Syrian authorities have taken upon themselves. These steps also serve to meet legitimate requests for reform by national movements within Syria. They have been accompanied with a number of other steps for social and economic reform that seek to further improve the human rights situation of the Syrian citizens in accordance with Syria's international commitments including human rights commitments. However, this verbal note will discuss the political reforms underway at the time being, bearing in mind that other steps are still anticipated, including the results of the Committee set up for combating corruption and increasing transparency. The Committee is expected to present the results of its work to the Prime Minister today, or tomorrow at the latest.

The other latest steps for political reforms are as follows:

- 1- A new law regulating the right to peaceful assembly was issued on the 21st of April 2011, in accordance with the belief that the right to peaceful assembly is one of the basic human rights enshrined in the Syrian Constitution. It serves to reconcile the constitutional human right to peaceful assembly of all citizens while protecting the security of the nation, the citizens, and public and private property. This law was formulated in accordance with the highest international standards.
- 2- H.E. the President has issued an unprecedented General amnesty for all crimes committed before the 31st of May 2011. This amnesty has special relevance in pardoning all those arrested for belonging to

- illegal political parties. The decree comes within the spirit of social forgiveness and national cohesion in the state.
- 3- A presidential decision has also been issued on the 1st of June 2011 to establish a **committee for national dialogue**. The Committee includes law professors, economists, politicians from a number of political parties, and other experts. H.E. the president met with the Committee on the 2nd of June and discussed with its members the importance of national dialogue to overcome the current situation of political and social turmoil. The Committee will formulate the bases for the dialogue in a comprehensive, and an all inclusive way to allow all national movements to present, freely, their points of view on the future of the political economic and social life in Syria.
 - 4- On the 11th of May 2011 H.E. the Prime Minister Mr. Adel Safar has set up a national committee of competent legal experts to formulate a **new law on elections**. The committee presented the draft text to the Prime Minister later that month. The text was put up for public comments and amendments. The text is available for comments on the website:
http://www.youropinion.gov.sy/Tasharukia/projectdetail.asp?law_id=46
 - 5- On the 24th of May, H.E. the Prime Minister set up a national committee consisting of a large number of journalists, including members of the internet media, writers and scholars, to formulate a **new information law** to restructure the information sector in all its forms in Syria in accordance with the most contemporary applicable laws in the world, and with accordance with Syria's commitments in this domain. The committee has 2 months, maximum, to present the draft of the new law.
 - 6- On the 5th of June, H.E. the Prime Minister Mr. Adel Safar established a committee of wise men and women, including those with high expertise and competence, to formulate a **new law to regulate the formation and the functioning of political parties in Syria**. The Committee has already started its work, and will present a draft law to the Prime Minister within a month at the latest.
As with the elections law, the initial draft will be put forward to the public, including on the formal website to be created for this goal, to enrich the draft and collect suggestions before the law takes its final form.
 - 7- Another development worth noting is related to the above mentioned decision to establish a **judicial committee to investigate all crimes committed against demonstrators and security personnel** in the city of Dara'a on the 31st of March 2011. The mandate of this committee was recently extended to investigate all crimes committed against

civilians and security and army personnel in all parts of Syria. Plaintiffs in these crimes would not have to travel to Damascus to present their complaints. They can present them to the public prosecutors in their cities. Furthermore, the Ministry has set up a hotline, and a separate website to receive all such complaints at the address: www.jpjc.gov.sy

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

The High Commissioner for Human Rights
Palais Wilson
Geneva- Switzerland

Annex III

Note verbale dated 14 June 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the Office of the United Nations High Commissioner for Human Rights

Mission Permanente
De La
République Arabe Syrienne
Genève

البعثة الدائمة لدى مكتب الأمم المتحدة
في جنيف
للجمهورية العربية السورية

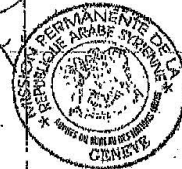
N° 311/11

Geneva, 14th of June 2011

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and has the honour to submit here with the report of the committee of inquiry subject of allegations concerning the case of the child Hamiza Al Khatib and 3 CDs describing the situation in Syria.

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

Encl. ment.



Office of the High Commissioner for
Human Rights
Palais Wilson

ONCHR REGISTRY

19 June 2011
Reçu: MIENA
HC
SD

	<p>إشارة إلى حملة التطهير المفروضة التي قامت بها الدوائر المركزية بسورية والجهزة الإحلام الكابحة لها حول وفاة الطفل حمزة الخطيب، وتفيد بأن جهات السيد رئيس الجمهورية مصدر الأمر الإداري رقم ٩١٣/٢٠١١/٥/٣٠ المتضمن لتأسيس لجنة برئاسة السيد ميمون ولبس الدخايل، وحضورية كل من:</p> <ul style="list-style-type: none"> - مدير إدارة الأمن الجنائي. - النائب العام العسكري. - قائد الشرطة العسكرية. - رئيس فرع التحقيق بإدارة الأمن الجنائي. <p>والتي مهمتها التحقيق بموضوع الإعدامات المتعلقة بوقوع أعمال عنف وحدة وتمذيب على جلسة الطفل حمزة الخطيب.</p> <p>* مباشرة قامت اللجنة بالإجراءات التالية بغية الوصول للتحقيق:</p>	
	<p>١- الانتقال بكامل أعضائها إلى مثلي تشرين العسكري، وعایت الصور الضوئية المسأودة للجنة بعد الوفاء مباشرة، وكانت ست صور ملونة، ومعرفة بتدوين رقم ٢٣ على كل منها، وكانت الصور موضعية مختلفة، وسبب تعريضها برقم ٢٣ كون اللجنة كانت مجهولة الهوية، وجرى ضمها للتحقيقات القائمة حسب الأصول.</p> <p>٢- طابقت نسخة من مضمّن الكاتب على جلة المتوفى المعدة من قبل اللجنة الطبية الثلاثية التي شكّلت لهذه الغاية من القاضي المناوب بتاريخ ٢٠١١/٤/٣٠.</p> <p>٣- وكانت للجنة الطبية الثلاثية بإعداد دراسة مقارنة بين الصور الضوئية المسأودة للجنة الحدث المتوفى حمزة بهائلي تشرين العسكري بتاريخ ٢٠١١/٤/٣٠ مع الصور الضوئية المسأودة لنفس اللجنة بتاريخ ٢٠١١/٥/٢٤ بالمجلس الوطني في درعا وتفيداً لهذا التكليف قدمت اللجنة الدراسة المقارنة والتقرير موافق من صفحات، حيث تبين لها مجموعة فروقات.</p>	

	<p>٤- كما اطلعت اللجنة على تقرير معاون رئيس القنينة العامة بدمشق الذي يبين فيه الإجراءات التحقيقية القضائية التي قام بها حيال جثة الحدث المتوفي حمزة الخطيب.</p> <p>٥- استدعت اللجنة بتاريخ ٢٠١١/٩/١ الطبيب الشرعي في المثلى الوطني الذي أجرى الخبرة والكاتب على جثة الحدث المتوفي حمزة الخطيب ووصولاً لحفلة طمينة مباحة فاطمة لا يسرّب إليها الشك أو الزبهة واستدعت أيضاً أعضاء اللجنة الطبية الثلاثة السجين قاموا بالكاتب على جثة نفس الشخص، وتم إجراء المقابلة بينهم جميعاً وأقروا موضوع سبب الحضور والمقابلة والغاية من هذا الاجتماع والناش الشفوي العلمي والطبي والفسي القسود بإجماع الأطباء بأن حالة العضو التاملي اللطال لم تكن حالة يتر بشكل جازم وذلك لوجود التغيرات التشريحية مع احتمال أن هذا الضياع المادي الذي لوه حله حدث في سياق التشريح أو أثناء نقل الجثة أو احتكائه في هذه الناحية.</p> <p>٦- ومنعاً للتأويل أحضرت اللجنة بيان كوه مدني فردي للمتوفي حمزة الخطيب من أمين السجل المدني الذي يتبع له</p> <p>* بعد القيام بالإجراءات المذكورة أعلاه (تم إيجالها) استخلصت اللجنة وبالإجماع النتائج التالية:</p> <p>أ- وصلت الجثة إلى مفدى كثرين العسكري بدمشق بتاريخ ٢٠١١/٩/٢٩ في ساعة متأخرة من الليل ويؤثر في إجراء الكاتب الطبي والقضائي عليها أصولاً طلب وقت قصير من وصولها بشكل قبي وقانوني متكامل.</p> <p>ب- لا يوجد من آثار البند والعلف سوى آثار المرامي النارية الموصوفة بمحضر الكاتب.</p> <p>ج- ان سبب الوفاة هو الإصابة بلزقة شديد ناجم عن الإصمالية بمرامي نارية ثلاث:</p> <p>١- مرمي ناري دخوله وخروجه في العضد السبلي الأيسر بداية ثم دخل ثانية فسي المصدر الجانبي الأيسر وخارج من منتصف الصدر.</p> <p>٢- مرمي ناري دخوله في الخاصرة اليمنى وخروجه في الظهر الأيمن الوحشي.</p> <p>٣- مرمي ناري دخوله في الثلث السبلي للعضد الأيمن، مسافة الإطلاق لجميع المرامى بعيدة مقر واحد كحد أقصى.</p> <p>- الإطلاق من قبل الغير ومن عدة مصادر أو من مصدر واحد بوسمعية الحركة أيضاً وفي نفس المستوى الأعلى.</p> <p>- لقد سببت المرامي كذايت بليلة خشوية صندوقية بطمية وعائية نازقة نشدة أدت إلى الوفاة.</p> <p>- الوفاة للجنة عن المرامي النارية وما نجم عنها.</p>
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د- إن حالة العضو المتنازلي الطفل لم تكن حالة ينسب إليها جازم وذلك لوجود التغيرات التشريحية منسجمة
 لاحتمال أن هذا الضيق المادي الذي لوحه حدث في سبيل التفتيح أو التماس لتسليح الجنحة أو
 احتكاكه في هذه الناحية.

هـ- ثبوت قنطرة والد الحدث المتوفى حمزة الخطيب بأن جنحة ولده مكرمة وجالبة من الحدث، وهذه
 اللقطة تبين من أرمنية الجوان ببله وبين أعضاء اللجنة من جهة ومسئول التوثيق الرسمية
 القضائية وللصور الطموية والفرز الخبرة الطبية الثلاثية والدراسة المقارنة بين الصور المأخوذة
 في مرجعنا وللصور المأخوذة في دمشق من جهة أخرى.

و- ثبوت وجود جهات معادية ولجنت أشخاصاً لثقل صور مغايرة للحقيقة أو متلاعب بها فلياً التحقيق
 مأرب، دليلاً يجب متابعتها من الجهات المعنية لئلا تصدأ لمعرفة ما والتبصر على ناظمي هذه الصور
 ومفليها حاملة وفيما يتعلق بهذه الواقعة خاصة.

وخلصت اللجنة إلى النتائج التالية:

أثبت بالدليل العلمي والفني والتقني عدم وجود آثار لأصمات شدة أو حطب أو تعذيب على جنحة
 الحدث المتوفى حمزة الخطيب لا بجوانه ولا بعد وفاته سوى آثار المرامي الباردة التي أصيب بها.

[Unofficial translation]

Note verbale dated 14 June 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the Office of the United Nations High Commissioner for Human Rights

Geneva, 14 June 2011

In relation to the campaign conducted by circuits hostile to Syria, a misleading media campaign related to the death of the boy Hamza Al Khateeb, and in response to the presidential decision, an administrative order number 913/S was issued in May 30th, 2011, stipulating the creation of a committee presided by the Deputy of the Minister of Interior, and consists of the following members:

The Director of Criminal Security

The Military Prosecutor

The Commander of Military Police

And the Criminal Investigations Security branch director

The mission of this committee consists of investigating claims of acts of violence and torture on the cadaver of the child Hamza Al Khateeb.

Immediately, the committee took the following steps with the intention to reach the truth about this issue:

1. All committee members moved to the Teshreen Military Hospital, to view 6 colored photos, each of them carry the number 23, because there was no identification of the cadaver at the moment the photos were taken. It portrayed the cadaver in several different positions. The photos were included in the investigation file according to regulation procedures.
2. Committee members viewed a copy of the forensic file that was established by a committee of three medical doctors created by the Judge on duty on April 30th, 2011.
3. The committee which was composed of three medical doctors was mandated to make a comparative study of the photos taken of the boy Hamza Al Khateeb in Teshreen Military Hospital on April 4th, 2011, compared to the photos taken in the National Hospital in Darra on May, 24th, 2011, the medical committee presented a 2-page report about the subject.
4. The committee also viewed the report established by Deputy General Prosecutor of Damascus, explaining the investigative judiciary measures taken during examination of the cadaver of Hamza Al Khateeb.
5. June 1st, 2011, the committee called on forensic doctor who had performed examination on the cadaver of Hamza Al Khateeb at the National Hospital in Darra and established a report, aimed at understanding the scientific facts that would not leave any room for doubt. The three members of the committee of medical doctors –mentioned above- who have examined the cadaver were also called, they held a meeting and discussed the situation from technical, medical and scientific view points, and reached a conclusion specifying that an amputation of the boy's penis had not occurred. The physical loss might have taken place during an advanced stage of decomposition of the body, or with skin friction at the area during the transportation of the cadaver, which explains the situation.

6. To avoid errant interpretations, the committee included an official birth certificate that belonged to the deceased.

Following the measures briefly described above, the committee unanimously reached the following conclusions:

(a) The cadaver arrived to Teshreen Military Hospital in Damascus late at night on April 29th, 2011. Its forensic examination took place according to regulations. A short time after its arrival, examination of the cadaver was conducted in a comprehensive scientific, technical and lawful manner.

(b) The cadaver did not carry signs of

(c) The cause of death is severe internal bleeding due to bullets in three locations:

1. Perforation caused by bullet entry at the lower part of the left upper arm, re-entered the chest from the left side, and exited at the middle of the sternum.

2. Perforation caused by bullet entry at waist's right area, exited at the lower side of the back area.

3. Perforation caused by bullet entry and exit in the right upper arm. All three bullets were shot from a distance no less than one meter away from the victim.

Shooting originated from one or several third party sources. Shooter(s) were moving at the time of shooting, they were on the same height.

(d) No confirmation of penis amputation at this point, especially with the manifest degradation in the state of the cadaver, and the possibility of this material loss taking place while the cadaver was transported.

(e) Evidence stated by Mr. Ali Al Khateeb, father of the victim, declaring that his son's cadaver is intact and not tampered with. He ultimately formulated his conviction in presence of committee members. The conviction of Ali Al Khateeb is based on facts discussed with the medical committee members, in addition to viewing official judicial documents, photos, medical experts' report and the comparative illustration of cadaver photos taken in Daraa, and Damascus.

(f) It is proven that hostile third party have commissioned certain persons to influence information about facts, and to apply digital manipulation on photos of the cadaver of Hamza Al Khateeb. The concerned authorities are following up on these facts in order to put their hands on manipulated photos and their authors in general and particularly in relation to this case.

The committee concludes the following:

Scientific, medical and judicial evidence has proven the cadaver of the boy Hamza Al Khateeb does not sustain traces of acts of violence or torture, not in post mortem, nor when he was alive, except perforations of bullet shots from fire arms.

Annex IV

Note verbale dated 27 June 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the United Nations High Commissioner for Human Rights

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE

الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

N° 3 /11

Geneva, 27 June 2011

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the High Commissioner for Human Rights, and with reference to the preliminary report issued by the High Commissioner on the 14th of June 2011 regarding the situation of Human Rights in the Syrian Arab Republic as mandated by the Human Rights Council resolution S-16/1 of 29/4/2011, has the honour to inform the High Commissioner of its shock at the unrealistic approach used by the High Commissioner towards the situation of human rights in Syria.

The report relied on media reports, as is evident from the footnotes of the report itself, and on unverified allegations to make serious human rights accusations against Syria. The report was prepared with a premeditated goal. It is biased and unprofessional. Despite that, and since the Syrian Arab Republic is keen on clarifying all the facts, and since it wishes to continue the dialogue with the High Commissioner to promote and protect human rights in accordance with her mandate and with respect to the Syrian sovereignty, the Syrian Arab Republic would therefore kindly inform the High Commissioner of the following:

- 1- In his speech of 20/6/2011, H.E. the president of the Syrian Arab Republic, clarified the comprehensive national plan for political, economic and administrative reform that is being conducted within a clearly defined and short timeframe. It seeks to meet all the demands of the Syrian people which became clear through the number of meetings H.E. the president had with different social groups over a 2 month period, including the trend to conduct substantial amendments to the constitution, or even replace it with a new constitution.
- 2- The right to peaceful assembly is enshrined in the Syrian Arab Republic in accordance with the constitution and the national and international commitments of Syria. Even though the High Commissioner was informed of the decree no: 54 of 21/4/2011 that regulated the right to peaceful assembly as a basic human right guaranteed by the constitution of the Syrian Arab Republic, yet she

refrained from presenting it in her report, for reasons well known by now, and chose to present it as an 'intention'.

- 3- The citizens of the Syria called for a number of legitimate demands for reform. The government is working to implement them within the law and in a manner to respect the law and serve the interests of the people. The High Commissioner was officially informed, through a number of verbal notes, of the steps that were taken in this context such as: lifting the state of emergency, abolishing the state security court, issuing a new law for peaceful assembly, a first in Syria and is in accordance with the highest international standards. In addition to other measures to combat corruption, and meet the public demands in issues related to the every day life of citizens. Many more reforms are underway. Yet none of this found its way to this report.
- 4- The Syrian government has become certain that there are foreign regional and international forces, acting to destabilize security and stability in Syria through exploiting legitimate demonstrations and calls for reform. It also became evident that there are armed groups that do not want reform, but want to overthrow the regime and establish salafist emirates. And instead of retreating in the face of reform measures undertaken by the Syrian leadership, they answered by seeking sectarian rifts and by escalating attacks against innocent civilians and against army posts. They also answered with destroying security enforcing forces headquarters, killing their personnel and mutilating their corpses (as was the case of the brigadier- general Abdu Khidr Tilawi and his three children), forcing schools to shut their doors. Furthermore three mass graves dug by the armed groups and fundamentalist forces were discovered. Members of the diplomatic corps in Damascus, international Organizations, and the international media witnessed the last one.
- 5- In the city of Talbise in the governorate of Homs, for example, armed men cut off the international highway for long hours and attacked policemen who had strict instructions not to assault or harass the demonstrators. This led to a number of casualties, which in turn led to the intervention of the army. In Jisr al-Shughur the armed groups have gained control of the city and terrified the residents. This made them call for the military intervention to protect them from the armed groups.
- 6- The armed groups that raise havoc in Syria killed a large number of innocent civilians and security personnel. Security personnel have exercised maximum restraint while trying to control the situation. This led the armed groups to exploit the situation and increase their attacks on civilians (as per our verbal note to the High Commissioner no:213/11 dated 15/4/2011). However, the High Commissioner chose

to ignore all this information and to ignore the horrific violations of human rights such as extrajudicial killings, abductions, torture and other crimes committed by those groups. She made no reference to these crimes in any way, and aligned herself with one side and established herself as its defender.

- 7- What happened in Syria lately, and what is still going on, is not related in any way to peaceful demonstration. Rather, we are up against acts of destruction, and terrorizing people. This has largely affected the markets, the national economy and tourism. It also affected the feeling of security by Syrians, a feeling Syria takes pride in.
- 8- The fundamentalist leadership outside Syria mainly guides the protests, in synchronization with issuing many 'fatwa's' outside Syria calling for resisting the authority through abusing Friday prayers to incite violence, to destroy, to kill, and extend the sphere of chaos. A number of phone calls of those who have incited violence have been intercepted. And even though they were aired on a number of the media channels (including some of which the High Commissioner cited in her report) the High Commissioner refrained from referring to these cases. Collaborators of that leadership inside Syria, and a number of Jihadi Salafist groups and paid men, attacked the army, the police and the security. What is going on now is a repetition of what Syria witnessed in the 1980s but with modern tools. At the time, Syria paid the price of terrorist activities dearly with its best scientist, intellectuals, and sons. For this reason, the state has to take measures to protect its citizens, the private and public establishments, and protect its economy from this haemorrhage. It is unacceptable for the state to stand by watching while the electricity stations, TV, buildings, land registries, schools and hospitals are burnt down, and ambulances, paramedics, telephone and telecommunication centres are targeted, as was the case in Jisr al-Shughur, where representatives of the foreign embassies and UN agencies made a first hand evaluation at the situation.
- 9- This was accompanied with an unprecedented incitement campaign against Syria in a number of media outlets. A number of satellite channels lately aired photos and videos of people injured or killed during the protests. It was later proved that they were clips from other countries or even totally fabricated. A number of satellite channels aired the way these clips were fabricated and produced to present events from outside Syria as happening in Syria. Reuters, other news agencies and television channels apologized for airing misinformation or information from events in other countries. Unfortunately, the High Commissioner chose not to mention this, neither did she refer to the

information and videos sent to her by the Mission in the Verbal Note of 14/6/2011. She chose to close her ears to any neutral or objective voice.

- 10- The Syrian Laws, as in other countries, demand that journalists wishing to enter its territory, to do so in a legitimate and legal way, and not through presenting wrong information and invalid documents. It is surprising to single out the case of the Al Jazeera reporter as a proof to what the High Commissioner called 'deportation of foreign journalists'. This journalist entered Syria with an expired passport and irregular documents. This is illegal and no country in the world would accept it.
- 11- The High Commissioner refrained from mentioning 260 deaths from members of the security and the army. Some were killed while they were outside working hours. As for the injured from army and the security, they have reached 8.000 casualties.
- 12- In an effort to protect its borders, Syria discovered a large number of smuggled weapon shipments and arms supplies used by the armed groups to strike at security and order in Syria using foreign finance. No country in the world accepts this. It is a matter of national security. Those groups were tracked down, and a number of them were arrested, while others fled outside the country. The national TV aired their confessions, showing the foreign involvement in supporting them financially and logistically. They also confessed to the large amounts of money they received for the crimes they committed, and which cannot be justified under any human rights bill. It is worth noting that the weapons being used currently by the armed groups against the civilians, the security and army are advanced weapons. They range from machine guns to RPGs, bombs, other weapons and advanced communication systems that are not compatible with allegation of peaceful protest, and show a high level of training and prior preparations for acts of violence and killings.
- 13- In addition to all above, the report contained a number of fallacies. The Mission of the Syrian Arab Republic would like to hereby present some:
- a- In paragraph 6 of the report the High Commissioner alleged that *'helicopter machine guns were also said to have been used during a military assault on the town of Jisr al-Shughur'*. This is not true. One helicopter was used in an exploratory mission to find out what was happening on the ground due to the siege imposed by the armed groups on security headquarters in the city. That helicopter never took part in any military activities.
 - b- The allegation in paragraph 7 that *'while women and children were among those detained, human rights defenders, political*

activists, and journalists were particularly targeted, is a reprehensible allegation that serves only to smear the image of Syria, a campaign that is being conducted by media outlets. It is a fact that there are many Syrians who express their different views through all media outlets, and from within Syria, without being harmed in any way.

- c- The High Commissioner referred in paragraph 8 of her report to the case of Syrian Child Hamza alkhatib, as presented in the media. she ignored the ad hoc committee set up in Syria to investigate the death of the child and the affirmative conclusions it reached on the circumstances of his death, including the lack of traces of torture on his body. The High commissioner was informed of this in the Missions' verbal note no: 311/11 dated 14/6/2011.
- d- Paragraphs 9 and 10 of the report, claimed that *the Syrian authorities violated the freedoms of assembly, expression and movement*. There is no better proof of this fallacy than the declaration of the Syrian authorities, at the highest levels, that they respects peaceful assemblies and that they are making every effort to study and meet the demands of the protestors.
- 14- The Mission rejects the use of the term '*Syrian Government claims 120 security personnel in attacks*' in the city of Jisr Alshugour. At the time when she did not use the term to refer to media and NGO reports. In fact she used terms such as 'reliable sources' while quoting those reports. This proves she intends to adopt a one sided approach and align herself with this side, refusing to deal in an impartial manner with all that is presented to her by the Syrian Government. This in turn sheds doubts on carrying out her mandate impartially and objectively.
- 15- Syria reiterate that it is proceeding in the road to reform as announced by H.E. the President, and its persistence in meeting the legitimate demands of its citizens and protecting their lives and properties, and stresses that it will not allow terrorism and fundamentalism to claim the lives of Syrian citizens.
- 16- The Syrian Arab Republic expects the High Commissioner to carry out her work in an impartial and objective manner with the aim of protecting victims of human rights violations, and promote and protect human rights within her mandate and without politicization. The position taken by the High Commissioner, through relying on misinformation, does wrong to the Syrian people, and to the blood of the innocent casualties. This puts the High Commissioner in a position as if take part in the hatred campaign against Syria launched by other organizations, in order to undermine the Syrian peoples national interests.

Finally, the Syrian Arab Republic reiterates its readiness to cooperate with the High Commissioner for Human Rights and her office, to promote and protect human rights, in a framework of impartiality, objectivity, non-politicization and without adopting one point of view against another, and within the mandate of the High Commissioner, and within respect to the sovereignty of the Syrian Arab Republic and its freedom to make its political choices within its national and international human rights commitments.

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

The High Commissioner for Human Rights
Palais Wilson
Geneva- Switzerland

Cc: - The Deputy High Commissioner for Human Rights
- The MENA Unit at the OHCHR

Annex V

Note verbale dated 5 August 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the United Nations High Commissioner for Human Rights

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE

الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

N° 335/11

Geneva, 5th August 2011

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The High Commissioner for Human Rights, and in reference to the High Commissioner Note Verbal dated 15 July 2011 which included the letter addressed to H.E Dr. Adel Safar prime Minister of The Syrian Arab Republic, has the honour to attach herewith the answers to the questions attached to above mentioned letter. The related documents and CDs will be sent next week.

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

United Nations
High Commissioner for Human Rights
Palais des Nations
CH-1211 GENEVE 10

OHCHR REGISTRY

- 5 AOUT 2011

Recipients : ... MENA ...

Rue de Lausanne 72 (3^e étage), 1202 Genève

Tel: +41 22 779 45 60

Fax: +41 22 738 42 75

الجمهورية العربية السورية
وزارة الخارجية والمغتربين

رد حكومة الجمهورية العربية السورية على الأسئلة الموجهة إلى
السيد رئيس مجلس الوزراء من المفوضية السامية لحقوق الإنسان
حول الأوضاع في سورية

أولاً: تعبر حكومة الجمهورية العربية السورية مجدداً عن استمرارها في التعاون مع المفوضية العليا لحقوق الإنسان وتؤكد إصرارها الدائم على كشف وتقديم كافة الحقائق التي يتم السؤال عنها وذلك بعيداً عن ما يتم تليفه وتقديمه للمفوضية السامية من وثائق كاذبة ومعلومات ملفقة تقدمها لها بعض المصادر والجهات التي تتركز أهدافها على تشويه سمعة الجمهورية العربية السورية، وتبج من أجل الوصول إلى هذه الأهداف كافة الوسائل البعيدة عن الأخلاق الإنسانية والشرائع والأعراف.

ثانياً: إن حكومة الجمهورية العربية السورية تود التأكيد على مجموعة المبادئ التي تسير على هديها في التعامل والمعالجة لكافة الأمور المطروحة للنقاش وفقاً للنقاط الآتية:

إن حق التعبير عن الرأي بحرية مصان بموجب دستور الجمهورية العربية السورية، ويجب على الحكومة حمايته وتحريز مبادئه وتطوير الثقافة الخاصة به ليكون إيجابياً مفيداً للمجتمع ككل.

إن الحق بالتظاهر السلمي مضمّن أيضاً بموجب دستور الجمهورية العربية السورية. وقد صدر مؤخراً قانون يلزم ممارسة هذا الحق وفقاً للمعايير المضمّن والمتعارف بها دولياً وبما يتسجم ويتطابق مع ما هو مطبق في معظم دول العالم.

إن القوانين السورية الناظمة تعاقب على أي شرب من شروب الشدة أو التعذيب بخصوص صارمة . إن القوانين السورية الناظمة تعاقب على أي نوع من أنواع حرق العرابة خارج نطاق القانون سواء قام به أشخاص تابعون للسلطات العامة أو أفراد عابثين.

إن الدفاع عن حقوق الإنسان وحمايتها وتعزيزها هو أحد أهم المرتكزات التي تقوم عليها سيادة حكومة الجمهورية العربية السورية في الداخل والخارج.

إن مكافحة الفساد هي عملية مستمرة وتعمل حكومة الجمهورية العربية السورية على متابعتها وتعزيزها ومن التشريعات التي توأمت آليات معالجة هذه الظاهرة بما يتسجم مع قوانين الدول الرائدة في هذا المجال.

حكومة الجمهورية العربية السورية تعمل بشكل حثيث على تطوير العمل السياسي في سورية من كافة النواحي وقد اتخذت من القرارات والخطوات الواسعة في هذا المجال بما يؤكد على حرمتها هذا.

إن الحوار الوطني الشامل بين كافة أطراف المجتمع السوري هو السبيل الأمثل للإصلاح والتطوير من أجل الوصول إلى الأهداف المرجوة في الارتقاء نحو الأفضل في المجالات السياسية والتشريحية والاجتماعية والاقتصادية.

سيادة القانون والقضاء هما من أهم المرتكزات التي تقوم عليها عملية الإصلاح الشامل بهدف تحقيق أرقى معايير العدالة الاجتماعية بين أفراد المجتمع السوري.

ومن خلال ما سبق بيّله فإننا نؤكد أن السلطات السورية المختصة ومنذ بداية الأحداث في شهر آذار ٢٠١١ تعاملت مع المظاهرات السلمية التي لدى أصحابها مطالب وأهداف تتعلق بالإصلاح ومكافحة الفساد بصورة حضارية تعكس طبيعة وجوهر العلاقة القائمة بين المجتمع والدولة، وكانت تقوم بتأمين هذه التظاهرات إلى حين انتهائها وعودة المشاركين فيها كل إلى منزله، لكن هذا الأمر لم يرق لجهات وأطراف داخلية وخارجية هدفها الرئيس زحزحة الاستقرار الذي تعيشه سورية حيث أخذت تظهر على أرض الواقع جماعات إرهابية مستنحة تقوم بالاعتداء على المتظاهرين السلميين وإرهابهم وقتلهم، وصارت هذه

المجموعات الإرهابية تتخطى إما عن طريق الاختراط ابتداءً ضمن صفوف المتظاهرين حيث كان يحمل الرايات العسقي والسيوف والسكاكين ويبدؤون إلى التهيج والقيام بالأعمال التخريبية انطلاقاً من داخل المظاهرات فيحرقون السيارات ويخربون التمتعلكات والإذاعات والمباني العامة والخاصة، أو كان الأفراد المسلحين بأسلحة حربية من هذه المجموعات يقومون بإطلاق النار بشكل مباشر على المتظاهرين أو على قوات حفظ النظام بقصد قتل أكبر عدد من الناس، والسبب هو كون هؤلاء يتظاهرون بشكل سلمي وتحت حماية السلطات العامة التي كانت تؤمن لهم تجمعهم حفاظاً على الأمن العام، أما الهدف الحقيقي والأساسي للمجموعات الإرهابية فهو التلويح بسمعة السلطات العامة في سورية عبر تصويرها بأنها تقوم بعملية قمع يموي للمتظاهرين، كل ذلك ترافق مع حملة إعلامية خارجية مضاللة ضد سورية التراكبت مع مجموعة من القنوات التلفزيونية التي أطلقها عدد ممن يعتبرون أنفسهم رجال دين أخفوا بخرصون على القتل وسفك الدماء تحت ستار الدين وبما يتطابق بشكل تام مع فكر وتوجه التنظيمات الإرهابية التكفيرية التي تنتشر في الكثير من دول العالم وتسمى إلى تخريب المجتمعات والدول التي تشهت فيها، فأخذت الخلايا الإرهابية القائمة تنشط وتظهر إلى العلن مستفيدة من التمويل الخارجي الهائل الذي يقدم لها ومن وسائل الاتصال الحديثة والأسلحة الحربية المتروحة التي تم تهريبها وإسماها لصالحها عبر الحدود برسائل غير مشروعة وصارت بعض الجوامع تستخدم كمستودعات للأسلحة الحربية والتخاير وهذا ما كان عليه حال المسجد العمري في درعا وبعض المساجد الأخرى في نفس المحافظة وفي محافظات أخرى من سورية التي أقدم الثالمن عليها على تغطية هذه الأعمال والتسببها ضمن نطاق الحزب الفكري والديني ودعوتهم للقتل، واستقطابهم وتخريبهم ببعض طوائف النفوس للعمل ضمن نطاق أعمال القتل والتخريب والإرهاب ضد أفراد الشرطة والجيش وضد المتظاهرين السلميين على حد سواء، حيث وصل عدد الشهداء الذين قتلهم الإرهابيون من أفراد الشرطة والجيش إلى المئات من الضباط والعناصر ووصل عدد المصابين بطلقات نارية أو بطنعات السيوف والسكاكين أو بالضرب المبرح إلى الآلاف إضافة إلى ما قام به هؤلاء الإرهابيون من تمثيل بجثت ضحاياهم من أفراد الشرطة والجيش.

أما بالنسبة لكل من أوقف تقديمه بأعمال غير مشروعة فقد تمت إحالته إلى الجهات القضائية وفقاً لأحكام قانون أصول المحاكمات الجزائية السوري، وبما يتسجم بشكل تام مع ما صدر من تشريعات لجهة رفع حالة الطوارئ بحيث لم يعد هناك مجال في سورية لأي توقيف عرفي بل تتم إحالة المشتبه فيهم خلال أربع

وعشرون ساعة إلى النهاية العامة المختصة ويصبحون تحت حراسة وحدة ولاية للقضاء السوري، وفي معظم الحالات التي أُحيلت إلى القضاء تم إخلاء سبيل الأشخاص المشتبه فيهم فوراً، أما من قاموا بارتكاب أعمال التخريب أو الإهراق أو القتل فإن السلطات القضائية المختصة تقوم بملئهم قضائياً وفقاً لأحكام القانون وعن ثبوت براءته يتم إخلاء هذه البراءة بحكم قضائي، أما من يثبت للقضاء أنه ارتكب هذه الجرائم فتتم معاقبته وفقاً لتصوص قانون العقوبات السوري.

ثالثاً: أما فيما يتعلق بمجموعة الأسئلة التي يطرحها مكتب المفوض السامي لحقوق الإنسان على حكومة الجمهورية العربية السورية بتاريخ ٢٠١١/٧/١٥ فتورد لكم الإجابات عليها وفقاً لما يلي:

١- بتاريخ ٢٠١١/٤/٢١ صدرت ثلاثة مراسيم تشريعية من المرسوم التشريعي رقم (١٦١) المتضمن إنهاء العمل بحالة الطوارئ، والمرسوم التشريعي رقم (٥٣) المتضمن إلغاء محكمة أمن الدولة العليا المحدثة بالمرسوم التشريعي رقم (٤٧) تاريخ ١٩٦٨/٣/٢٨، وإحالة جميع الدعاوى المنظورة لدى المحكمة المذكورة والتجارية العامة فيها بخالتها الحاضرة إلى مرجعها القضائي المختص وفق ما نص عليه قواعد قانون أصول المحاكمات الجزائية، والمرسوم التشريعي رقم (٥٥) المتضمن تعديل المادة (١٧) من قانون أصول المحاكمات الجزائية بحيث تختص الضابطة العدلية أو المفوضون بمهامها باستثناء بعض الجرائم المنصوص عليها في قانون العقوبات العام (الجرائم الواقعة على أمن الدولة والسلامة العامة) وجمع أدلتها، والاستماع إلى المشتبه بهم فيها، حتى ألا تتجاوز مدة التحفظ عليهم سبعة أيام قابلة للتجديد من النائب العام وفقاً لمعطيات كل ملف على حدة، وعلى ألا تزيد هذه المدة عن ستين يوماً، ووفقاً لأحكام قانون أصول المحاكمات الجزائية فإنه يتوجب على الضابطة العدلية تقديم للمشتبه فيه إلى القضاء فور انتهاء مهلة السبعة أيام إلا إذا كان يوجد موجبات قانونية أو واقعية مستمدة من مساهمة التحقيقات لتستدعي تمديد هذه المهلة لأكثر من سبعة أيام وعند ذلك تستطيع الضابطة العدلية إطلاع النائب العام المختص على سير التحقيقات وطلب مهلة إضافية للتحفظ على المشتبه فيه لمتابعة التحقيق في القضية وجمع أدلتها وللنائب العام في هذه الحالة التصالحية في تمديد المهلة أو إعطاء الأمر للضابطة العدلية بتقديم المشتبه فيه فوراً إلى القضاء.

وبالعودة إلى ما ورد حول هذه المواضيع من أسئلة نفيدكم أنه بمجرد إنهاء حالة الطوارئ لم يعد يوجد في سورية أي مجال لأي توقيف عرضي بالنسبة للجرائم الواقعة على أمن الدولة أو السلامة العامة وأصبحت

التصوف الواردة في قانون أصول المحاكمات الجزائية هي الوحيدة واجبة التطبيق في لتوقيف الاحتياطي وأكائه ومبرراته، وهذه للتصوف تمنع بأي حال توقيف المشتبه فيهم من قبل الضابطة العدلية احتياطياً لأكثر من أربع وعشرين ساعة ليتم تقديمهم فوراً إلى النيابة العامة المختصة، ويصبحوا تحت حراسة ولاية القضاء، وقد أباحت هذه التصوف تمديد المهلة المذكورة لكن بأسر وموافقة النائب العام المختص حسب ماهية ومآل التحقيقات، وذلك بالنسبة لكافة الجرائم المنصوص عليها في القوانين السورية النافذة باستثناء الآليات والمدد المتعلقة بالجرائم الواقعة على أمن الدولة والسلامة العامة التي سبق لنا ذكرها أما عن الإجراءات القانونية التي تم اتخاذها لتنفيذ المرسوم التشريعي المتضمن إلغاء محكمة أمن الدولة العليا فقد تمت إحالة كافة الدعاوى التي كانت المنظورة أمامها حين إغلاؤها إلى المحاكم المختصة حسب قواعد الاختصاص المكالي المنصوص عليها في قانون أصول المحاكمات الجزائية وتم نقل كافة الأشخاص الذين كانت تجري محاكمتهم أمامها إلى السجون التي تتبع محاكم المحافظات لتتم محاكمتهم وفقاً لأحكام قانوني العقوبات وأصول المحاكمات الجزائية اللذان في سورية.

٢- بالنسبة لكيفية تنفيذ العفو العام فإن النيابة العامة المختصة في كل منطقة أو محافظة تقوم بتنفيذ أحكام العفو العام وفقاً لمضمون المرسوم التشريعي الصادر بهذا الصدد وفقاً لأحكام قانوني العقوبات وأصول المحاكمات الجزائية بحيث يتم فور صدور العفو العام إحصاء الموقوفين المشمولين بأحكامه من خلال سجلات المحاكم والنيابات العامة وسجلات السجون ويصدر النائب العام المختص قراره بإطلاق سراح الموقوفين فوراً بالنسبة لمن يشمل العفو العام كامل عقوبتهم، أما الذين تشمل العفو جزءاً من عقوبتهم فيتم ترك أمر إطلاق سراحهم لفضاء التحقيق أو المحاكم الجنائية المختصة التي تنظر في قضاياهم ويتم أخذ مفاعيل العفو العام بحسب الاعتبار لدى إصدار الأحكام بحقهم بحيث تكرر المحكمة في الحكم الذي يصدر عنها إسقاط الجزء المشمول بالعفو من العقوبة النهائية.

٣- تم يتم تشكيل أية لجان (عدا الطبية) للنظر في الحالات الفردية المتطرفة بالاستفادة من أحكام العفو العام لكن أي سجين يستطيع تقديم طلبه إلى المحكمة المختصة أو إلى النائب العام المختص ليتم النظر فيها ومعالجتها وفقاً لأحكام القانون.

٤- بالنسبة لأعداد السجناء الذين أطلق سراحهم تلقياً للمفوض العام فنوردتها لكم وفقاً للتقوائم التالية:

عدد المشمولين بأحكامه		تاريخ صدوره	رقم المرسوم
		2011/3/7	المرسوم التشريعي رقم 34
العدد	المحافظة		
138	دمشق		
244	حلب		
4195	ريف دمشق		
97	إدلب		
57	حمص		
185	حماة		
52	اللاذقية		
37	طرطوس		
52	درعا		
11	السويداء		
46	دير الزور		
57	الفسطاط		
56	الرقية		
5227	المجموع		
		2011/5/31	المرسوم التشريعي رقم 61
العدد	المحافظة		
323	دمشق		
66	حلب		
1431	ريف دمشق		
65	إدلب		
168	حمص		
61	حماة		
83	اللاذقية		

160	طرطوس		
45	درعا		
26	السويداء		
50	دير الزور		
46	الحمكة		
160	الرقة		
2684	المجموع		
		2011/6/20	المرسوم التشريعي رقم 72
العدد	المحافظة		
196	دمشق		
103	حلب		
344	ريف دمشق		
32	إقليم		
30	حمص		
59	حماة		
1600	اللاذقية		
13	طرطوس		
12	درعا		
55	السويداء		
31	دير الزور		
27	الحمكة		
20	الرقة		
2522	المجموع		

وبالتالي فإن عدد من عملة العفو من الموقعين الذين أطلق سراحهم فور صدور المراسيم التشريعية المشار إليها أعلاه يبلغ (١٠،٤٣٣) شخصاً، مع التويه بأن الإحصائية المتكلمة لا تشمل إلا من أطلق سراحه فوراً بموجب مراسيم العفو، ومن لم فإنها لا تشمل المخالفات، أو النجح المنصوصة، كما أنها لا تشمل الدعاوى قيد النظر في الجلسات التي يستفيد أصحابها من العفو عند الحكم فهناك عدد كبير ممن استفاد من العفو جزئياً كالاستفادة من نصف العقوبة، أو ربعها، ولا تشمل أيضاً المتوارين عن الأقطار إلا إذا سلموا أنفسهم خلال المدد المحددة في مرسوم العفو، وهذا لا بد من الإشارة إلى أن مرسومي العفو المذكورين لم يشملوا أيضاً بعض الجرائم كالخيانة والإرهاب والتجسس والاختصاص والتجار بالأشعة والمخدرات وبعد صدور المرسومين الأكثر استنفاً والشمولية مقارنة بجميع القوانين ومراسيم العفو السابقة، كما لا بد من الإشارة إلى أن العفو لعام الصادر بتاريخ ٢٠١١/٥/٣١ شمل كافة أعضاء وقيادات المنظمات والجمعيات السياسية خير المنحصة باستثناء تلك التي تتخذ من وسائل الإرهاب عنصراً جوهرياً في نشاطها من أجل تحقيق أهدافها، لكن حكومة الجمهورية العربية السورية ومن خلال إصرارها وسعيها الحثيث باتجاه إطلاق الحوار الوطني الشامل بين كافة أطراف المجتمع السوري وبين كافة القوى السورية بادرت إلى تضمين كافة الملتزمين إلى تنظيم جماعة الإخوان المسلمين بالعفو العام وعن كامل العقوبة على الرغم من أن التنظيم المذكور أخذ من وسائل الإرهاب والتخريب والقتل حصراً جوهرياً إن لم يكن وحيداً من أجل تحقيق أهدافه في سورية وعلى مدى عقود طويلة مضت، كما تم بنفس الاتجاه والهدف إطلاق سراح عدد من الموقعين الملتزمين لحزب العمل الشيوعي، وصدرت القرارات بتسهيل عودة المشمولين بالعفو إلى القطر، كما تم إلغاء المواقفات الأمنية في كافة معاملات المواطنين السوريين.

٥- بعد رفع حالة الطوارئ فإن الأساس القانوني للتوقيف بالنسبة لأية مشكك فيه بأية جريمة مخصوص عليها في القوانين السورية التالفة، هو ما ورد من نصوص في قانون أصول المحاكمات الجزائية، كما استلقت بيانه سابقاً وهذا يشمل حالات التوقيف على خلفية القيام بأعمال الشغب والتخريب والإرهاب، كما يحصل حالياً في سورية ويتم تسميته احتجاجات سلمية، أما بالنسبة للتظاهر السلمي فلم يتم إلغاء القبض على أي محتج أو متظاهر سلمي لجا إلى التظاهر الاحتجاج أو التظاهر وفقاً لأحكام القانون، إلا أنه في حالات محدودة للغاية جرى إلغاء القبض على من يتظاهر بصورة مخالفة لأحكام المرسوم التشريعي رقم

(٥٤) تاريخ ٢٠١١/٤/٢١ الذي يتضمّن حقّ التظاهر السلمي، وفي هذه الحالة غالباً ما يطلق القضاء سراح الموقوف فوراً أو خلال خمسة أيام على أبعد تقدير في حال التفرار. أما في الحالات التي لا يكون فيها التظاهر سلمياً فإن أحكام قانون العقوبات الصادر بالتزامن التشريعي رقم (148) لعام 1949 هي التي يطبقها القضاء في ضوء ظروف كل قضية حتى حدة. ذلك أن سورية تواجه في الغالب الأهم من الحالات والوقائع التي تحصل على الأرض حصائل إرهابية مسلحة، مزودة بالحدث الأسلحة وأكثرها ثقلياً، في إطار من العنف المنظم الذي تناهضه القوانين والأعراف الدولية والقوانين الداخلية على حد سواء، وفي ظل تبرئة وتضمين إعلامي غير مسبوق، إذ لا يمكن أن تسمح أية دولة ذات سيادة بقيام بمرء إرهابي مسلح على أراضيها ويطلق كافة مواطنيها من المدنيين أو العسكريين دون أن تطلب في وجه القائمين به وتقدمهم إلى العدالة لينالوا عقابهم أمام القضاء الوطني خلاصاً وأن أعمال التخريب والإرهاب والإحراق نصبت على أبنية الخدمة العامة في الدولة.

٦- إن الإجراءات القانونية التي اتبعتها وتبناها كافة قوى الأمن الداخلي في سورية بعد رفع حالة الطوارئ تخضع جميعها لما ورد في قانون أصول المحاكمات الجزائية في التوقيف والاحتفال بكل القوى الأمنية والشرطية وفقاً لأحكام المادة رقم ٨/ من القانون المذكور تعتبر من الضابطة العنقودية التي تساعد القبط العلم في مهامه وأفراد هذه الضابطة مكفون وفقاً للنص المادة رقم ٦/ من نفس القانون باستثناء الجرائم وجمع أدلتها والقبض على فاعليها وإحالتهم على المحاكم لتتولى إليها أمر معتقليهم، ولا يوجد لدينا أي موقوف خارج نطاق القانون على خلفية مظاهرات أو احتجاجات سلمية، إما إذا كان من يستخدم السلاح والعنف والإرهاب في مواجهة الدولة هو المقصود بهذا التساؤل فإن هذا أمر مختلف غاية الاختلاف، ومع ذلك فإننا على استعداد حتى بالنسبة لمن ارتكب عملاً إرهابياً موافقاً بما يطلب بشأنه، على أن تكون لدينا أسماء ومعلومات محددة ودقيقة، وليس مجرد كلام غير مستند إلى أي دليل معقول.

٧- فيما يتعلق بمقتل حمزة الخطيب لديكم بأن المذكور لدى مقلته كان يشارك مع مجموعة إرهابية تخريبية مسلحة في الهجوم على ضاحية سكنية في محافظة درعا، وكان يحمل بيده سلاح حاد قاطع وأصيب بعدة طلقات نارية من مسافة قريبة جداً مما يشير إلى أن مطلق الرصاص الذين أصابوه هم رفائقة من المخربين، وترفق تقريراً مفصلاً حول للكشف الطبي والتحقيقات القانونية التي جرت على جثته.

٦- إن قانون العقوبات السوري يهوي النصوص القانونية الواضحة والبرهانية التي تعاقب على أي ضرب من ضرب الشدة أو التعذيب بوقف أي موقوف، كما تعاقب على حجز الموقوفين بقرابات صارمة وتجبيدكم حول تساؤلاتكم عن هذا الموضوع وفق للتفصيل التالي:

١- الحرية الشخصية حق مقدس كفلته الدستور والقانون. ولا يجوز احتجاز أحد دون توجيه تهمة إليه حسب الأصول القانونية، وإلا كان ذلك حجزاً حرة غير مشروع ومعاقب عليه. فالمادة (357) من قانون العقوبات نص على أن: "كل من أوقف أو حبس شخصاً في غير الحالات التي ينص عليها القانون يعاقب بالانفعال المشافهة المقررة"، وتنص المادة (358) على الحبس من سنة إلى ثلاث سنوات لمديره وحراس السجون، والمعاهد التأديبية، أو الإصلاحية، وكل من اضطلع بصلاحياتهم من الموظفين إذا قبلوا شخصاً دون مذكرة قضائية، أو قراره، أو استبقوه إلى أمد من الأجل. وأي شخص يتم توقيفه وفقاً للقانون السوري يتم إعلامه بأسباب هذا التوقيف، والجرم الذي استوجب إصداره، ولوعده، والمادة القانونية التي تعاقب عليه، ويبلغ المدعى عليه مذكرات الدعوة، والإحضار، والتوقيف، ويترك له صورة عنها. وتقضي التحقيق في دعاوى الجنائية والجنحة أن يكلف بإصدار مذكرة دعوة، على أن يبذلها بعد استجواب المدعى عليه بمذكرة توقيف إذا اقتضى التحقيق ذلك.

وإذا أوقف المدعى عليه بموجب مذكرة إحضار، وظل في النظارة أكثر من أربع وعشرين ساعة دون أن يستجوب أو يساق إلى النائب العام أكثر توقيفه عملاً تعسفاً، ولو حلف الموظف المسؤول بجريمة حجز الحرية الشخصية المنصوص عليها في المادة (358) من قانون العقوبات.

٢- تعاقب المادة (391) من قانون العقوبات على التعذيب بأبسط صورة يجعل مرتكبه عرضة للعقاب، فقد جاء نص هذه المادة على النحو الآتي:

"من ساء شخصاً ضرورياً من الشدة لا يجيزها القانون رغبة منه في الحصول على إقرار عن جريمة أو على معلومات بشأنها عوقب بالحبس من ثلاثة أشهر إلى ثلاث سنوات. وإذا أفضت أعمال العنف عليه إلى مرض أو جراح كان أنشئ العقاب الحبس سنة".

فالنص القانوني يستخدم عبارة "من ساء شخصاً ضرورياً من الشدة..."، أي أنه يشمل أبسط صور التعذيب وحالاته.

وجدير الذكر أن الجمهورية العربية السورية قد انضمت إلى الاتفاقية الدولية لمناهضة التعذيب، وقد توافقت
تقريرها بتاريخ ٣-١٠/٩/٢٠١٠، وواليت اللجنة المعنية بكل ما هو مطلوب.

والجمهورية العربية السورية ملتزمة بكل ما تضمنته الاتفاقية لمناهضة التعذيب غيره من ضروب المعاملة
القاسية أو اللاإنسانية أو المهينة من أحكام، ذلك أنه من المبتكر دستورياً وقضائياً وفقها في سورية،
ومنذ لم يبعد، أن المعاهدة التي تستكمل إجراءات التصديق الدستورية لتقديم على أي نص تشريعي نافذ،
وتعامل على أنها جزء من التشريع الوطني، وإذا كانت متعارضة مع نص نافذ قبلها تعدّ معدلة له، وتقدم
عليه.

ويستخلص من لصوص الدستور السوري الدائم لعام 1973، ولا سيما المادتين (71) و(104) أنه أعطى
المعاهدات قيمة مساوية للقانون الداخلي عندما يتم إبرام معاهدة، وإقرارها بشكل صحيح، وفقاً لأحكام
الدستور، فإذا خالفت الاتفاقية الدولية قانوناً نافذاً، وكانت سليمة من حيث إقرارها وإبرامها، ومن حيث
نفاذها، فإنها تكون ذات قيمة مساوية للقانون الداخلي.

وخلاصة القول إن ما أثير لجهة الادعاءات المتعلقة باستخدام التعذيب بصورة اعتيادية من قول موظفي
إنقاذ القانون، والمحققين، أو بتعريض ملهم، ولا سيما في مواقع الاحتجاز، إنما هو قول منسـل لا يؤيده
أي دليل قانوني أو مادي. ويعد صدور المرسوم رقم (161) بتاريخ 2011/4/21 المتضمن إلغاء حالة
الطوارئ، والمرسوم التشريعي رقم (55) الصادر بتاريخ 2011/4/21، لم يعد بالإمكان الحديث عن أي
احتجاز تعسفي أو مخالفة للقانون لدى أي جهة كانت.

ولبيان فيما يلي على سبيل المثال جدولاً بأعداد الدعاوى المنظورة حالياً أمام القضاء في القضايا التي
بالادعاء والتعذيب:

عدد الدعاوى	الجهة المنظور أمامها الدعوى
1	عدلية دمشق
5	عدلية ريف دمشق
1	عدلية حلب
1	عدلية اللاذقية

2	عدلية دير الزور
1	عدلية حماة
لا يوجد	عدلية إدلب
لا يوجد	عدلية الرقة
لا يوجد	عدلية الحسكة
لا يوجد	عدلية حمص
لا يوجد	عدلية طرطوس
لا يوجد	عدلية تارح
لا يوجد	عدلية السويداء
12	المجموع

أما الجهة التي تتولى التحقيق فإنه القضاء في معرض الدعاوى المرفوعة إليه، أو هي معرض الدفاع في قضية قائمة يتعرض المتهم للتعذيب، مع ملاحظة أنه غالباً ما يدفع للمتهم حذر مثوله أمام القضاء بتعرضه للتعذيب في معرض التحقيق معه بالجزم المسند إليه كما يستفيد من حظر عقابه من العقاب، ويبطل إجراءات التحقيق معه، لأن الإقرار المتزوج تحت التعذيب لا يعتد به أمام القضاء، ولا يصحح دليله دليلاً لإدانة المتهم.

ولا مجال على الإطلاق لاعتماد إقرار ملغى بالإجراء، والإقرار على هذا النحو لا قيمة له إن تم كبح مساهمته أدلة تويده. وقد بيّنت الهيئة العامة لمحكمة النقض (وهي أعلى مرجع قضائي، ويلتزم سائر القضاة بما تصدره من اجتهادات لأن لها منزلة القواعد القانونية، ومن يخالف اجتهادها يحد مرتكباً خطأ مهني جسيم)، بأن الاعتراف الذي ينفي به المتهم في ضبط الشرطة لا يؤخذ به إلا إذا تأكد بتدليل آخر (قرار الهيئة العامة لمحكمة النقض رقم 293 في الدعوى رقم أساس 538 لعام 2005). وأن الاعتراف أمام رجال الضابطة العدلية يمكن الرجوع عنه، ولا يصحح دليله للإدانة إذا لم تؤيده قرينة، أو دليل (القرار رقم 400 في الدعوى رقم أساس 97 لعام 2005). والاعتراف الوارد بضبط الأمن وحده ليس كافياً للحكم، وإن إهمال الدفوع الجوهرية، والأدلة المتوفرة في الدعوى، وعدم مناقشتها، يشكل خطأ مهنيًا جسيمًا (القرار

رقم 52 في الدعوى رقم أساس 259 لعام 2006). كما ذهبت الهيئة العامة لمحكمة النقض إلى أنه في الجرم الجنائي الرصيف لا تعتمد الأقوال المنتزعة بالإكراه لدى رجال الأمن كدليل وحيد في إثبات الإدانة، ما لم تؤكد بأدلة أخرى، ويكون ضيف الشرطة والأقوال الفورية معزومات أساسية المسور في التحقيق، والتمويل إلى الحقيقة، وإن عدم الأخذ بهذه الأقوال، لا يشكل خطأ مهنيًا جسيمًا (القرار رقم 222 في الدعوى رقم أساس 1097 لعام 2006).

أما عن تعويض ضحايا التعذيب فإن القوانين السورية النافذة تبيح لكل من يدعي تعرضه لسوء المعاملة أو التعذيب أن يطلب المسؤول عن ذلك بالتعويض فإذا ثبت للمحكمة التي تظن دعواه أنه تعرض للتعذيب على يد أي كان لها أن تحكم لصالح من يطلب بالتعويض بمبالغ مالية تناسب الضرر المادي والمعنوي الذي تعرض له، كل ذلك ضمن نطاق التعويض عن العمل غير المشروع إذ أن كل عمل غير مشروع يلزم من ارتكبه بالتعويض وفقًا لقواعد المسؤولية عن الأفعال الشخصية المنصوص عليها في مواد القانون المدني السوري.

9- تم تسجيل لدينا أي حالة تتعلق بوقوع تمت بالمسجون جراء التعذيب، وفي حال توفر لديكم معلومات محددة بشأن أفعال من هذا القبيل يرجى مواصلتها.

10- بالنسبة لأستفساركم حول لجنة التحقيق القضائية التي شكلت للنظر والتحقيق في الجرائم التي تحصل نتيجة الأحداث الجارية لديكم وما يلي:

شكلت لجنة قضائية بموجب القرار الصادر عن نائب رئيس مجلس القضاء الأعلى برقم (905/ك) بتاريخ 2011/3/31، وذلك على النحو الآتي:

رئيساً	القاضي تيسير فلا حواد/ النائب العام للجمهورية
عضواً	القاضي محمد نديم المقطون/ رئيس إدارة التفويض القضائي
عضواً	القاضي حسان السيد/ المحامي العام الأول بدمشق
عضواً	القاضي أحمد السيد/ قاضي التحقيق الأول بدمشق

ومهمتها التحقيق بصورة لوجية في جميع القضايا التي أودت بحياة عدد من المواطنين المدنيين والعسكريين في محافظتي درعا واللاذقية.

وبناء عليه قامت اللجنة في يوم صدور القرار القاضي بتشكيلها، أي بتاريخ 2011/3/31 بالانتقال إلى محافظة درعا والاستماع إلى عدد من الشهود، وذوي المتوفين، كما قامت بالاستماع بفضاء التحقيق والنيابة العامة في المحافظة المذكورة في الكشف على جثث المتوفين، وسماع أقوال ذويهم. كما جرى الاستماع إلى أقوال عدد من المصابين، وتم استجواب محافظ درعا السابق، وعدد من المسؤولين الأمنيين في المحافظة، وقد اتخذت اللجنة قراراً بمنع سفر كل من محافظ درعا ورئيس فرع الأمم السياسي السابق... بتاريخ 2011/4/2 ترحبت اللجنة القضائية إلى محافظة اللاذقية، وقد استعانت بفضاء التحقيق والنيابة العامة في المحافظة، وضممت أقوال ذوي المتوفين، وسماع العديد من الشهود، وسماع المصابين في...

بتاريخ 2011/4/5 انتقلت اللجنة إلى مدينة دوما (في ريف دمشق) وبثارت تحقيقاتها في المجتمع القضائي بدوما، وتم الاستماع إلى ذوي المتوفين والمصابين وعدد من الشهود...

وبتاريخ 2011/4/19 أصدر السيد نائب رئيس مجلس القضاء الأعلى القرار رقم (1092/ذ) المتضمن إعادة تشكيل اللجنة القضائية لتصبح على النحو الآتي:

- القاضي محمد ديب المقطون/ رئيس إدارة التفتيش القضائي رئيساً
- القاضي حسان السعيد/ المحامي العام الأول بدمشق عضواً
- القاضي محمد رضوان حجة/ قاضي الإحالة الثالث في ريف دمشق عضواً
- القاضي أحمد السيد/ قاضي التحقيق الأول بدمشق عضواً

بتاريخ 2011/4/21 انتقلت اللجنة إلى محافظة طرطوس وتم الاجتماع بالمحامي العام ورئيس النيابة العامة، والإطلاع عليهما على واقع الأحداث في المحافظة.

وبتاريخ 2011/4/23 انتقلت اللجنة إلى عدلية بانياس (محافظة طرطوس) وهناك باشرت عملها مستعينة بفضاء التحقيق والنيابة العامة، وتم الاستماع إلى ذوي المتوفين والشهود، وفي اليوم التالي انتقلت اللجنة إلى بلدة "البيضا" التابعة لمدينة بانياس، ولم الالتقاء ببعض الأهالي، وإطلاعهم على مهمة اللجنة، والطلب إليهم إعلام من لديه معلومات تتعلق بالأحداث بوجوب مراجعة اللجنة في عدلية بانياس، وفي هذه الأثناء نظمت اللجنة بعض التصرفات المختصة بالنظام العام من قبل بعض الأهالي الذين تم دعوهم بالتعاون مع اللجنة.

بتاريخ 2011/5/11 أصدر السيد نائب رئيس مجلس القضاء الأعلى القرار رقم (1421/ل) المتضمن تعديل المادة (3) من القرار رقم (905/ل) تاريخ 2011/3/31 بحيث تصبح مهمة اللجنة لإجراء التحقيقات الفورية في جميع القضايا التي أودت بحياة عدد من المواطنين المدنيين والعسكريين أو إصابتهم، وجميع الجرائم الأخرى المتعلقة عنها أو المرتبطة بها، وذلك في جميع المحافظات، وتلقى الشكاوى بهذا الخصوص، ويعتبر كل من المحامي العام وقاضي التحقيق الأول وأقدم رئيس نيابة عامة في كل محافظة بمثابة لجنة فرعية تتبع لجنة التحقيق القضائية وتباشر مهماتها في نطاق المحافظة وترفع نتائج أعمالها إليها.

لم تعد يدعى مقر خاص للجنة في مدينة دمشق، وتم الإعلان عنه وعن أرقام الهواتف وعن المواقع الإلكترونية في جميع وسائل الإعلام المرئية والمسموعة والمقروءة لتلقي الشكاوى من المواطنين أو استقبالهم في مقر اللجنة. وبالفعل باشرت اللجنة عملها في المكان المحدد، كما أم النجان الفرعية نتائج عملها في جميع المحافظات بشكل متواصل حتى تاريخه...

١١- بالنسبة للمقابر الجماعية في جسر الشغور: قامت مجموعات إرهابية مسلحة مؤلفة من مئات العناصر بالهجوم على أحد مقرات قوى حفظ النظام في جسر الشغور مستخدمة مختلف أنواع الأسلحة والذخائر حيث سيطرت على المبني من حيث النتيجة وقتلت كافة العناصر الذين كانوا فيه وتمتلك هواتفهم وبعد ذلك قام عناصر هذه الجماعات الإرهابية بتجميع عشرات الجثث ممن تم قتلهم ورسيهم فوق بعضهم البعض في عدة أماكن بواسطة الجرارات، ومن ثم رمي التراب والأتعاض فوق جثثهم، كل ذلك تم خلال قيام هذه المجموعات بالسيطرة على المدينة المذكورة وترويع سكانها وإجبارهم على اللجوء والهرب من منازلهم والاتجاه إلى الأراضي التركية حيث كانت مخيمات اللجوء معدة سلفاً بغية استقبال تلك إعلامياً عبر عملية التضييق والكذب الإعلامي التي تتم إدارتها ضد حكومة الجمهورية العربية السورية عبر تصوير هؤلاء المواطنين الهاربين من إرهاب الجماعات المسلحة بأنهم لجأوا إلى الأراضي التركية خوفاً من الجيش السوري، وبعد إعادة السيطرة على مدينة جسر الشغور من قبل الدولة وإلقاء القبض على بعض عناصر التنظيمات الإرهابية قام هؤلاء المقبوض عليهم بدلالة السلطات المختصة على الأمكنة التي قاموا بدفن جثث ضحاياهم من رجال الشرطة والأمن العام فيها، حيث تم نيل هذه المقابر الجماعية بحضور وسائل الإعلام وعدد كبير من أعضاء البعثات الدبلوماسية المعتمدين في سورية، لرقن بكم نسخة.

عن شريط تصويري مسجل لذلك، ولقد تمكّن بأن المنفق القضائي المتعلق بالأحداث المذكورة هو قيد الإنجاز لدى القضاء المختص في محافظة إدلب التي تتبع لها مدينة جسر الشغور.

١٢- أما بالنسبة لموضوع تعامل السلطات السورية المختصة مع المعتقلين فلقد لنا أولاً من إبراء النصوص القانونية المتعلقة بذلك.

أ- المرسوم التشريعي رقم /٥٤/ لعام ٢٠١١ المتعلق بتنظيم المظاهرات السلمي في سورية والذي تتوافق نصوص مواد مع ما هو وارد في تشريعات معظم دول العالم بهذا الشأن نجهة اعتبار المظاهرات السلمي أحد الحقوق الأساسية للإنسان وآليات الترخيص للمظاهرات والجهة التي تصدر هذا الترخيص والمرجع القضائي المختص بالنظر في الطعن بقرار عدم الموافقة على ترخيص المظاهرة إضافة إلى النصوص العقابية التي تتضمن تجريم أعمال المظاهرات أو الشغب غير المرخص والمعاقب عليها.

ب- مواد قانون العقوبات السوري التي تجرم والمعاقب تظاهرات وتجمعات الشغب، وهي المواد من رقم /٣٣٥/ إلى /٣٣٦/ وفيما يلي نصها:

- المادة ٣٣٥: من كان في اجتماع ليس له طابع الاجتماع الخاص سواء من حيث غايته أو فرضه أو عدد المدعوين إليه أو الذين يتألف منهم أو من مكان انعقاده أو كان في مكان عام أو بمحل مباح للجمهور أو معرض لأخطاره فجمهور يصاح أو أثاره الشغب أو أبرز شارة من الشارات في حالات يضطرب معها الأمن العام أو أهدم على أية تظاهرة شغب أخرى يعاقب بالحبس من شهر إلى ستة وبالمغرامة مئة ليرة.

- المادة ٣٣٦: كل حشد أو موكب على الطرق العامة أو في مكان مباح للجمهور بعد تجمعا للشغب ويعاقب بالحبس من شهر إلى ستة:

إذا تألف من ثلاثة أشخاص أو أكثر بقصد للتراف جنانية أو جسدية وكان أحدهم على الأقل مسلحاً.

إذا تألف من سبعة أشخاص على الأقل بقصد الاحتجاج على قرار أو تدبير اتخذتهما السلطات العامة بقصد الضغط عليها.

إذا أربى عدد الأشخاص على العشرين وظهروا بمظهر من شأنه أن يعكر الضمائية العامة.

٢٣٧- المادة:

١- إذا تجمع الناس على هذه الصورة أذرعهم بالتفرق أحد ممثلي السلطة الإدارية أو ضابط من الضابطة العدلية.

٢- وعلى من العقوبة المفروضة أنفا الذين يتصرفون قبل إنذار السلطة أو يمثلون في الحال إنذارها دون أن يستعملوا أسلحتهم أو يرتكبوا أية جحشة أخرى.

٢٣٨- المادة:

١- إذا لم يتفرق المجمعون بغير القوة كانت العقوبة الحبس من شهرين إلى سنتين.

٢- ومن استعمل السلاح عوقب بالحبس من سنة إلى ثلاث سنوات فضلاً عن أية عقوبة أُنذرت باستحقاقها.

المادة ٢٢٩: يمكن الحكم بالمنع من الحقوق المدنية وبيع الإقامة وبالطرد من البلاد وفقاً لنموذج

السنة ٨٢-٨٨ في الجلب المنصوص عليها في الفصول ٢ إلى ٥ من هذا الباب

ومن خلال ما سبق بيانه ووصفه في الفقرات السابقة لتظاهرات وتجمعات الشعب والتغريب وما قامت به الجماعات الإرهابية المسلحة من قتل وترويع للمواطنين ومن تدمير وإحراق لمؤسسات الدولة وأبنية إدارتها العامة لقيدهم بأن قوى الأمن الداخلي المختصة تعاملت وما زالت تتعامل مع أية تظاهرة سلمية حتى ولو كانت غير مرخصة عن طريق تأمين الحماية لهذه المظاهرة وكافة المواطنين المشاركين فيها إلى حين تفريقهم من تلقاء أنفسهم وذهاب كل منهم إلى منزله، أما عندما تخرج المظاهرة عن النطاق السلمي ويدخل المشاركون فيها ضمن نطاق أعمال تخريب المهني العامة وإحراقها فيتم مواجهتهم بالقوة العنصرية المناسبة وتكون استخدام أية أسلحة حربية من قبل عناصر قوات حفظ النظام كذلك الأمر عندما يخرج من بين المتظاهرين بعض العناصر المسلحة التي تهاجر لإطلاق النار على عناصر حفظ للنظام وعلى المتظاهرين أنفسهم لإثارة للفتنة والذعر وتشويه صورة السلطات العامة أمام المواطنين فإن قوات حفظ للنظام وحشية ملها إلى أرواح للمواطنين تهاجر إلى الابتعاد عن منطقة الشعب والتظاهر حتى لا يؤدي إلتباسها مع المسلحين إلى إصابة المتظاهرين الآخرين، ولا يسمح بأي حال من الأحوال باستخدام السلاح إلا في حالات الإشتباكات المسلحة مع المجموعات الإرهابية وضمن نطاق الدفاع عن النفس فقط أو في الحالات التي يقوم فيها عناصر هذه المجموعات بأعمال التخريب أو القتل لجماعي للمواطنين الآخرين في مناطق تواجدهم، وفي جميع الأحوال فإن الاستراتيجية الوحيدة المنطبقة في سورية لجهة ضبط الحشود

والتعامل مع التظاهرات سلمية كانت وهي نادرة جداً أم غير سلمية وهي السائدة منذ بدء الأحداث هي ضبط النفس إلى أبعد الحدود والصاهاها وقد أدت هذه الاستراتيجية التي اقتصرت بأوامر صارمة لجهة عدم استخدام الأسلحة حتى مع التظاهرات التخريبية إلى قتل المئات من عناصر وضباط قوات حفظ النظام وإصابة الآلاف منهم بجروح خطيرة أصيبوا بها بسبب استخدام المجموعات التخريبية والإرهابية للأسلحة الحربية والسيوف والخطاير وإن أي عنصر أو ضابط من قوات حفظ النظام يخرق هذه الأوامر أو يتجاوز على الصلاحيات الممنوحة له يتعرض للعقوبات الصارمة المتصوص عليها في هذا الصدد بالقوانين الجزائية السورية النافذة، ولا يوجد أية حصانة لأحد أو لاية جهة في هذا المجال، أما عن إسعاف المصابين وتأمين الخدمات الطبية لهم فإن الجهات المختصة ضمن هذا المجال تقوم بإسعاف الجميع وتأمين الرعاية الطبية اللازمة لهم سواء كانوا من المنتظمين أو من الإرهابيين أو من عناصر حفظ النظام وينفس السورية والأداء للجميع، وتعزيزاً لهذه الإجراءات فقد صدرت التعليمات لقوات حفظ النظام بعدم توقيف أي مصاب تم إسعافه إلى أية مستشفى أو مستوصف طبي مهما كانت فعاليته الجرمية خلال أعمال الشعب التي أصيب خلالها.

١٣- إن عملية الرصد والتفتيش التي تمارس من قبل وزارة العدل ومن قبل وزارة الداخلية على مختلف السجون هي عملية دائمة ومتواصلة، ويتم بشكل منهجي وفعل، وفي جميع الأوقات، وقد أورد قانون أصول المحاكمات الجزائية للتصوص الواجبة حول ذلك في المواد من ٤٢٦/ إلى ٤٢٥/ منه. وفقاً لما يلي:

المادة ٤٢١: تنظيم السجون ومجال التوقيف مرسوم يتخذ في مجلس الوزراء.

المادة ٤٢٢: يتفقد قاضي التحقيق وقاضي الصلح مرة واحدة في الشهر ورؤساء المحاكم الجزائية مرة واحدة كل ثلاثة أشهر على الأقل الأشخاص الموجودين في مجال التوقيف والسجون.

المادة ٤٢٣: رؤساء المحاكم الجزائية وقضاة التحقيق وقضاة الصلح أن يأمرؤا حراس مجال التوقيف والسجون الناظرين لمحاكماتهم بإجراء التدابير التي يلائمها التحقيق والمحاكمة.

المادة ٤٢٤: على كل من علم بتوقيف أحد الناس في أمكنة غير التي أجهتها الحكومة للحبس والتوقيف أن يخبر بذلك النائب العام أو معاونه أو قاضي الصلح.

المادة ٤٢٥:

- ١- عندما يبلغ الموظفون المذكورون في المادة السابقة مثل هذا الخبر عليهم أن يتوجهوا في الحال إلى المحل الحاصل فيه التوقيف وأن يطلقوا سراح من كان موثقاً بصورة غير قانونية.
- ٢- وإذا تبين لهم سبب قانوني موجب للتوقيف أرسلوا الموقوفين في الحال إلى النائب العام أو القاضي الصالح العائد إليه الأمر.
- ٣- وعليهم أن ينظموا محضر بالواقف.
- ٤- إذا أتموا العمل بما تقدم عدوا شركاء في جريمة حوز الحرية الشخصية وجرت الملاحظة بحقهم بهذه الصفة.

١٤- بالنسبة لموضوع المواطنين السوريين من أصل عراقي فقد صدر المرسوم التشريعي رقم ٤٩/ تاريخ ٢٠١١/٤/٧ الذي نص على منحهم الجنسية العربية السورية وبالتالي يستطيع أي منهم الحصول على الجنسية ويظهر بالتالي مواطناً سورياً يتمتع بكافة حقوق وواجبات المواطن السوري على كافة الأصعدة ويكفل المجالات وقد وصل عدد الذين حصلوا على الجنسية إلى الآلاف منهم.

١٥- بالنسبة للقوانين التي يجري العمل على إصدارها حالياً ضمن نطاق عملية الإصلاح الجارية في سورية فقد أقر مجلس الوزراء قانوني الانتخابات والأحزاب السياسية تمهيداً لتصورها ولقد أن تعرض عليكم ما تم القيام به في إطار إصدار قانون الانتخابات العامة من خطوات بهدف إطلاعكم على المراحل التي يمر بها إصدار أي من التشريعات الحديثة في سورية لكي تكون متواكبة مع أفضل النصوص القانونية المعمول بها في معظم دول العالم وفقاً لما يلي:

أصدر السيد رئيس مجلس الوزراء القرار رقم (٦١٨٦) تاريخ ٢٠١١/٥/٨، المتضمن تشكيل لجنة مهمتها إعداد مشروع قانون جديد للانتخابات العامة والفرق وأفضل المعايير العالمية المتعارف عليها، على أن تجل اللجنة مهمتها خلال أسبوعين...

وتتضمن اللجنة:

- | | | |
|---|---------------|---|
| - | د. نجم الأحمد | معاون وزير العدل |
| - | حسن جلاي | معاون وزير الداخلية |
| - | محمود صالح | المستشار القانوني في رئاسة مجلس الوزراء |

د. محمد يوسف الحسين	أستاذ في كلية الحقوق بجامعة دمشق
د. جميلة شرجي	أستاذ في كلية الحقوق بجامعة دمشق
د. محمد خير الحكام	أستاذ في كلية الحقوق بجامعة دمشق
فوزي محاسنة	المستشار في وزارة الإدارة المحلية
خالد كامل	مدير المجلس في وزارة الإدارة المحلية

وأينما إلى القرار المشار إليه أعلاه لعين الآتي:

- عكفت اللجنة موضوع القرار أعلاه على عقد اجتماعات يومية متتالية إلى أن أهدت مشروع القانون،
- أطلعت اللجنة على القوانين النافذة في دول عديدة منها فرنسا - بلجيكا - مصر - الجزائر - الأردن - العراق - فلسطين...

كما أطلعت اللجنة على القوانين والأنظمة السورية سواء النافذة، أو ما كان نافذاً قبل هذه القوانين. استعانت اللجنة بأراء ومقترحات عدد كبير من المختصين ورجال القانون (أساتذة جامعات - قضاة - محامون...)، ومن مختلف التخصصات والشرائح العمرية، وقد كان تجربتهم وآرائهم دوراً فسي إزاء مشروع القانون.

- انتهت اللجنة من عملها قبل الموعد المحدد بيوم واحد.
- عرض مشروع القانون على موقع "التشاورية" التابع لرئاسة مجلس الوزراء، وعلى المواقع الالكترونية لوزارات العدل، والدخالية، والإدارة المحلية، وكان عدد الزيارات قد تجاوز (٣٤,٠٠٠) زيارة، وكان عدد الآراء المسجلة نحو (٣٤٠٠) ملاحظة.

تمت دراسة جميع الملاحظات الواردة، وأخذ بجميع الملاحظات الموضوعية التي تمسهم فسي إزاء مشروع القانون، كما أسهم البرنامج الإنمائي للأمم المتحدة UNDP بملاحظات قيمة تم الأخذ بها جميعها. ولعل أهم ما تضمنه مشروع القانون أجهة الالتزام بالمعايير العالمية:

قانون الانتخابات ولجده

تضمن مشروع القانون جمعاً للأحكام الموضوعية المتعلقة بانتخاب أعضاء مجلس الشعب، ومجالس الإدارة المحلية في قانون واحد، أسوة بما عليه الحال في غالبية دول العالم.

الأهداف:

وكان الهدف المبتغى هو تنظيم الأفعال الموضوعية المتعلقة بهذه الانتخابات، وتأمين سلامة العملية الانتخابية، وحقوق المرشحين في مراقبتها، وتضمين مشروع القانون خصوصاً ضمن معقبة الممارسين بالعملية الانتخابية وبن زيادة الناخبين، إضافة إلى تأمين تمثيل شرائح الأجيال الأوسع في المجتمع... وجود إدارة انتخابية مستقلة ومتكاملة عضواً وفقاً للمعايير الدولية؛

لكل أن لراهة الانتخابات من الناحية العملية إما تكمن في كيفية تنظيمها وتنفيذها على أرض الواقع، مما يقتضي وجود جهة محايدة لضمان تطبيق الضوابط القانونية، فلا يجوز لأحد أن يكون طرفاً في المناقشة ما حكماً فيها، ويعنى آخر لا يجوز لمن تكون له مصلحة مباشرة أو غير مباشرة في نتيجة الانتخاب القيام بتنظيمها أو إدارتها. لذلك كان الحرص في مشروع القانون على أن يتولى القضاء عملية الإشراف على

الانتخابات وإدارتها، فكانت اللجنة العليا للانتخابات التي تتولى هذه المهمة، كما أن اللجنة الفرعية في كل محافظة هي لجنة قضائية، ولم يترك للسلطة التنفيذية إلا جانباً بسيطاً من الأمور الإدارية.

لجان الانتخابية مستقلة:

ولأن المعايير الدولية تقتضي أن تكون الإدارة الانتخابية مستقلة ومتكاملة عضواً، فإن مشروع القانون كان قد أقر، خصوصاً واضحة تتجلى بتشكيل لجان انتخابية مستقلة وحيادية تكون مسؤولة عن تنظيم وإدارة العملية الانتخابية بمختلف مراحلها ومستوياتها، وقد جرى اعتماد الاختصاصات والمسؤوليات على نحو يعكس أعلى مستويات المصداقية والنزاهة في العملية الانتخابية.

الدوائر الانتخابية:

أخذاً بالمقاهيم السياسية والديمقراطية المتعلقة بتمثيلية التمثيل سواء في المجالس النيابية (مجلس الشعب) أو المجالس المحلية فقد كان الحرص في مشروع القانون على أن تكون الدوائر الانتخابية بالنسبة للانتخابات مجلس الشعب دوائر كبيرة نسبياً لأن عضو مجلس الشعب لا يمثل رقعة جغرافية محددة، وإنما هو ممثل للشعب بأكمله، بينما كانت الدوائر الانتخابية بالنسبة للانتخابات المحلية دوائر صغيرة تناسب مفهوم التمثيل المحلي.

شروط الترشيح:

تم رفع الحد الأدنى للمدة الزمنية المتعلقة بالمتخلفين من (٥) إلى (١٠) سنوات. وقد استلزم مشروع القانون الذين اكتسبوا الجنسية السورية بموجب المرسوم رقم (٤٩) لعام ٢٠١١ (المتعلق بمعالجة مشكلة إحصاء ١٩٦٢)، إذ يحق لهم الترشح فوراً دون انتظار لمرور عشر سنوات.

الدعابة الانتخابية:

نظم مشروع القانون موضوع الدعابة الانتخابية متيحاً إمكانية الوصول إلى مختلف وسائل الإعلام، بحيث يتاح فرصة معقولة للمتنافسين في الانتخابات وأن يخلوا عن وراسمهم الانتخابية.

مراقبة العملية الانتخابية:

أتاح مشروع القانون للمرشحين أو من يمثلهم قانوناً حق الرقابة على العملية الانتخابية بهدف التأكد من سير الانتخابات بلازاهة بعداً عن أي تزوير أو تلاعب، وتشمل هذه الرقابة هيئة اللجان، والانتخاب، وفرز الأصوات، ومعالجة الأمور المتعلقة بالعملية الانتخابية إلى حين إعلان النتائج.

الجرائم الانتخابية:

تم إفراد فصل خاص في مشروع القانون فيه عرض مفصل ومسهب لكل فعل أو امتناع عن فعل من شأنه أن يشكل جريمة انتخابية، وذلك على نحو من شأنه خلق جو من الأمان القانوني. وفي مشروع القانون جرى تحديد نطاق الجرائم الانتخابية بشكل دقيق، وجرمت الأعمال التي من شأنها الاعتداء على مكونات العملية الانتخابية.

المناخات الانتخابية:

حرص مشروع القانون على وجود مراجع مختصة يمكن اللجوء إليها بشكل مباشر لعرض طعنه في أمر من الأمور المتعلقة بالعملية الانتخابية، بدءاً من لجنة الانتخاب، وكذلك لجنة الترشح، واللجان الفرعية، وانتهاء بإمكانية الطعن بالنتائج الانتخابية في صيغتها النهائية أمام المراجع القضائية المختصة. وفي جميع هذه المراحل حددت آجال زمنية قصيرة إن لجهة الطعن أو لبيت فيه، وذلك بما لا يؤثر على سير العملية الانتخابية وبما يضمن حقوق الناخبين في آن معاً.

• تم تشكيل لجنة وزارية لمرجعة القانون في صيغته النهائية.

• أقر مجلس الوزراء مشروع القانون تمهيداً لصدوره.

٦١٥- ترفيق ربطاً بكافة النصوص التشريعية ومشاريع القوانين التي لوّلتها عنها في معرض إجابتنا هذه، وتسعة أقران لوزيرة (CD) تتضمن تقليداً لوزيمة مثل حمزة الخطيب وفقاً لشهادات ذوي، إضافة لموضوع المقابر الجماعية بجسر الشفور وأصل التكريب والإرهاب في بعض المحافظات. وأحترافات بعض أعضاء المجموعات الإرهابية المسلحة بما قاموا به من أعمال إجرامية.

رابعاً: أخيراً فإن حكومة الجمهورية العربية السورية تؤكد مجدداً سعيها الدائم إلى استمرار التعاون معكم في كافة مجالات عملكم وتقديم العون لكم في مهامكم والإجابة على تساؤلاتكم من أجل الوصول إلى الحقيقة في كافة المواضيع التي تتواصل معكم بشأنها، حتى تتمكنوا من التفاعل لقراركم وآرائكم حولها بشكل عادل وحيادي بعيداً عن الوقائع الملفقة التي تكلمها لكم بعض المصادر من أجل الظهور أمامكم بمظهر الدفاع عن حقوق الإنسان غير التلويح سمعة الجمهورية العربية السورية بهدف الوصول إلى أهداف غير مشروعة، ولابد من الإشارة لكم بأن عملية الإصلاح التشريعي والسياسي مازالت مستمرة في سورية بخطوات واسعة وبما يتوافق مع المعايير والأمن الزامضة في الدستور السوري ويتطابق مع المعايير المعول بها دولياً، إضافة إلى الاستفادة في تلك من التفاعل الإيجابي والمثمر والمستمر القائم فيما بيننا.

[Unofficial translation]

Note verbale dated 5 August 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the United Nations High Commissioner for Human Rights

Geneva, 5 August 2011

First: The government of the Syrian Arab Republic expresses its continued interest to cooperate with the United Nations High Commissioner for Human Rights, and confirms its persistence in uncovering and exposing facts about the questions raised. The Government will do so to exclude all fabricated claims, made up lies and false information that are being submitted to the High Commissioner from sources with questionable objectives and methods that are immoral, inhuman, unlawful methods aimed at discrediting Syria.

Second: The Government of the Syrian Arab Republic re-affirms the basic principles guiding its logic in dealing with matters to be discussed; it is according to the following points:

The Constitution of the Syrian Arab Republic guarantees freedom of expression. The Government has the responsibility to protect and promote the practice of the right of freedom of expression, and to develop a nurturing environment aimed at cultivating this basic right for its citizens in order to achieve a positive outcome for the Syrian society.

The right to peaceful demonstrations is also secured by the constitution of the Syrian Arab Republic. A law regulating the exercise of this right in accordance with internationally recognized standards has been recently issued.

Syrian laws contain texts clearly aimed at reinforcing reprehension for committing acts of torture, or distress of any kind.

Syrian laws provide for punishment for acts resulting in deprivation of freedom or illegal imprisonment, whether carried out by private individuals or by persons affiliated with the authorities.

One of the main pillars of the policy adopted by the Syrian Government is to defend, protect and advance human rights in the country and abroad.

Fighting corruption is an ongoing process, and the Government of the Syrian Arab Republic is determined to pursue and advance legislations complementing the mechanisms addressing this phenomenon. In this area, we are in line with the laws adopted by leading countries.

The government of the Syrian Arab Republic is actively working on developing political activism in Syria; it has proven its intention by proceeding to making important decisions and taking comprehensive steps in this regard.

A comprehensive national dialogue among all segments of the Syrian society is the best approach to achieve reform and development in subjects related to politics, legislations, society and economy.

In order to achieve the highest standards of social justice for all individuals in the society, it is decided that the rule of law and the judiciary are the two most important pillars upon which the overall reform process shall be built.

Based on the above, and since the beginning of the events in March 2011, we confirm that the concerned Syrian authorities have accompanied and protected peaceful demonstrations,

and made sure everybody went back home safe; demonstrations where protestors had legitimate claims and aspirations aimed at reform and stopping corruption, those who had chosen a civilized manner of conduct, reflecting the nature and essence of the relationship between individuals in a society and the state. The way things worked out did not satisfy third parties inside the country and abroad, whose sole aim is to destabilize the Syrian society. Armed terrorist groups emerged; started assaulting, terrorizing and murdering peaceful demonstrators. Members of terrorist groups operate by engaging in demonstrations; they carry sticks, swords and knives, and start to agitate the crowds, set cars on fire and sabotage public and private properties. They also shoot fire arms on protestors and security forces alike, aiming to kill as many as possible. The reason terrorists attack protestors is because they demonstrate under protection of authorities. In reality, the main goal of these groups is to discredit authorities in Syria and portray the Government as if it is employing brutal force to repress protestors. Their actions are accompanied by a misleading press campaign against Syria, a campaign conducted by foreign media to coincide with few “fatwas” uttered by the so-called Muslim clergymen. “Fatwas” incite violence, murder and bloodshed justified by fake religious reasoning. This is the same methodology and expiatory logic adopted by terrorist organizations in other parts of the world, while always seeking to destroy the societies where they operate. Benefiting from substantial external funding, dormant terrorist cells were reactivated, expressing themselves in public, using contemporary means of communication, and weapons smuggled through the Syrian borders. They use mosques to stock ammunition and weapons, a scenario that took place in the case of Al-Omari mosque and few other mosques in Dar’a and other provinces in the country. These actions are also facilitated by mosque attendants, who aided, covered up and coordinated invitations to kill, while propagating their perverse religious ideologies among gullible individuals to produce actions of murder, sabotage and terror against police agents and armed forces as well as among peaceful demonstrators, the number of deaths reached hundreds among armed forces of all ranks, as well as thousands of injured, victims of gunshots or stabbing wounds or those who were severely beaten, in addition to terrorists maiming cadavers of police agents and military personnel.

With respect to the recent abolition of the State of Emergency Law, individuals who are arrested for committing illegal actions are transferred, according to the Syrian code of criminal procedures, to specialized instances in the judiciary system. Arrests in Syria are no longer taking place under the State of Emergency Law. All arrested individuals are transferred to public prosecutors within 24 hours of their initial arrest to become in court custody. In most cases transferred suspects are immediately released except those who have committed acts of murder, setting fire to or sabotaging properties and are prosecuted by the competent judicial authority in accordance with the Law. Those who are proven innocent, will be declared as such by the court. Those who are proven guilty of the mentioned crimes will be judged and punished according to directives provided by the Syrian penal code.

Third: answers presented by the Syrian government to 15 July 2011 questions asked by the Office of the High Commissioner for Human Rights:

1. Three legislative Decrees were issued on 15 July 2011. Legislative decree number (161), stipulating the abolition of the State of Emergency Law. Legislative decree number (53), stipulating the abolition of the Supreme State Security Court -which was established on 28 March 1968 by legislative decree number (47)- and the transfer of all cases in deliberation before the Supreme State Security Court onto the relevant judicial authorities, according to Syria’s criminal justice regulations, and in light of the legislative decree number (55) containing the amendment of Article (17) of Criminal Procedures Code, to allow the competent law enforcement and related bodies to investigate crimes described in the general penal code, crimes touching on state security, and public safety matters. These investigations should not exceed seven days, during which evidence would be collected and suspects would be heard. The reservation period of seven days is renewable for a maximum

of 60 days by order of attorney general on a case by case basis. According to code of criminal justice regulations, law enforcement officials are bound to bring suspects to a judge at the end of seven days. In the absence of realistic or legal obligations, specific to a single investigation, it is permitted to keep suspects beyond the period of seven days. The public prosecutor needs to be informed of details of the investigation and, if necessary, could be asked for an additional detention period for further questioning and collection of evidence. He could then accept or refuse the demand for extension, in which case, the suspect will be immediately referred to a court of law.

To sum up what was stated in relation to the points in question, we would like to convey that the abolition of the State of Emergency Law will result in no emergency arrests related to public safety or national security crimes taking place in Syria. Only texts mentioned in the criminal justice code will be applied to mechanisms and justifications of pre-trial detention. Generally speaking, those regulations prohibit arresting suspects for over 24 hours before they are presented to court to become in the custody of law, the regulations in question allow for extension of detention period after the approval of the attorney general and in accordance with the nature and outcome of investigations. This applies to most crimes mentioned under the Syrian law. Exceptions include detention periods and detention mechanisms related to crimes affecting national security or public safety. As for the legal procedures used in implementing the abolition of the State of Emergency Law, all cases currently deliberated before the Supreme State Security Court are transferred to relevant judicial authorities according to criminal justice regulations. Suspects in these cases are also transferred to their respective provinces to stand in courts with relevant competencies, to be judged according to procedures dictated by the Syrian penal code.

2. Concerning general amnesty implementation, it is up to respective prosecution authorities in every region and province in Syria to execute rules of general amnesty according to the content of the legislative decree issued in this regard, and the directives provided by the Syrian penal code and regulations of criminal courts. Immediately following the issuing of the general amnesty decree, detainees who will be granted amnesty will be considered; records of their cases in prisons, court registers and public prosecution offices will be opened; and the attorney general will issue appropriate decisions for immediate release (for those to whom general amnesty applies for the whole period of their sentences). As for those who are partially included in general amnesty decree, their release will be decided by investigation judges and the competent criminal courts deliberating their cases, courts make their final decisions, while taking into consideration the effect of general amnesty on the relevant portion of detainees' sentences.

3. Except for a medical committee, no other committee was formed to study individual cases of detainees who could be included in the general amnesty decree. Prisoners are invited to submit requests to consider their cases according to the law by the public prosecutor and competent courts.

4. A list describing the numbers of prisoners included in the general amnesty decree:

<i>decree number</i>	<i>issue date</i>	<i>Number of individuals included</i>	
Legislative decree number 34	3 July 2011	<i>province</i>	<i>number</i>
		Damascus	138
		Aleppo	244
		Damascus country side	4'195
		Idlib	97
		Homs	57
		Hama	185

<i>decree number</i>	<i>issue date</i>	<i>Number of individuals included</i>	
		Latakia	52
		Tartus	37
		Daraa	52
		Swaida	11
		Dair Al Zor	46
		Hasaka	57
		Raqa	56
		total	5'227

<i>Legislative decree number 61</i>	<i>31 May 2011</i>	<i>province</i>	<i>number</i>
		Damascus	323
		Aleppo	66
		Damascus country side	1'431
		Idlib	65
		Homs	168
		Hama	61
		Latakia	38
		Tartus	160
		Daraa	45
		Swaida	26
		Dair Al Zor	50
		Hasaka	46
		Raqa	160
		total	2'684

<i>Legislative decree number 72</i>	<i>20 June 2011</i>	<i>province</i>	<i>number</i>
		Damascus	196
		Aleppo	103
		Damascus countryside	344
		Idlib	32
		Homs	30
		Hama	59
		Latakia	1'600
		Tartus	13
		Daraa	12
		Swaida	55
		Dair Al Zor	31
		Hasaka	27
		Raqa	20
		total	2'522

Thus, 10,433 detainees are included in the amnesty decrees issued and were immediately released according to the list mentioned above. Consequently, this does not include detainees for violations and misdemeanors, or pending cases of crimes for which detainees might benefit from partial amnesty coverage at the moment of sentencing. They could get amnesty for half or quarter of the sentence. In addition, this does not include those evading justice unless they surrender within the periods specified by the decrees. It should also be noted that crimes of treason, espionage, terrorism and rape are not included in this amnesty. Those two decrees are most comprehensive and extensive when compared to all previous decrees related to amnesty in the country. It is noteworthy that the general amnesty decree issued on 31 May 2011 has included all leaders and members of illegitimate political organizations and associations with the exception of terrorist organizations using means of terror to reach their objectives. The Government of the Syrian Arab Republic in its plan to include all parties of the Syrian society in a comprehensive national dialogue has included members of the Muslim Brotherhood Party in its general amnesty, despite the fact that the party in question had used, for decades, terror, murder and destruction as principal means – among others- to achieve its goals in the country. Detainees of the Communist Labor Party have received the same amnesty. Decisions to facilitate return to Syria for those who are included in this amnesty are issued and all procedures related to security clearances for Syrian citizens are lifted.

5. Following abolition of the State of Emergency Law, as it was mentioned previously, criminal court procedures under the Syrian judicial law remain the basis for arresting crime suspects. This includes detainees arrested for participating in riots, sabotage and terrorism in the so-called peaceful demonstrations currently taking place in Syria. When it comes to peaceful protestors, who are demonstrating according to the rules of the law, no arrests were conducted except for few cases where demonstrators have broken rules related to the legislative decree number (54) of 21 April 2011, regulating citizens' peaceful demonstration rights, detainees are immediately released, while recidivists are released in five days of their arrest. When demonstrations are not peaceful, regulations provided by the Syrian penal code as mentioned in the legislative decree number (148) of the year 1949 will be applied by the judiciary instances on a case by case basis. Syria is often subject to activities of terrorist groups, who are equipped with the latest weapons and technologies. They propagate organized violence which is in opposition to international laws and Syrian laws alike and they are supported by unprecedented misleading mass media campaign. It is unreasonable for any sovereign state to be asked not to respond to insurgents' terrorist attacks reaching its citizens, both military and civilians, and sabotaging public service buildings, or not to bring those criminals to justice.

6. Legal procedures adopted by law enforcement bodies in Syria following the abolition of the State of Emergency Law and applied to situations of arrests and detentions conform to legislations dictated by Syria's criminal code. All security forces and police follow article 8 of the law in question which constitutes the basis for the work of the attorney general. The members of law enforcement bodies are charged, according to Article number 6 of the same law, with investigating, collecting evidence, arresting criminals and bringing them to court to be judged. We have no detainees unlawfully arrested with regards to peaceful demonstrations. If your question concerns individuals who have used weapons or terrorist acts against the state, it is an entirely different matter. Yet even for those who have committed terrorist acts, we are ready to cooperate. We need to receive specific names and information to be able to deliver documents concerning the persons in question. We cannot respond to claims which lack the basis of reasonable evidence.

7. Concerning Hamza Al-khateeb, we inform you that this person was participating in a terrorist attack on a residential suburb in the Dara'a province the moment he was killed. He

carried a sharp weapon in his hand, he received few shots from a short distance, most probably by his fellow terrorists. We will attach a detailed report including procedures and results of judicial investigations and medical exams performed on his cadaver.

8. Syrian penal code contains clear texts in relation to committing acts of violence or torture on detainees, including severe punishment for conducting unlawful imprisonment. Related to this point, following, is our answer in details:

(a) Personal freedom is a sacred right guaranteed by the Constitution and the law. Detaining individuals without proper charges formulated according to judicial regulations is prohibited. It equals unlawful imprisonment and is punishable by the law. Article number (357) of the penal code states that conducting unlawful detention or imprisonment is punishable by a temporary hard labor sentence. Article (358) states that a punishment of three years of imprisonment is applied to prison guards, managers of disciplinary institutions and their staff when they accept to receive detainees without proper legal warrant, or court decision, or when they keep detainees beyond the legal term of sentences. When a Syrian citizen is arrested, he is informed of the legal reason for his arrest, the crime he is accused of and the article of law which will determine his punishment. He is also given copies of files containing information of invitation to interrogation. A magistrate examining felony or misdemeanor cases has the authority to issue an invitation for interrogation that will eventually be substituted by an arrest warrant after interrogation of the suspect, when it applies. When a defendant is detained for over 24 hours without being interrogated or brought to the attorney general, his detention is considered to be an unlawful arbitrary act. Whoever is responsible for this situation will be persecuted according to article number (358) of the penal code for unlawful imprisonment.

(b) Article number (391) of the penal code stipulates punishment for conducting any kind of torture, according to the following text:

He who conducts illegal torture acts in order to get someone to admit a crime, or deliver information related to a crime, will receive a punishment of imprisonment for 3 months to 3 years. If acts of torture committed led to illness or injury of the person tortured, a minimum punishment by the law is one year of imprisonment. The expression used in the text of this law singles out “the slightest forms of torture”.

It should also be mentioned that the Syrian Arab Republic has joined the International Convention Against Torture and has presented its report on 3-4 May 2010 and relevant documents to the Committee.

The Syrian Arab Republic is committed to all the principles of the International Convention Against Torture and supports measures taken against torture and other cruel, inhuman or degrading treatment. In Syria, it is agreed that from constitutional, jurisprudential and legislative view points, when a treaty completes its ratification procedure of constitutional precedence over any legislative text in force, it is treated equally to any national legislation. When it is inconsistent with the text in question, it will rule over the existing text, as it will be considered as an improvement.

When we sum up the 1973 permanent Syrian constitution, especially the two articles number (71) and (104), we realize that it gives treaties a value equal to domestic Syrian laws. This means that when a treaty is concluded and properly approved by constitutional rules, even when it contradicts with an enforced domestic law, it will have an equal value to it.

Having said that, allegations that torture is performed routinely by Syrian law enforcement officers or that authorities tacitly encourage torture during

interrogations of suspects in places of detention are untrue, it has no legal or material evidence. Following Abolition of the State of Emergency Law, decree number (161) on 21 April 2011, and decree number (55) on 21 April 2011, the possibility of maintaining allegations of the existence of arbitrary detention or abuse of the law in any of our law enforcement institutions is no longer plausible.

Here is a list containing the numbers of cases of allegations of torture performed on detainees:

<i>courts</i>	<i>Number of cases</i>
Damascus Court	1
Damascus countryside court	5
Aleppo Court	1
Lattakia Court	1
Dair Al Zor Court	2
Hama Court	1
Idlib Court	none
Raqqa Court	none
Hasaka Court	none
Homs Court	none
Tartus Court	none
Dara Court	none
Swaida Court	none
total	12

Authorities conduct investigations in these cases under the judiciary system as they are usually cases involving suspects which accuse interrogators of torture in order to get less punishment for their crimes. If it proven that torture has been used, the investigation will be considered invalid. Confessions proven to be under torture are also invalid.

No valid confession can be obtained by torture. Yet, when this happens, it has no value without additional supporting evidence.

The general authority of the Cassation Court, which is the highest judicial authority, produces jurisprudence rules that have the status of legal rules. For fear of making a serious professional error, jurisprudence of the Cassation Court is respected by all judges. Cassation Court declared that the mention of a confession made by an accused of a crime in a police report is invalid, unless it is supported by additional evidence (The general authority of the Cassation Court, decision number 293, in the court case number 538 of the year 2005). It also stipulates that confessions in presence of law enforcement agents are revocable, it is not considered as legal proof of crime unless supported by additional evidence (Decision number 400, in the court case number 97 of 2005). A confession mentioned in a police document is not a basis for judgment and neglecting essential motives and other evidence pieces or refraining from discussing these elements is considered to be a serious professional error (Decision number 52, in the court case number 259 of 2006). Information obtained by force in police stations, although it might appear to be important for the investigation taking place, and might help to uncover the truth, is legally invalid, unless supported by additional pieces of evidence. Not taking into consideration

information obtained by force is not regarded as a serious professional error (Decision number 222, in the court case number 1097 of the year 2006).

Torture victims are authorized to claim compensational measures. Compensation is adapted to the extent of proven physical and moral damages, and is decided by courts on a case by case basis. It is mentioned in the law that individuals who commit unlawful acts leading to physical and moral damages are liable. According to Syria's civil code they are legally responsible for compensating their victims.

9. We have no records involving death as a result of torture during detention. Please provide us with your information related to this question, if you have any.

10. To answer to your question concerning the Committee of Judicial Inquiry established to examine and investigate crimes that occurred as a result of the ongoing events in Syria: A judicial committee was created following decision of vice-president of the Supreme Judicial Council, decision number (905/L) of March 31st, 2011 with the following:

- President: Judge Tayseer Qala Awwad / Syrian Republic General Prosecutor
- Member: Judge Mohamed Deeb Al Maqtaran / President of the Judicial Inspection Department
- Member: Judge Hassan Al Saeed / Attorney General of Damascus
- Member: Judge Ahmad Al Saeed / First Investigation Judge in Damascus

The mission of this committee is to immediately investigate cases of murder of a number of citizens in the Dara'a and Lattakia provinces.

On 31 March 2011, the day the committee was created, all its members moved to Dara'a province and proceeded to hearing witnesses, victims' family members, and people injured in the events, also, in collaboration with 'investigation judges and prosecutors from Dara'a. They have also examined cadavers of victims. The former mayor of Dara'a and a number of high ranking security services individuals were heard. The committee issued a decision regarding the former mayor and the former president of Dara'a Branch of political security office; they were both banned from leaving the country. On 2 April 2011, members of the judicial committee moved to Lattakia, collaborated with investigation judges and prosecutors, heard and included statements of victims' family members, witnesses and injured citizens in hospitals.

On 5 April 2011, committee members moved to Duma (Damascus Countryside) to start its investigation at the judicial center of Duma. Victims' family members, witnesses and injured citizens were heard...

On 19 April 2011, Vice Chief Justice issued decision number (1092/L), restructuring the judicial committee as follows:

- President: Judge Mohamed Deeb Al Maqtaran/ President of the Judicial Inspection Department
- Member: Judge Hassan Al Saeed/ Attorney General of Damascus
- Member: Mohamed Radwan Hijja / Third Referral Judge in Damascus Countryside
- Member: Judge Ahmad Al Saeed / First Investigation Judge in Damascus

On 21 April 2011, Committee members moved to Tartus, met with attorney general and the general prosecutor, they were informed of facts related to the events taking place in the province.

On 23 April 2011, Committee members moved to Banyas, proceed their work in collaboration with investigation judges and the general prosecutor. Victims' family members, witnesses and injured citizens were heard. The next day, the committee members moved to the village of Baida near Banyas. There they met with residents of the village, explained the mission of this committee and asked residents to give any information they might have about the recent events and cooperate with the Judiciary. Committee members observed at this point some acts of disturbance of the public order generated by citizens who refused to cooperate with the committee.

On 5 May 2011, the Deputy Chief Justice issued decision number (1421/L), altering article number (3) of decision number (905/L) of 31 March 2011. The description of committee's mission becomes "Taking on immediate investigations of the cases of murder against citizens among civilian and military personnel, or the cases of their injury, and all crimes related or resulted from it, this mission applies to all provinces of Syria, and the committee is authorized to receive complaints with this regard. All attorneys general, first investigation judge and the chief prosecutor general, who have the most seniority in every province, are to be considered members of subcommittees initiating investigations in their respective provinces and reporting to the main investigation committee.

To facilitate receiving of citizens, or their complaints, a physical location in Damascus with telephone, fax numbers and email address was chosen. Its contact information was published in all media. Today, the investigation committee operates from that location, while subcommittees work in their respective provinces.

11. In the subject of mass graves in Jisr al-Shughur: using different kinds of weapons and fire arms, hundreds of armed terrorists attacked a law enforcement office in Jisr al-Shughur. The terrorist group took control of the building, murdered all personnel working at that time, maimed and dragged their bodies by bulldozers to form piles of dead bodies in different locations. Piles were then covered with dirt and debris. This incident took place while terrorist groups took over the city of Jisr al-Shughur, terrorized its inhabitants and forced them to leave their houses and take refuge at the Turkish border, where tents were erected waiting for them. This incident was exploited by a massive misleading campaign conducted by media hostile to the Government of the Syrian Arab Republic. It portrayed refugees running away from armed terrorist groups as if they were running from attacks perpetuated by the Syrian army. When army forces eventually took control of the city, they arrested some members of the terrorist groups who indicated locations of mass graves that contained bodies of police and security services personnel. The bodies were dug out in presence of a number of press and media and members of accredited diplomatic missions in the country. Attached please find a visual record related to this incident. As for the judicial file, it is being completed by the competent judiciary department in the province of Idlib, administrative location of the city of Jisr al-Shughur.

12. In the claims related to the way crowds were treated by the Syrian authorities, we need to mention legislative texts related to the subject:

- (a) Legislative decree number (54) of the year 2011, related to regulating peaceful demonstrations in Syria - mainly considering the right to demonstrate peacefully as one of the basic human rights- is a decree in compliance with most world states' legislations in this regard, it regulates mechanisms of exercising the right to peaceful demonstrations, designates authority departments responsible for issuing permissions of peaceful demonstrations, it names a judicial authority reference to appeal decisions refusing to grant permit to demonstrate. It also contains texts related to forms of legal punishment when demonstrations do not abide by this decree or in case of riots.

(b) Syrian penal code articles related to prohibiting people's demonstrations and gatherings, articles number 335 and 339 as follows:

- **Article number 335:** All persons present in a gathering which is not of a private nature in its purpose or final objective, in relation to the number of individuals invited or present, or in relation to the location of the meeting, if it is in a public location or a location of a possible public access or a location visible by the public, when the person utters a riot calls or song, or displays an emblem that carries the potential of disturbing public security, or if the person participates in any other riot, is punishable by the law with a month to a year imprisonment and a 100 Syrian pounds fine.
- **Article number 336:** All rallies, or procession on public roads, or in location with public access is considered as a riot, and participants are punishable by the law with a sentence for one month to a year imprisonment.

This applies to three or more people, with the intent to commit a felony or a misdemeanor, and if at least one of them carries a weapon.

It applies to a gathering of seven or more people, with the intention to pressure the government into changing decisions or measures by means of public protesting.

It also applies to a gathering of around 20 people, who adopt an appearance that might disturb public peace.

- Article number 337:
 - 1- When people gather as described above, a law enforcement representative warns them and asks them to disperse.
 - 2- Participants who walk away before the warning of law enforcement representatives takes place are exempt from punishment adopted in these cases. It also applies to participants who immediately respond to law enforcement representative's warning and never use their weapons nor commit other misdemeanors.
- Article number 338:
 - 1- If force has to be used to disperse a gathering, legal punishment is of two months to two years imprisonment for participants.
 - 2- Those who use weapons, get a one to three years imprisonment sentence, in addition to a more severe punishment they might deserve.
- Article number 339:
 - 1- According to articles number 65, 82 and 88, related to misdemeanors mentioned in paragraphs 2 to 5 of this chapter, a possible sentencing could reach stripping participants of their civil rights, or a prohibition of residency within the country, or they might be expelled outside Syria.

Despite the description of riots contained in the previous paragraphs, illegal gatherings, demonstrations, sabotage and horrors committed by armed terrorist groups against citizens, in addition to setting fire to governmental institutions and public service buildings, our Law enforcement agents continue to escort all peaceful demonstrations, whether it had obtained permission to demonstrate or not, they protect protestors participating in any peaceful demonstration, they accompany all peaceful participants throughout the whole period of a demonstration, and only leave when demonstrators willingly disperse, and everyone goes back home safely. But when a demonstration deviates toward

adopting manifestations of violence, sabotage and setting fire to public service buildings, they are faced with an adequate number of unarmed law enforcement agents with a mission to control the situation. In this case when few individuals initiate shooting at the police as well as other protestors in order to create confusion and discredit the Syrian general authorities, law enforcement agents usually move away from the demonstration to avoid clashes with terrorists, in order to prevent more fire arm shootings that might hurt protestors. Law enforcement agents are not allowed to use fire arms under any circumstances, except to react in self defense while fighting terrorist groups, or when these groups terrorize and mass-murder other citizens in locations where law enforcement agents happen to be. The Strategy followed by law enforcement agents in dealing with the few peaceful demonstrations and the bigger number of riots since the begging of events in Syria is to adopt unlimited self control. This strategy, paired with strict orders not to use fire arms – even with riots- has resulted in murders of hundreds of officers and law enforcement agents, and thousands were injured by fire arms, swords and knives used by terrorists. There is no immunity for officers and other law enforcement members who break orders, or exceed the power granted to them, in doing so, they expose themselves to severe punishments according to the penal code. In the subject of rescuing the injured and provide them with the appropriate medical attention, the competent medical emergency bodies equally perform services destined to all citizens in need of medical attention, whether they are peaceful protestors, terrorists or law enforcement agents, In support of this policy. Orders are to refrain from arresting any injured person who is transported to a hospital, regardless of this person's extent of criminal actions conducted during demonstrations during which he was injured.

13. The Ministry of Justice in Syria conducts a continuous, methodological and effective operation of monitoring and inspection of all Syrian prisons. This procedure complies with regulations of penal courts mentioned in article (421) to (425) as follows:

Article **421**: regulating prisons and detention places in a decree issued by the Council of Ministers.

Article **422**: both the judge of peace and the investigation judge are asked to inspect all detainees once a month, as for penal courts presidents, they need to do it once every three months.

Article **423**: Penal courts presidents, investigation judges and the judges of peace are authorized to give prison guards orders to undertake measures related to investigations and court cases.

Article **424**: Every person with information about a detention location other than those allowed by the government is asked to communicate this information to the attorney general, vice attorney general, or to the justice of peace.

Article **425**:

1- When the attorney general, or vice attorney general, or the justice of peace get informed about such illegal detention locations, they are asked to immediately go and release any detainee that might be on location.

2- If they discern a legal reason for this person's detention; the detainee should be transferred to the custody of the general attorney or the judge of peace immediately.

3- A record of the situation should be established.

4- If they neglect to perform the points previously mentioned, they will be persecuted as they will be considered partners in the crime of unlawful imprisonment.

14. In the subject of Syrian citizens of Kurdish origin, a legislative decree number (49) dated 7 April 2011 was issued: Kurds of Syria could apply for citizenship. They will be granted citizenship and will benefit in all levels and in all areas from all civic rights – and duties- of full Syrian citizenship. Thousands of Kurds of Syria have been granted Syrian citizenship since.

15. In the subject of the ongoing reform process, new laws are on the way to being issued, the new general election law, and the parties law are approved by the Council of Ministers, we would like to share the steps taken so far in developing the new general election law to illustrate how any of the new legislations in Syria is structured in compliance with the best laws in action anywhere else in the world:

Syria's prime minister has issued decision number (6186) dated May 8th, 2011, including the creation of a committee to prepare a project of the new general election law in compliance with the highest known standards, the committee was given two weeks to complete its mission... committee's members are:

- Dr. Najm Al Ahmad – Deputy of Minister of Justice
- Hassan Jalali – Deputy Minister of interior
- Mahmoud Saleh – Legal Advisor at the Council of Ministers Presidency
- Dr. Mohamed Yousef Al Hussain – Professor, University of Damascus, Law School
- Dr. Jamilah Shurbaji – Professor, University of Damascus, Law School
- Dr. Mohamed Khair Al Akkam – Professor, University of Damascus, Law School
- Fawzi Mahasneh – advisor, Ministry of Local Administrations
- Khaled Kamel – Director of Councils, Ministry of Local Administrations

Based on the above decision, note the following:

- The committee met daily until the project of the law was completed.
- The committee viewed different states laws, like France, Belgium, Egypt, Algeria, Jordan, Iraq and Palestine.
- The committee viewed Syrian laws both inactive and the active ones.
- The committee heard a number of professionals in Law (College professors, judges, lawyers) with different expertise and ages, their contributions and opinions had a great influence on the project of law.
- The committee completed its mission one day ahead of the scheduled time.
- the project of law was published in the official website of the Council of Ministers, and individual ministries websites (Ministry of Justice, Ministry of Interior, Ministry of Local Administrations), visits to all these websites exceeded 34'000, 3'400 of them left written comments.
- All comments were viewed, and some were taken into consideration because they showed the kind of objectivity the project of law could benefit from, the UNDP project's contribution was valuable, all the observations submitted by UNDP were taken into consideration.

To illustrate commitment to global standards, these are the essentials of what the project of law included.

A unique election law:

As it is the case in other countries, the project of law includes all substantive provisions to regulate the process of electing members of the Parliament and members of Local Administrations Councils in one Law.

Goals:

To organize substantive provisions aimed to regulate the process of elections, and to provide a safe electoral process, and to ensure candidates' right to monitor elections. The bill also included terms related to punishment of abusers, and vote manipulators, in addition to securing all essential social segments' representations.

To create an independent electoral management, with integrity, in compliance with international standards: Securing integrity of elections is achieved through the process of implementing regulations on the ground; this requires the presence of an impartial third party in charge of ensuring the legal application of regulations, thus, in no way a party should be competitor and arbitrator. Likewise, those who organize and manage elections should hold no special interests related to the outcome of elections. This led the bill to appoint the judiciary to supervise elections' management, a Supreme Commission for Elections will be charged with this task, and provinces sub-committees will be formed by the juridical. The Executive authorities were left with fewer administrative tasks.

Independent Electoral Commissions:

According to international standards which require an independent electoral management with integrity, the project of law singled out the texts referring to the composition of independent, impartial Electoral Commissions, responsible for organizing and managing the electoral process in all its stages, on all levels. In this regard, competencies and responsibilities that reflect the higher levels of credibility and integrity in the electoral process were identified.

Electoral Districts:

Thinking the concepts of the philosophy of representation in both assemblies from a political and constitutional view points, whether in Parliament or in Local Councils, we were careful to describe larger constituencies for parliamentary elections, for the members of Parliament usually don't represent specific geographic areas, they are representatives of all the people. As for Local Administrations elections, smaller constituencies were described in order to fit with local representations concept.

Nomination conditions:

Nominated candidates need to have obtained Syrian citizenship for a minimum of 10 years (previously 5 years) except those who were included in the decree number 49 of the year 2011 (related to the year 1962 problematic population census) as they can be immediately nominated regardless of the 10 years citizenship condition.

Election campaigns:

In the project of law, election campaigns are regulated in a way allowing candidates to access various media in order to have a reasonable possibility for communicating their individual programs to the public.

Monitoring electoral process :

Throughout all phases of the electoral process, starting from committees' work, to election, vote counting and all the details related to the electoral process, and ending with

announcing elections' results, the bill grants candidates and their representatives the right to monitor election process, to make sure of its integrity, and confirm the absence of fraud and manipulation.

Electoral crimes:

In order to reassure all parties involved, a special chapter in the project of law was designed to single out possible offenses related to elections. Every action or absence of action under this possibility was described, the scope of electoral crimes accurately determined, including criminalizing acts aiming to harm the components of the electoral process.

Electoral disputes:

The Project of law refers to specific bodies with competencies to be put in the service of both candidates and voters, where they can directly address legal complaints related to the electoral process. They have the possibility to challenge election or nomination committees, as well as subcommittees, or election results in its final form before the competent judicial authorities. In all these cases, short deadlines were set for both appeals and the decisions made by authorities, in a way to avoid affecting the electoral process, while ensuring protection of the rights of all parties involved.

- A ministerial committee was established to review the finalized the Law project.
- The project of law was approved by the Council of Ministers, and is being prepared for its release.

16. Please find attached legislative texts and the bills mentioned in this document, in addition to 9 CDs including a refutation of the crime of killing Hamza Al Khatib according to his family, in addition to the subject of mass graves in Jisr Al Shughur, and acts of sabotage and terrorism in some provinces, and the confessions of some members of armed terrorist groups describing how they have committed their crimes.

Forth: In conclusion, the government of the Syrian Arab Republic reaffirms its commitment to cooperate with you on all levels, to answer your questions and to help with your mission in order to reach the truth about the issues of your inquiry in order for you to form a just and impartial opinion away from the influence of biased sources, who portray themselves as human rights defenders but whose sole intent is to discredit Syria in order to serve their own unlawful goals.

We are taking steps in our ongoing legislative and political reform, in concordance with standards and principles established by the Syrian constitution and in conformity with internationally established norms. We also capitalize on our interaction with you, and hope it will remain positive, fruitful and exiting.

Annex VI

Note verbale dated 16 August 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the Office of the United Nations High Commissioner for Human Rights

Mission Permanente
De La
République Arabe Syrienne
Genève

الجمهورية العربية السورية
المكتب الدائم لدى مكتب الامم المتحدة
جنيف

N° 435/11

Geneva, the 16th of August 2011

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and in reference to its communication dated 10 August 2011 which included the report of the Office of the High Commissioner for Human Rights Mission to Syria, has the honour to convey to the Office of the High Commissioner the response of the Syrian Government to this report.

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

United Nations
The Office of the High Commissioner for Human Rights
Palais des Nations
CH 1211 Genève 10

إضافة إلى المعلومات التي سبق للجمهورية العربية السورية وأن واقفكم بها، والتي تتضمن عرضاً هاماً لتحقيق الأحداث في سورية، أقدم فيما يلي المعلومات التالية استكمالاً لما سبق تقديمه وتوضيحاً لما ورد في تقرير المفوضة من مفاوضات:

- كانت الحكومة السورية قد قدمت ردودها على أسئلة المفوضة المناسبة حول الأحداث الجارية في سورية وما اتخذته السلطات السورية من إجراءات لمعالجة المسائل التي نتجت عن هذه الأحداث قبل الانتهاء من الموعد المحدد لتضمين الرد السوري على هذه الأجوبة في التقرير الذي ستقدمه المفوضة إلى مجلس حقوق الإنسان حول الأوضاع في سورية. ومن الموصى أن تقرير المفوضة الحالي لم يتضمن موقف سورية من الأحداث، والذي تم شرحه بشكل وافٍ في تلك الردود، وإن عدم تضمين المعلومات الواردة من الحكومة السورية واعتماد المفوضة السامية على المصادر المتفرقة فقط تخلق حالة من عدم الثقة وعدم المصداقية في مهنية عمل المفوضة خصوصاً وأن سورية قدمت بكل ما لديها من معلومات مرتقبة حول المواضيع المثارة.

- اعتقد التقرير على مصدر واحد هو بعض من السوريين المعارضين في الخارج والمطالبيين للعدالة بعد الاقترانهم جزئياً بمسئلة روجت الناس وفروا إلى الخارج وهي القاتلة على أي دليل أو مستند قديم وغير عن وجهة نظر أهلية الجدل ليست لها مصداقية يمكن الركون إليها، فعلى سبيل المثال فإن ما تحدث عنه هؤلاء عن فرار آلاف السوريين خارج القطر هو قول يتنفر إلى المصداقية، فما جرى أن نحو عشرة آلاف شخص قد نصبت لهم الخيام على الحدود التركية قبل شهر من وقوع الأحداث، وقد هجرة منهم وقرأهم قبل أي تواجد أمني أو عسكري هرباً من المصائب المنسوبة، وهبما أعادت السلطات المختصة الأمن والاستقرار إلى المنطقة عاد أكثر من عشرة آلاف من هؤلاء إلى مدنهم وقراهم، وهم يعيشون الآن حياة مألوفة ومستقرة، وأم يبق في الخارج إلا من استخدم السلاح والطف المنظم.

- ورد في الإطارات القانوني لتقرير المفوضة ثلاثاً صراحة، ففي جانب منه أشار التقرير إلى التزام سورية بالعديد من الاتفاقيات والعهود الدولية، وفي جانب آخر تحدث عن انتهاكات سورية لهذه الاتفاقيات. وهذا الجانب الأخير متأنف الحقيقة لأن اعتقال كل من يخالف القوانين والأنظمة وتقديمه للعدالة أسلوباً لا يعد خرقاً أو انتهاكاً لتلك الاتفاقيات الدولية أو القوانين الوطنية.

- لا توجد في سورية، كما ورد في التقرير، أقلية تمتلك المنطقة ولتجمع المتظاهرين، إلا أن تأثير محدود التقرير وانحيازهم لشهادتهم من تمت مقابلتهم ممن يطلقون على أنفسهم شهداء حيان وهم في الحقيقة بغاليتهم فارين من وجه العدالة لما اتفروا من جرائم الأمر الذي ينأى بالتقرير عن المصداقية إن التدخل السلسل من قبل مخفي التقرير لإضمام السبيح الوطني السوري ووصفها بأهلبيته أو كذبته هو وصفة لتخريب سورية ناهيك عن كونه أصلاً غير مقبول (مطلقة).

- يتحدث التقرير كذلك عن ضحايا وشهود حيان من مدنيين وعسكريين معتمداً على معلومات وردت عبر تقارير صحفية، ومع أن التقارير الصحفية ليست مرجحاً يمكن الاستناد إليه في إعداد تقارير دولية في مواجهة الدول فإن التقرير لم يوضح ما إذا كان هؤلاء ضحايا بالفعل وشهود لهم مصداقيتهم أم أنهم طرف في المسألة وجزء من المنهج من العنف المنظم، كما أن رفض المعلومات التي توفرها الحكومة يعني أن مفوضية حقوق الإنسان لا تتعامل مع دول بل مع تنظيمات وجهات معادية لسورية كمصدر لمعلوماتها. وفي هذا إضعاف لدور الدول ومصداقيتها.

والقول المتقدم بتصريف أيضاً على مقاطع الفيديو الواردة من منظمات غير حكومية أو المنشورة عبر وسائل إعلام كانت جزء من الحملة التضليلية والتخريبية في مواجهة سورية ولحيت دوراً في تهميش السوريين على الاقتتال الداخلي فيما بينهم كحافلة حقيقة أن هناك مئات المقاطع المصورة التي تثبت بشاعة الجرائم التي أتمت عليها المجموعات الإرهابية المسلحة من قتل وأعضاء ونظير للأوصال ومقابر جماعية وسجل ارتكبت

بحق العسكريين ومدنيين من قبل هذه الجماعات. وفي كثير من الأحيان كانت بعض من وسائل الإعلام تستخدم الأبور حول ما يجري في سورية غير أخبار كاذبة ومفترقة جرى فضحها عبر وسائل الإعلام السورية، ومن ذلك إسطاء مطروحات معاكسة لحقيقة الأمور أو عرض صور لمظاهرات جرت في دول أخرى على أنها جرت في سورية، وذلك حذرنا من المقاطع المصورة التي تثبت هذا الأمر بشكل واضح ولا لبس فيه ولا عرض كنا قد أربناها إلى العلوية.

إن سورية ملزمة بتطبيق القانون الدولي وهي طرف في معظم الاتفاقيات والبروتوكولات الخاصة بحقوق الإنسان متقدمة بذلك على العديد من دول العالم معاملة سائلة متتالية من الإصلاحات الهادفة إلى إحداء تغيير قدامل في سورية نحو مستقبل أفضل، ملغية حالة الطوارئ في وقت كانت بطلجة فيه إلى الإيقاء عليها لأن ما جرى في سورية على الأرض من قبل المصالحات الإجرامية المسلحة يفوق حدود التصور والتوقعات لجهة الفوضى والاضطراب والمظلم المؤيد في بعض من الأحيان دولياً وإقليمياً وهو ما يشكل تحدياً سافراً في الشؤون السورية الداخلية من قبل بعض الدول خلافاً للقانون الدولي والأعراف والمواثيق الدولية. كما ألغت الحكومة محكمة أمن الدولة العليا وتشكيل لجان إصلاحية أنجزت مهماتها بما يعزز رؤى التنمية والتطوير في سورية وبمعة لذلك صدرت ثلاثة مراسيم تشريعية تتعلق بملح حفر عام وإيداع جن الجرائم واستئبد جزائم الخيالة والتجسس

والإرهاب والاقتصاد وهي المرسوم التشريعي رقم ٢٤ تاريخ ٢٤/١١/٢٠١١ والمرسوم التشريعي رقم ٢١ تاريخ ٢١/٥/٢٠١١ والمرسوم التشريعي رقم ٧٢ تاريخ ٢٠/١١/٢٠١١ وكان حصيلة الموقوفين ممن شملتهم هذه المراسيم وأطلق سراحهم فوراً تصل إلى ١٠٤٢٣ شخصاً مع التوبة بأن هذا الرقم لا يشمل المخالفات والجنح المفصولة التي تعد بعشرات الآلاف استناداً لأصحابها من هذه المراسيم كما لا يشمل الدعاوى قيد النظر في الجنايات حيث طال المفور نصيب العقوبة الجنائية إلا عند صدور الحكم فضلاً عن عدد كبير ممن يطلقهم الطور جزائياً وقفاضة منذ بزأ الجوار الوطني الشامل بين أطراف المجتمع السوري كافة هي السبيل الأمثل للإصلاح والتطوير من أجل الوصول إلى الأهداف المرجوة في الارتقاء نحو الأفضل في المجالات السياسية والتشريعية والاجتماعية والاقتصادية. لقد صدر للقرار الجمهوري بتاريخ ١١/٢/٢٠١١ القاضي بتشكيل هيئة مهمتها وضع أسس لحوار وطني وتحدد آلية عمله وبرنامجه الزمني.

وقد دعت هيئة الحوار الوطني إلى لقاء تشاوري في الفترة ما بين ١٠ إلى ١٢ تموز ٢٠١١ ضم مجموعة من رجال السياسة والفكر والمجتمع والناشطين الشباب من مختلف الأقطاب الشعبية والتوجهات السياسية في الوطن للتدريس والتشاور من أجل الخروج بتصويرات ومقترحات للوصول بالحوار الوطني إلى النتيجة المتوخاة. وناقش اللقاء التشاوري طبيعة المرحلة الحقة التي تمر بها البلاد والمعالجات السياسية والاقتصادية والاجتماعية المطلوبة مع استشراف الآفاق المستقبلية والاهتمام بالقضايا المعقبة للمواطنين. وقد خلص المشاركون على توصيات عديدة منها:

- أن الحوار هو الطريق الوحيد الذي يوصل البلاد إلى إنهاء الأزمة.
- ضرورة إعلام قيمة حقوق الإنسان وصونها وفق أرقى المعايير الدستورية والإستراتيجية والتعبيرية.
- والوصية بإنشاء مجلس أعلى لحقوق الإنسان في سورية.
- وضرورة الإفراج الفوري على جميع المعتقلين السياسيين ومعتقلي الرأي الذين لم يرتكبوا جرائم يعاقب عليها القانون.

- ومن القوانين الإصلاحية الأخرى:
- ١- المرسوم التشريعي رقم ٥٥ تاريخ ٢١/٤/٢٠١١ المتضمن اختصاصات الضابطة العدلية في بعض من الجرائم لجهة جمع أدلتها والاستماع إلى المشتبه بهم فيها ومدة التسفط.
- ٢- المرسوم التشريعي رقم ٥٤ تاريخ ٢١/٤/٢٠١١ المتعلق بتنظيم حق التظاهر السلمي بوصفه حقاً من حقوق الإنسان الأساسية التي كفلها دستور الجمهورية العربية السورية.
- ٣- المرسوم التشريعي رقم ٤٣ تاريخ ٢٠١١/٤/٢٠١١ المتضمن إنشاء محكمة أمن الدولة العليا.
- ٤- المرسوم التشريعي رقم ٤٩ تاريخ ٢٠١١/٤/٢٠١١ المتضمن منح الممجلين في سجلات أجناب الضيقة من الأكراد الجنسية العربية السورية.

٥. المرسوم التشريعي رقم ٤٦ تاريخ ٢٠١١/٤/٣ المتعلق بتشميل المتقاعدين في الدولة والقطاع العام والمنظمات الشعبية من الموظفين والعسكريين بالتأمين الصحي.

٦. المرسوم التشريعي رقم ٤٣ تاريخ ٢٠١١/٣/٢٤ المتعلق بالتملك في المناطق الحدودية.

٧. المرسوم التشريعي رقم ٤٠ تاريخ ٢٠١١/٣/٢٤ المتضمن زيادة الرواتب والأجور للعاملين المدنيين والعسكريين في الدولة.

٨. المرسوم التشريعي رقم ٦٢ تاريخ ٢٠١١/٦/٥ المتعلق بتثبيت العمال المؤقتين.

٩. المرسوم التشريعي رقم ٨٤ تاريخ ٢٠١١/٧/١٣ المتعلق بالانتماء الإجتماعية.

١٠. المرسوم التشريعي رقم ١٠٠/١٠٠ تاريخ ٢٠١١/٨/٦ المتضمن قانون الأحزاب.

١١. المرسوم التشريعي رقم ١٠١/١٠١ تاريخ ٢٠١١/٨/٦ المتضمن قانون الانتخابات العامة وقد أجزت الحكومة قانون الإدارة المحلية وقانون الإعلام اللذان سيصدران خلال أيام معدودة كما صدرت العديد من المراسيم التنظيمية ومنها على سبيل المثال مراسيم تتعلق بمنح دورات إضافية للطلاب في جميع مراحل التعليم، وإحداث شركات جديدة وكيانات جديدة في مختلف الجامعات.

كما شكلت الحكومة العديد من اللجان من كبار المختصين ومن ذلك:

١. لجنة للتحقيق في الجرائم المرتكبة بحق المدنيين والعسكريين وجميع الجرائم ذات الصلة المرتبطة بالأحداث التي تشهدها سورية.
 ٢. لجنة لوضع الرؤى وللصورت المتوقعة بالنسبة لجهة بيان أسبابه والموامل المؤدية إليه وكيفية الوقاية منه واليات تعزيز مبدأ النزاهة.
 ٣. لجنة لوضع قانون الإعلام.
 ٤. لجنة للإصلاح القضائي.
 ٥. لجنة للإصلاح الإداري.
 ٦. لجنة للحوار الوطني.
- وعبر ذلك العديد من المراسيم التشريعية والتنظيمية والقرارات الإستراتيجية مما لم تشر إليه المفوضية في التقرير.

- إن حصول الأجهزة للمسؤولية كاملة عن الأحداث في سورية هو أمر يخالف الحقيقة والمطلق ويخالف إلى المواضيع من وجهة نظر أحادية الجانب ومن واجب الأجهزة الأمنية في أية دولة من دول العالم تحقيق الأمن والاستقرار للمواطنين وإعادة الهدوء والأمان وحماية الممتلكات العامة والخاصة، خاصة بأن الغالبية العظمى ممن سقط في الأحداث هم من رجال الجيش والشرطة والأمن على أيدي الحصابات المسلحة، وغالبا ما تم الاعتداء على هؤلاء في أماكن عملهم أو أثناء وجودهم بحماية المتظاهرين، إلا أنهم كانوا هم والمتظاهرين على حد سواء عرضة للإطلاق النار من مسلحين منظمين تجاههم تقريبا المفوضية كلها.

- ومن المفالمات أيضا الحديث عن إصلاحات اقتصادية متوقعة في الوقت الذي تشهده فيه تقارير المنظمات والمؤسسات الدولية التي ساهمت في برامج إصلاحية عديدة بسورية وأكدت بأن الإصلاح الاقتصادي الذي حصل في سورية غير مسبوق في دول المنطقة لجهة اعتماد معايير اقتصادية جديدة منها:

- الانفتاح الاقتصادي على مختلف دول العالم.
- والذي انعكس بوضوح في زحف مستوى المعيشة وقلص من مستويات الفقر وحد من الفوارق الترموية بين مناطق سورية، وتؤكد هذا الأمر تقارير بعثت مندوب النقد الدولي إلى سورية.
- فمثلا عن عشرات المراسيم التشريعية التي دفعت مجلة الإصلاح الاقتصادي في سورية قداما مع الكوزيه بأن قوة الاقتصاد السوري لا تعتمد في منطقة بذاتها إنما لكل منطقة جغرافية قوتها الاقتصادية الخاصة بها.
- ليس صحيحا بأن الأكراد ظلوا مهجرين عن السلطة والسياسة المدنية حتى عام ٢٠١١ فما جرى يتأثر ٢٠١١ هو منح عشرات الآلاف منهم الجنسية السورية، وهو أمر لم تقبله أية دولة أخرى إزاء أحزاب مؤيدين على

أراضيها، وقد ظل المبرورون من أصل كردي طوال تاريخ سورية يقتلون أعلى المناصب السياسية والمدنية والعسكرية، ويمكن بيان ذلك بشكل مفصل إذا رُحبت للمفوضية بذلك.

من الغريب أن يقال أن قيام المظاهرات في درعا سببه استغلال السلطة بينما كان معطلاً في يد المظاهرات هو المطالبة بإصلاحات محددة، كما أن تقرير المفوضية يشير لاحقاً إلى أن الشرارة الأولى قد انطلقت من درعا بعد سجن مجموعة من الأطفال وهذا يعني كذاقضا فاضحا طالما تكررت في حينيات هذا التقرير، وذلك قبل أن تستغل المصالحات المسلحة هذا الحراك القوي لتعلن في إطلاق النار على المدنيين والعسكريين مع التلويح بأن محافظة درعا تضم عدد كبير من المسؤولين في الدولة وهو ما يمكن أيضا (إبائه مفصلاً إذا رُحبت المفوضية بذلك.

إن مصطلح الشبيحة الذي ورد في التقرير هو مصطلح مشتق من قبل الميليشيات المسلحة، ويصعب وسائل الإعلام المضللة التي روجته في تقاريرها بهدف تأجيج الفتنة بين شرائح المجتمع، إنما في بعض من المناطق التي استباحتها المجموعات الإرهابية المسلحة وبسبب الفراغ الأمني الذي حصل مؤقثاً في تلك المناطق قام الأهالي بتشكيل أجان شعبية سلمية ليس لديها أي نوع من أنواع الأسلحة تعمل على حراسة الممتلكات العامة والخاصة.

صحيح أن هناك نحو ١٦٠٠ شهيد إلا أنه ليس صحيحاً أن جميع هؤلاء من المدنيين بل أن القسم الأكبر منهم هم من رجال الجيش والشرطة والمواطنين الذين ذهبوا ضحية أعمال الكتل التي أقدمت عليها الجماعات الإرهابية المسلحة.

فوما يتعلق بسدلية حماة لم يعتمد الجيش على احتلالها فهو جيش سورية الوطني وليس جيشاً اجنبياً بل تعاون مع القوى الأهلية لتخليص المدنيين من المسلحين والمتطرفين الإرهابيين الذين حوّلوا إلى مدينة ادباج بعد ترويع سكانها واضطرارهم لمغادرتها حفاظاً على أرواحهم وهذا ما خلق ارتداداً لدى الأهالي بتحويل الجيش الذي أعاد الهدوء والحياة الطبيعية، وهذا يملق على العديد من البلاطات التي حاولت المجرمون تثبيت حالة الرعب والخوف فيها، وقد لجأت الدولة إلى الاعتماد على قوات الجيش لأنه لا توجد لديها قوة شرطة مختصة بمقاومة الشغب والتمرد والإرهاب ولم يستخدم الجيش كياً من مسداته الثقيلة لإرهاب المواطنين بل لحماية نفسه من المسلحين والإرهابيين.

حينما تحدث التقرير عن جسر الشغور أشار إلى ٣٠ قتيل ومائتي جريح متجاهلاً تماماً حقيقة أن الإرهابيين المسلحين قد تكلموا بوحشية قل مثيلها جميع عناصر الأمن الموجودين وفي المنطقة والبالغ عددهم ١٢٠/ عاصراً وقاتلهم في مقابر جماعية جرى الكشف عنها بمعرفة بعض من الإرهابيين الذين ألقى القبض عليهم ويحضر من رأى عدد كبير من الدبلوماسيين والصحافة العالمية.

وبع التلويح بأنه لم يلقى القبض على أي متظاهر سلمي، وبغالب ما يتم الإفراج عن المتظاهرين بشكل مخالف للقانون من قبل القضاء خلال خمسة أيام على الأكثر، وإذا كان هناك معتقلين سلميين على خلفية المظاهرات فخرجوا موافقاً باسمهم أما الإعتناء بالتهذيب فهو إهداء عار عن الصحة تماماً ومبالغ به وذلك فإن عدد الحالات الموضوعه أمام القضاء هو ١٢ حالة كذا قد بيناها سابقاً في الكتاب السابق المرمول للمفوضية.

لا توجد أية أوامر بإطلاق النار ضد المتظاهرين السلميين إنما على العكس من ذلك الأوامر هي عدم حمل السلاح أثناء مواكبة المظاهرات السلمية.

لم تستخدم الأسلحة الثقيلة والمهمات في أية مواجهة مع المصالحات المسلحة، وكل ما ورد في التقارير كان مضللاً وغير صحيح ويهدف إلى تشويه سمعة سورية وتجاوزها للتقاضي عليها لأهداف سياسية أصبحت معروفة للعالم.

- إن الحكومة مصفومة وجادة في عدم جواز استخدام أو تهريب أسلحة أو مواد خطيرة أخرى غير مخصصة للتدريب، ولجنة التحقيق القضائية الخاصة بالتهديدات خطورتها مباشرة لمقاطعة كل من يثبت انتهاكه لحقوق الإنسان وكل من يثبت تورطه في اختيالات المدنيين والعسكريين على حد سواء.

- أما بشأن عودة المهجرين فلنيس هناك أي حجة تحول دون حولتهم ويقدم لكل من يعود كامل التسهيلات اللازمة، وقد سمحت للصليب الأحمر بالدخول المناطق الساخنة.

- أما بالنسبة لسماع منظمات حقوق الإنسان بالدخول إلى سورية وإجراء تحقيقات عن حقوق الإنسان فإليه أمر إقدرة الدولة وفقاً لإختيارات السيادة الوطنية وفي الوقت الذي نراه مناسباً.

- ومن الناحية الإجرائية نجد أن تقرير اللجنة يخرج عن الإطار القانوني الذي وضعه القرار S-16/1 في جرائد حدة أهمها:

١- تقديم اسم "الهيئة القضائية" وذلك في عنوان التقرير وفي الفقرة الأولى منه.

٢- عدم الالتزام بمنطوق القرار S-16/1 حول "قيام اللجنة بتحقيق وتقديم تقرير مفصل ودو مصداقية".

٣- تم تكليف إطار القانوني للانتهاكات التي ارتكبتها هؤلاء وفقاً للقرنين ١٥ و ١٧ من التقرير باعتبار أنه يمكن أن ترتقي بعض هذه الخروقات لمستوى الجرائم ضد الإنسانية. إذ يعتبر هذا التكليف خروجاً عن ولاية اللجنة التي التحصر بجمع المعلومات وليس للتوصيف القانوني للخروقات.

٤- تقديم توصية إلى مجلس الأمن الدولي في حين تكمن علاقة المفوضية مع مجلس حقوق الإنسان.

٥- تقديم توصية لجامعة الدول العربية وكأنها إحدى المؤسسات التي تقع المفوضية.

- إن سورية إذا تقرر عاليًا النور المسند إلى المفوضية السامية لحقوق الإنسان، والمهمات المطلوبة بها نرجو أن نلتزم المفوضية جانب الحياد وأن تأخذ جميع الرؤى وجهات نظر الأطراف جميعاً، وتحللها بموضوعية ودون التحيز إلا للجوانب الإنسانية، وأن تكون جهة محايدة مستقلة لا تضع وزناً وتصورات معيبة دون تحقيق أو تحليل، وإن يد الحكومة السورية مندودة إليها من أجل تعاون مقرر يوضع الأمور في نصابها الصحيح، علماً بأن الحكومة الآن بشأن إعداد ملفات قضائية متكاملة مستندة إليها إلى المفوضية وغيرها من الجهات الدولية المستقلة والمختصة تثبت تورط دول ومجموعات وأفراد في تلويح الأوضاع الداخلية، والفئة الطائفية ودعم العصابات الإرهابية المسلحة بما يتوخى دعم الاستقرار الداخلي والوحدة الوطنية، والتدخل السافر في الشؤون الداخلية للدولة وتقديم الدعم المادي والمعنوي للمصالحات الإجرامية التي استباحت البلاد وقتلت المدنيين والعسكريين وخلقت حالة من الفوضى والاضطراب والخطف المنظم.

نتائج عمل اللجنة المكلفة بموضوع حمزة الخطيب

بناءً على الأمر الإداري رقم ٩١٢/ص تاريخ ٣٠/٥/٢٠١١ المتضمن تشكيل لجنة برئاسة اللواء حيد الكريم ملبهان معاون وزير الداخلية وعضوية كل من :

- السيد محمد درويشة، مدير إدارة الأمن الجنائي،
- السيد محمد كنجر، النائب العام العسكري،
- السيد عبد العزيز الشمال، قائد الشرطة العسكرية،
- السيد رائد جازم، رئيس فرع التحقيق بإدارة الأمن الجنائي،

مهمتها: التحقيق بموضوع الإحصاءات المتعلقة بوقوع أعمال عنف وشدة وتكثيب على جثة -الطفل حمزة الخطيب-

اجتمعت اللجنة بكامل قوامها في مكتب رئيسها يوم الثلاثاء الواقع في ٢٠١١/٥/٣١ الساعة الثامنة صباحاً، وبالمداولة تقرر القيام بالإجراءات التالية بغية للوصول للحقيقة.

١- انتقلت اللجنة بكامل قوامها إلى مستشفى تشرين العسكري - قسم الطب الشرعي وفي القسم المذكور وبدء على تكليفها أخصرت الصور الطوبوغرافية المأخوذة لجثة المتوفي الحدث حمزة الخطيب، وباختصار تبين أنها ستة صور ملونة لهذا الحدث المتوفي مثله على كرتون مقوى بلون أبيض تحمل رقم تسجيل ٢٧٢/٧٥٧ صادرة عن الشرطة العسكرية الأدلة القضائية/ قسم التصوير الجنائي ومعركة هذه الصور بتقويين رقم ٢٢ على كل منها، وهذه الصور بوضعيات مختلفة وسبب تريفها برقم ٢٢ كون الجثة كانت مجهزة لهرية، وبعد الاطلاع على الصور جرى ضمها للتحقيقات القائمة لديها حسب الأصول.

٢- أُثبتت نسخة من محضر الكتف على جثة المتوفي الحدث حمزة الخطيب المعدة من قبل اللجنة الطبية اللائحة والمؤلفة من العقيد الأطباء : أكرم الشمان - هشام احمد - اسماعيل كوران، وياحضر الخبرة تبين لنا أنها مؤلفة من أربعة صفحات مطبوعة والتي جاء فيها بالحرف الواحد:

تقرير خبرة طبية شرعية لائحة حول وفاة المولود حمزة الخطيب

الوصف الظاهري:

- لائحة تعود لتقى /حدث/ في العقد الثاني من العمر بدين جداً معتدل البنول حطمي البشرة شعر رأسه اسود بطول ٤ سم.
- العبدان صلبتان والمدقتان متصفتان بشكل كامل وتناظر في الجانبين.

- الجلطة تؤدي صملاً مرتباً ورزقة رمية خفيفة متوضعة في الأقسام الخلفية غير الاستنادية من الجذع والأطراف.
- الجلطة، ملطخة بالدماء ويؤدي مسحات متكئة سطحية خفيفة في مستوى الجبهة اليمنى والأجطان والخذ الأيمن وهي ناجمة عن سقوط أثناء الاحتضار وليس لها علاقة بالوقاية.
 - يلاحظ أن الجلطة لا تتناسب مع العمر المتوفى ويؤدي بلول في قياسات الجذع وعرضه وزيادة في حجم الشرايين، عنصر في حجم الفصينتين وكهن الصفن وصغر في حجم القضيبي وغيور القضيبي داخل الصفن.
 - كما يلاحظ غياب كامل للإشعاع من الوجه والشرايين وتحت الإبطين وناحية العانة.

وتؤدي الجلطة الإصابات التالية:

- لنتعرف على مدى دخول من المستوى السفلي للعضد الأيسر وخروج بقوه دفع في الثلث السفلي (الداخلي) للعضد الأيسر.
- ١- تم دخل دخولاً تالياً إلى البدن في الصدر الجانبي المتوسط وخروجاً بـ (٠ سم).
 - ٢- مرمى ناربي دخل في الخاضرة اليمنى العلوية وخرج في الظهر السفلي الأيمن الوحشي.
 - ٣- مرمى ناربي دخوله وخروجه في مستوى الثلث للعضد الأيمن.

ولا تؤدي الجلطة:

- أية آثار لعنف أو شدة أو مقاومة أو ضرب أو تعذيب من كدمات، مسحات طفورية، جروح قاطعة طعنبة أو وخزية، كسور عظمية أو جروح مفصلية أو فوهات لمرامي ناربية أخرى سوى ما سبق ذكره بالتفصيل أعلاه.

المناقشة:

- لقد مكى المتوفى جملة بثلاثة مرامي ناربية أحدها كان له دخولين وخروجين حيث أنه دخل في العضد الأيسر وخرج من العضد وتدخل ثانية في الصدر الجانبي الأيسر وخرج من الصدر المتوسط الأمامي بين الجامتين. والرمي الأخر دخل من الخاضرة اليمنى وخرج من الظهر الأيمن قرب النهاية السفلية للأضلاع. ورمى دخل وخرج في الثلث السفلي للعضد الأيمن.
- إن المرامي النارية الثلاث بدت حوافها في الدخول والخروج منماة حمراء وبدت حواف الدخول للداخل والخروج الخارج كما ظهر للطرق السحجي على فوهات الدخول ولم يظهر على فوهات الخروج وهي علامة هامة لتبديل الدخول عن الخروج.
 - إن الصفات والموجودات التي أوردها سابقاً لفوهات الدخول والخروج إما هي علامة على أنها حيائية أي حدثت للمتوفى حمزة وهي على قيد الحياة.

- إن ما يميز هذه القوالب أنها واسعة نوعاً ما وهذا يدل بأن المرسي لم يدخل البدن بشكل مبالغ وإنما اصطدم قبل دخوله الفتوة جزئياً أو أن الدخول بشكل جانبي فبدأت القوالب أكبر من الطبيعي قليلاً.
- لقد لاحظنا أن المرسي أصابته المغنور في مواقع متعددة في العضد الأيسر وواحد في الجذع (الخاصرة) وآخر في العضد الأيسر وإن توزع المرسي يدل بأنه قد أصيب من قبل رامي بوضعية الحركة للرامي والمغور أو أصيب من أكثر من مصدر.
- إن المرعبين اللذين أصابوا الفتى في صدره وخاصرته هما مرعيان قاتلان توراً وإن المرسي الذي أصاب العضد الأيمن فهو ليس قاتلاً لتوره.
- إن المرسي الثأرية سببت أذيات : عظمية .
- خشوية صدرية .

— خشوية بطنية

- أدت إلى التزيف والوفاء.
- إن الإطلاق هو من قبل الغير والرامي كان لحظة الإطلاق في نفس المستوى الأفقي للمغور.
- مسافة الإطلاق بعيدة للمرسي الثلاث وهي أكثر من متر واحد كحد أدنى.

النتيجة :

- وفاء بتراف شديد ناجم عن إصابة مرسي ثأرية ثلاث.
- ١— مرسي ثأري دخوله وخروجه في العضد السفلي الأيسر بداية ثم دخل ثانياً في الصدر الجانبي الأيسر وخرج من منتصف القص.
- ٢— مرسي ثأري دخوله في الخاصرة اليمنى وخروجه في الظهر الأيمن الوجيه.
- ٣— مرسي ثأري دخوله وخروجه في الكتف السفلي للعضد الأيمن مسافة الإطلاق ليس المرسي بهذه المسافة وأحد كحد أدنى.
- الإطلاق من قبل الغير ومن عدة مصادر أو رامي واحد بوضعية الحركة والمغور كان بوضعية الحركة أيضاً وفي نفس المستوى الأفقي .
- لقد سببت المرسي أذيات بألغة خشوية صدرية بطنية وعالية نازقة بشدة أدت للوفاء .
- والوفاء ناجمة عن المرسي الثأرية وما نهم حياها .
- ٣— كلفت اللجنة الطبية الثلاثية المذكورة بالبيد رقم ٢ بإعداد دراسة مقارنة بين الصور الضوئية المأخوذة لحظة الحدث المتروفي حمزة بمشفي تشرين العسكري الكائن بدمشق بتاريخ ٢٠١١/٤/٣٠ مع الصور الضوئية المأخوذة لنفس اللحظة بتاريخ ٢٠١١/٥/٢٤ بالمشفي الوطني بدمشق، وتقديراً لهذا التكليف قدمت اللجنة للدراسة المقارنة بتقرير مؤلف من صفحتين جاء فيه بالحرف الواحد ما يلي:

لدى معالجة الصور الضوئية المأخوذة لجهة المتولى حمزة الخطيب بتاريخ الوفاة بدمشق وذلك بتاريخ ٢٠١١/٤/٣٠ ومقارنتها مع الصور الضوئية المأخوذة له بتاريخ ٢٤ / ٥ / ٢٠١١ في مشفى درعا الوطني، تبين لنا الفروقات التالية:

المميزات	في مشفى درعا الوطني	في مشفى تشرين العسكري
١	انتفاخ شديد وأسوداد وتورم في مستوى الأجنان والألف والشفتين وهي تتسخيه بعد الموت	سمجات خفيفة وهي سمجات متكئة حيوية والجهة ملطخة بالدماء ولا يوجد وتملت
٢	لون أخضر محمر ومناطق مسودة تقع في ناحية الخد الأيمن والصدر اللطوف والأطراف وهي تتسخيه بعد الموت	لا يوجد لون أخضر أو مناطق مسودة
٣	انتفاخ شديد في مستوى الصفن مع تلون كيس الصفن بالأخضر المسود وأيضاً في الفخذين والبطن وهي تتسخيه بعد الموت	لا يوجد انتفاخ في مستوى الصفن أو تلون أكيس الصفن باللون الأخضر المسود.
٤	السلاخات جلدية أكثرها وضوحاً في مستوى اللذين والعنق وهي تتسخيه بعد الموت	لا يوجد السلاخات جلدية
٥	ظهور الشبكة الوعائية في مستوى الطرفين السفليين والمصدر بشكل واضح وتلون يميل اللبي وهي تتسخيه بعد الموت	لا يوجد شبكة وعائية ظاهرة على جهة الملقى
٦	أثار موائل تتلف في مستوى سطح الجثة بشكل كامل وهي تتسخيه بعد الموت	لا توجد آثار لموائل
٧	ظهور حشفة القضيبي بلون أسود مع اسلاخ جلدي في قاعدة الصفن عن التلاقي مع جوار القضيبي وظهور التسبيح تحت الجلد أصفر وهي تتسخيه بعد الموت ولا يوجد ما يؤكد وجود القطع على الصرر	بنت الخصيتان صغيرتين وهي مكانهما الطبيعي والقضيبي صغير الحجم وغائر في كيس الصفن ولا يظهر منه إلا الحشفة الواضحة بلون أحمر زهري مع فوهة الاطليل الصغيرة في منتصف الحشفة بسبب السمنة دولما علامات لاسلاخات
٨	ظهور فوهات المرابي النارية مسودة. بفعل التفاسخ الرمي والدماء بلون أسود خامق	ظهور فوهات المرابي النارية بلون أحمر قاني والدماء حمراء قلبية تحمّل بفوهة المرابي النارية وتكتشر على سطح الجسم في المناطق المختلفة من الجسم

المناقشة للفروقات الظاهرة على المقارنة بين الصور المأخوذة للجنة في مشفى تشرين بدمشق بتاريخ ٢٠١١/٤/٣٠ والصور المأخوذة للجنة في مشفى درعا الوطني بتاريخ ٢٠١١/٥/٢٤:

إن ما ظهر في الصور المأخوذة في المشفى الوطني بدمشق هو عبارة عن تبدلات حدثت بفعل التوسع الرمي بسبب تقدم الزمن على اللجنة ما بين لحظة حدوث الوفاة وتاريخ تسليمها إلى مشفى درعا الوطني، وهي تبدلات فيزيولوجية طبيعية تحدث على كل الجثث بعد حدوث الوفاة بفترة زمنية. ونتيجة لفعل الجرائم الهوائية واللاهوائية وهذا كله يؤدي إلى حدوث انتفاخ في الأجواف بفعل انبساط الغازات التفسخية وحدثت التسلخات الجلدية بمجرد ملامسة اللجنة وخروج سوائل تلك من الفوهات ومن الجلد وفي مراحل متقدمة من الزمن سوف يؤدي ذلك إلى التحلل في التسويج العضلي وجسم الأضواء ولا يبقى سوى الهيكل العظمي من اللجنة كلما تقدم الزمن مع العلم أن هذه الخدشة الفيزيولوجية تتبع كما هو معروف في الطب الشرعي للظروف التي وجدت فيها اللجنة من ناحية حرارة الجو، مكان وجود اللجنة، مع العلم أنه في الحالة التي أمامنا فإن اللجنة كانت موجودة في البرد وبكبريد (سه) تحت الصفر وهذا سيؤخر حدوث التفسخ الرمي ويجعله بطيئاً إلا أن ذلك لا يمنع من حدوثه وهذا ما حصل في حالتنا هذه والذي أدى إلى ظهور الفوارق بين الوصف للجنة في مشفى تشرين وفي مشفى درعا الوطني.

كلفت اللجنة معاون رئيس النيابة العامة بدمشق بتقديم تقرير يبين فيه الإجراءات التحقيقية الضابطة التي قام بها حيال جثة الحدث المستوفي حمزة الخطيب فقدم تقريره مطبوعاً مؤرخاً من قبله مؤلفاً من صفحة واحدة والتي جاء فيه بالحرف الواحد:

في ساعة متأخرة من ليل الجمعة الموافق ٢٠١١/٤/٢٦ تم إعلامنا من مشفى تشرين العسكري بوجود جثة مجهولة الهوية في قسم الطب الشرعي واردة إليهم من محافظة درعا، وعلى الفور وكوّن قاضي الجرائم المشهود، توجهت برفقة كاتب الضبط والطبيب الشرعي السيد سامل وقاب وقمنا بإجراء الكشف الطبي والقضائي عليها، وتحديد سبب الوفاة، والتي تبين أنها ناجمة عن المراسم الغازية التي تعرضت لها، وقام مصور الأدلة الجنائية بتصويرها بدقة، وقمنا بإعطائها رقم ٢٣/ ولم يشاهد أي آثار دنس أو عنف أو ضرب أو تعذيب أو كسور عليها، واستمر الكشف حتى صباح يوم السبت الموافق ٢٠١١/٤/٣٠.

ولم تكف بذلك، قمنا بتكليف لجنة طبية ثلاثية ذات خبرة وتحديد سبب الوفاة بدقة، وهي مؤلفة من الطبيب أكرم الشعار والطبيب هضام أحمد والطبيب إسماعيل كوران - وتم إيداعها في براد مشفى تشرين العسكري - قسم الطب الشرعي، ليصار لتسليمها لتوبها عند التعرف عليها، فعلاً بتاريخ ٢٠١١/٥/٢١ حوالي الساعة الخامسة مساءً تم تسليم اللجنة رقم ٢٣/ التي يبين فيما بعد أنها هاتمة الفتى حمزة علي الخطيب وتم نقلها من مشفى

بثنتين العسكري برافقة دورية من الشرطة العسكرية ووصلت بعد حوالي ساعة ونصف إلى براد مشفى درعا الوطني دون علمها بلداً حيويت بعد ذلك.

٥- استندت اللجنة بتاريخ ٢٠١١/٦/١ الطبيب الشرعي إسماعيل أبو ذبوت الموظف بالمشفى الوطني - قسم الطب الشرعي باعتباره هو من أجرى الخبرة والكشف على جثة المحدث المتوفي حمزة الخطيب ووصولاً لتحقيق عملية مطابقة قاطعة لا يتسرب إليها الشك أو الريب، واستندت أيضاً أعضاء اللجنة الطبية الثلاثية الذين قاموا بالكشف على جثة نفس الشخص والذين سبق ذكرهم أعلاه، وتم إجراء المقابلة بينهم جميعاً وأفهموا موضوع سبب الحضور والمقابلة والغاية من هذا الاجتماع، وبالمناسبة الشفوي العلمي والطبي والفني أعلن الطبيب الشرعي إسماعيل أبو ذبوت:

"نحن الطبيب الشرعي إسماعيل أبو ذبوت طبيب شرعي في محافظة درعا.

بعد الإطلاع على تقرير اللجنة الطبية الثلاثية الذي قُدم بتاريخ ٢٠١١/٤/٢٩ بخصوص المرحوم حمزة الخطيب وكذلك الصور الضوئية المجرأة ٢٠١١/٤/٢٩ في دمشق والصور الضوئية المجرأة بتاريخ ٢٠١١/٥/٢٤ في درعا.

وبعد مقابلة الزملاء أعضاء اللجنة الطبية الثلاثية: الدكتور أكرم الشمار والدكتور عصام أحمد والدكتور إسماعيل كيوان وتقرير المقابلة بين الصور المأخوذة بنفس الشخص في دمشق وفي درعا من قبل اللجنة الثلاثية أفيد بما يلي:

أنه كُتب في تقرير المؤرخ بتاريخ ٢٠١١/٥/٢٤ أن هناك بئر في القضيبي غير حيواني (أي أنه لم يحدث أثناء الحياة وإنما قد حدث بعد الموت وإن الجثة وقت الفحص كانت تيدي فحسباً حتى في الناحية التشريحية لوجود انتفاخ في كيس الصفون وظهور اللون الأزرق، وحدثت أسلخات جلدية، وإذا لكر بأن الحالة لم تكن حالة بئر بشكل جازم وذلك لوجود التغيرات التفسخية المبكرة مع احتمال أن هذا الضواغ المادي الذي بوغت عنه حدث في سياق التفسخ، أو أثناء نقل الجثة أو احتكاكها في هذا الضواغ وهذه غيراني.

وبعد أن انتهى بتكوين التقرير بخطه قدمه إلى اللجنة فتمت دراسته ومشاهدته بالاسم والتوقيع لكامل قوام اللجنة كفي بأخذ القيمة الرسمية والقوة الثبوتية وبعد ذلك جرى تضم هذا التقرير إلى التحقيقات الجارية حسب الأصول. ٦- تم استدعاء المدعو علي الخطيب والد المحدث المتوفي حمزة الخطيب بتاريخ ٢٠١١/٦/١ وبالمناسبة معه أكد أنه على قناعة بأن جثة والده سليمة وليس لأحد مصلحة بالعميت بها وولد هذه القناعة بعد لطلحة على محضر الكشفت الطبي والقياسي الجاري على جثة ولده من اللجنة الطبية الثلاثية والصور الضوئية المأخوذة على اللجنة بمشفي لكنه رجا اللجنة بأن لا يكون حضوره وقناعته خوفاً على نفسه من القتل من قبل المتطرفين في درعا، ولا يزال عدد رجليه قررت اللجنة صرف النظر على ضبط أقواله.

٧- منعا للتأويل أخصرت اللجنة بيان قيد مندي فردي للمتوفي حمزة الخطيب من أمين السجل المدني الذي يتبع له والذي جاء فيه (الاسم: حمزة - النسبة: الخطيب - اسم الأب: علي - اسم الأم: سميرة - الأمانة: درعا - محل وتاريخ القيد: الحيرة ١٩٩٨/٥/٦ اليوم السادس من شهر أيار لعام ألف وتسعمائة وألف وثمان

وتسعين ميلادي ... الدين والمذهب: إسلام ... الرقم الوطني /١٢٠١١٨٩٨٣/ - الجنس: ذكر - تاريخ التقيّد: ١٩٩٨/٥/٢٧ - الوضع العائلي: خازب - متسلسل الاسم: ٨٣.

وبعد القيام بهذه الإجراءات المذكورة أعلاه استخلصت اللجنة وباإجماع النتائج التالية:
١- وصلت اللجنة إلى مئسّى تشرين العسكري بدمشق بتاريخ ٢٠١١/٤/٢٩ في ساعة متأخرة من الليل، وبوشر في إجراء الكشف الطبي والقضائي عليها أصولاً عقب وقت قصير من وصولها بشكل فني وعلمي وفلوري متكامل.

٢- لا يوجد من آثار الشدة والتعنف سوى آثار المرامي النارية الموضوفة بمحضن للكشف،

٣- إن سبب الوفاة هو الإصابة بنزف شديد ناتج عن الإصابة بمزامي نارية ثلاث:

أ - مرمي ناري دخوله في العضد الأيمن بداية ثم دخل في الصدر الجانبي الأيسر وخارج من منتصف الفص.

ب - مرمي ناري دخوله في الخاصرة اليمنى وخروجه في الظهر الأيمن الوحشي،

ج - مرمي ناري دخوله وخروجه في الثالث العملي للعضد الأيمن مسافة الإطلاق لجميع المرامي بعيدة: متر واحد كحد أقصى.

الإطلاق من قبل الغير ومن عدة مصادر، أو من رامي واحد بوضعية الحركة والسقوط كان بوضعية الحركة أيضاً وفي نفس الممنوعى الأثني.

لقد سببت المرامي أدوية خطيرة صدرية بطنية وحالية بشدة أدت للوفاة والوفاة ناجمة عن المزامي النارية وما نجم عنها.

٤- لا يوجد بقى للعضو الذكري وإنما حصل التماس من قبل الطبيب الشرعي إسماعيل أبو ديوت الذي قام بالكشف على اللجنة بذرعاً بتاريخ ٢٠١١/٥/٢٤ وصوب قراره في تقريره المعد بهذا التاريخ على ضوء المصطبات الفلورية والعلمية والطبية والدراسة المقارنة التي أجرتها اللجنة الطبية الثلاثية بدمشق بين الصور الضوئية المأخوذة للجنة بدمشق وبين الصور الضوئية المأخوذة للجنة في درعا والمناقشة الجارية مع الأطباء الشرعيين الثلاثة الذين قاموا بالكشف على اللجنة بتاريخ ٢٠١١/٤/٣٠.

٥- ثبوت قناعة المدعو علي الخطيب ولد للحدث، المتوفى حمزة الخطيب بأن جثة ولده سالمة وخالية من الحث وبإيدي صراحة هذا القناعة أمم أعضاء اللجنة وأتمس عدم تكوين أفكته أو رأيه هذا بشكل خطي خرقاً على نفسه من الجماعات المتطرفة في درعا والتي قد اتهم على قتله إذا علمت بأنه حضر وبدل قناعته بما أضح عن بتر العضو الذكري لأبنة بوسائل الأعلام المتطرفة وهذا القناعة نبعت من أرضية الحوار بينه وبين أعضاء اللجنة من جهة والوثائق الرسمية القضائية والصور الضوئية وتقرير الخبرة الطبية الثلاثية والدراسة المقارنة بين الصور المأخوذة في درعا والصور المأخوذة في دمشق من جهة أخرى.

٦- ثبوت وجود جهات معادية وأجبت أشخاصاً أقل صور مغايرة الحقيقة أو متلاعب بها فلياً لتحقيق ما ريب
 دقيقة يجب متابعتها من الجهات المعنية توصلها لمعرفةها والقضاء على تلك الصور ومنهجها عامة وفيما يتعلق
 بهذه الواقعة خاصة.

الخلاصة :

- ثبت بالدليل العلمي والفني والقضائي عدم وجود آثار لأعمال شدة أو عنف أو تهذيب على جبهة الحدث
 المتوفي حمزة الخطيب لأحيائه ولا بعد وفاته سوى آثار المراسم الدفنية التي أصيب بها.
- كما ثبت عدم وجود آثار للعضو الذكري لهذه الجبهة أيضاً.

لرجى الاطلاع

Note verbale dated 16 August 2011 from the Permanent Mission of the Syrian Arab Republic addressed to the Office of the United Nations High Commissioner for Human Rights Geneva

16 August 2011

In addition to information previously delivered by the Syrian Arab Republic, which includes a comprehensive account of the events currently taking place in Syria, we submit this complementary information intended to clarify and rectify the erroneous beliefs mentioned in the UN High Commission report.

The Syrian government had promptly delivered its response to the High Commission's questions concerning the events taking place, and fully explained the measures taken to resolve the issues raised with regards to the situation in Syria. The Syrian government response was delivered prior to the date the High Commission was to present its report to the Human Rights Council. It is regrettable that the presented report did not include the position of the Syrian government, and was solely based on unreliable sources. When the High Commission chooses to be unprofessional in dealing with this matter, it creates an environment of distrust, especially that the Syrian report included all documented information the Syrian government possesses concerning the points raised in the High Commission's report.

The High Commission report was based on a one-sided source of information which is the opposition based abroad, they are few individuals who were outlawed for committing crimes related to using arms and spreading terror amongst the Syrian people. What they claim, without any proof, is untrue and has no basis in the law; it only expresses personal view points with no credibility. For example, the incident describing thousands of Syrian civilians fleeing the country lacks credibility, what really happened is that tents were erected at the Turkish border and prepared to receive ten thousand people a month even before the incident had taken place. The fleeing Syrian citizens have deserted their towns and villages before any military or security forces presence took place, they fled armed groups that have infested their areas, but when authorities restored safety, ten thousands of them returned, and today, they run a peaceful life in their towns and villages. Only those who used arms and organized terror against the population remain outside of the country.

- The high Commission report contains an obvious legal contradiction, in one part it mentions how Syria complies with international Laws, in another part it claims Syria breaking international Laws, which is untrue; when the Syrian government takes on arresting, detaining and presenting to justice those who violate the law, it is not considered breaking international laws on the part of the Syrian government.
- In Syria -as it was incorrectly mentioned in the High Commission report- there is no minority that uses power to repress protestors, in fact, it shows how representatives of the High Commission have chosen a biased approach to collect information from individuals who portrayed themselves as eyewitnesses, while they are in reality a group of outlaws who have committed crimes, which makes them completely unreliable as a source of information. The description of certain groups as "minority" or "majority" by representatives of the High Commission is an outrageous interference in our national internal makeup, a recipe for disaster and a call to destroy Syria, it is totally unaccepted.
- While the High Commission has based its report on press information, despite the fact that press information should not be considered as a reliable source, especially

when it is used to create reports addressed to states! Besides civilian and military victims, the report mentions eyewitnesses, although, the report did not support those individuals' credibility, nor clarify whether they are real victims and eyewitnesses? or, are they taking part in the equation and the methodic spread of organized terror? In disregarding information provided by the Syrian government, the High Commission implies its reliance on information offered by organizations considered to be hostile toward Syria, which leads to weakening the state's role and its credibility.

- This also applies to videos provided by nongovernmental organizations, presented by different media in the frame of a misleading campaign against Syria, destined to incite sectarian violence among Syrian citizens. In fact, these videos represent evidence of ugly crimes carried on by armed terrorist groups, crimes of murder, rape, dismemberment, massive graves and genocides that were perpetuated against both civilians and the armed forces by terrorists. The Syrian media has shown how certain international media had spread lies and amplified what is happening in Syria, they either have presented information contrary to the truth, or shown videos of demonstrations taking place in countries other than Syria. We have sent tens of examples of these videos to the High Commission, clearly showing manipulations of that kind.
- Contrary to few other states, Syria is committed to apply International Law. Syria, who takes part in most agreements and protocols related to human rights, is today declaring a series of consecutive reform measures destined to implementing a comprehensive change toward a better future of Syria, starting by the abolition of the State of Emergency Law, at a time when it is most needed, while groups of armed terrorists are surpassing all our predictions in spreading terror, violence and chaos, they, in some cases, are supported by regional and international third parties, which in itself, constitutes a blatant meddling in Syria's internal affairs by certain states, which, in turn is a contradiction with international law, charters and conventions.

In addition, Syria had put an end to the Supreme State Security Court, and proceeded to creating reform committees that had accomplished its mission in view of achieving progress and development in Syria. This effort had resulted in three legislative decrees; decree number 34 (March, 7th, 2011), a general amnesty covering all crimes except treason, espionage, terrorism and rape, decree number 61 (May, 31st, 2011) and decree number 72 (June, 20th, 2011). As a result, 10'433 detainees were released immediately, this number does not include tens of thousands of minor violations and misdemeanors whose actors benefit from these decrees, this is in addition to criminal lawsuits underway, for which the general amnesty covers half of the sentence unless a verdict is pronounced, and many other cases that fall partially under the general amnesty.

We are convinced that a comprehensive national dialog is the best way to achieve development and reform in the political, legislative, social and economic areas. A presidential decree was issued on June 2nd, 2011 stipulating the creation of an official body with the mission to establish the basis of our national dialog, to describe its mechanisms and specify its timetable. Between June 10th and 12th, the national dialog committee invited intellectuals, politicians and young activists, a full spectrum of the Syrian society and its different political orientations, to participate in a dialog intended to reach a vision and produce recommendations. Participants discussed the nature of the delicate phase Syria is going through, explored future possibilities and contemplated citizens' daily life concerns. Here are some of the recommendations issued following the meeting:

- Dialog is the only choice to end the crisis.
- Confirms the necessity of focusing on the value of human rights, to use means of constitutional, humanistic and contemporary standards in order to protect human rights, also a recommends the creation of a Syrian high council for human rights.
- Advises an immediate release of all political, and opinion prisoners in Syria, who did not commit crimes punishable by the law.

Some of the other reform laws:

- 1- Legislative decree number 55 (April, 21st, 2011) related to law enforcement in few particular kinds of crimes, it concerns procedures of collecting evidence, hearing suspects and respecting temporary detention period.
- 2- Legislative decree number 54 (April, 21st, 2011) related to managing citizens' right to organize peaceful demonstrations, which is already mentioned in the Syrian constitution as a basic human right.
- 3- Legislative decree number 43 (April, 21st, 2011) related to the abolition of the Supreme State Security Court.
- 4- Legislative decree number 49 (April, 7th, 2011) related to granting Syrian citizenship documents to the Kurdish populations registered as foreigners in Al Hasaka.
- 5- Legislative decree number 46 (April, 3rd, 2011) related to including under health insurance coverage both civilian and armed forces retirees, those who were employed by the government, public sector or public organizations.
- 6- Legislative decree number 43 (March, 24th, 2011) related to property acquisition in border areas.
- 7- Legislative decree number 40 (March, 24th, 2011) related to salary increase for civilian and armed forces' governmental employees.
- 8- Legislative decree number 62 (June, 5th, 2011) related to substituting workers' short term contracts by long term contracts.
- 9- Legislative decree number 84 (July, 13th, 2011) related to social development.
- 10- Legislative decree number 100 (August, 6th, 2011) related to multiple parties law.
- 11- Legislative decree number 101 (August, 6th, 2011) related to the general elections law.

The government had also completed working on two laws, the first concerns the media, the second is related to local administrations, they will be issued in the next few days. Additionally, we issued many regulatory decrees related to offering students more study cycles, and creating enterprises and new colleges in all Syria's universities.

The Syrian government is also creating a number of committees involving senior professionals and experts to work on the following questions:

- 1- Committee investigating crimes committed against civilians and the armed forces, and other crimes related to the currently events taking place in Syria.

- 2- Committee exploring the reasons and elements taking part in the system of corruption, with the mission to describe mechanisms of prevention of corruption and promote values of integrity.
- 3- Committee to establish a media law.
- 4- Committee for judicial reform.
- 5- Committee for administrative reform.
- 6- Committee for national dialog.

And many other legislative and regulatory decrees and strategic decisions that have failed to be brought up in the High Commission report.

- Blaming Syria's security services as a sole responsible for what's happening in Syria is irrational, incorrect and expresses a unilateral perspective. It is the duty of state's security services to protect private and public property, and to achieve a calm, safe and stable environment for its citizens, taking into consideration that the vast majority of this crisis's victims are police, armed forces and security service agents who were murdered by groups of armed terrorists. They were attacked at their places of work or while protecting peaceful demonstrators, everybody was exposed to fire attacks of masked individuals, a segment that was completely overlooked by the High Commission report.
- Another erroneous belief included in the High Commission report is the mention of how Syrian economic reform is being put on hold. On the other hand, in the reports delivered by many of the international organizations participating in development programs in the country, there is a mention of how the economic reform lead by Syria went beyond anything that has been done in the neighboring states.

Some of the adopted contemporary economy standards were noticeable in the following areas:

- 1- Social market economy.
- 2- Adopting liberal economy and exchange with all world countries.

These new measures in economy had reflected on elevating lifestyle, decreasing poverty and diminishing the development gap among the different areas in Syria. This was mentioned in reports issued by consecutive International Monetary Fund's missions to Syria.

All this and tens of legislative decrees that gave a boost to Syria's economic reform, while taking into account that the Syrian economy is not bound to a specific geographic area, each part of Syria has its own advantages related to the economy.

- The idea that the Kurdish population of Syria is excluded from power, or from Syria's civic life until 2011 is far from the truth. What really took place in March 2011 is that tens of thousands of Kurds were granted Syrian citizenships, a gesture no other country had made toward its alien residents. The Kurds of Syria have occupied high political, military and civic positions; we can produce detailed count of this claim at the demand of the High Commission.
- Despite the fact that protestors in Daraa had specific reform demands since the beginning of the uprising, peculiarly, the report referred to the origin of Daraa's demonstrations as being a popular uprising against power abuse by local authorities. Later on, the High Commission report also mentioned that Daraa's

events started after the detention of a group of children, this is one of the contradictions repeatedly appeared in the High Commission report. The event took place before armed terrorist groups have grasped the occasion of Daraa's people's spontaneous movement to attack civilians and armed forces with fire arms, in addition to the fact that, many of Daraa's sons occupy high governmental positions. We are pleased to present evidence of the facts we advance at the demand of the High Commission.

- The term "Shabbiha", made use of in the report, is an expression created and exploited by terrorist groups and some biased media; they propagated the expression in their press reports with the intention to create discord among the different segments of the Syrian society. Due to security vacuum, terrorist groups succeeded in taking over some areas, yet, unarmed citizens were able to organize themselves in people's committees, defending private and public properties against criminals.
- The number of martyrs is truly 1900, but not all of them are civilians; armed forces and police agents make up the largest part of victims of terrorist groups.
- Concerning the city of Hama, the Syrian army did not occupy the city; it is the national Syrian army, not some foreign army! What it did was to cooperate with security forces to rid the city from armed groups, extremists and terrorists who turned Hama into a ghost city by terrorizing its citizens, and pushing them to flee the city in fear for their lives. Citizens of Hama were relieved to see that the army took control over, and returned calm and normality to their city. The same thing happened in several other towns where terrorist groups tried to maintain a state of horror. The government chose to make use of its armed forces for lack of specialized police forces capable of dealing with riots, rebellion and terrorism; the army did not use heavy weaponry to harm civilians, but rather to protect itself from armed terrorist groups.
- The report has also mentioned 30 dead, and 200 wounded when reporting events at Jissr Al Shughur, ignoring the reality, which is the number of victims in the area had reached 120 among members of the security forces, who were brutally murdered and tossed in mass graves later discovered -when some terrorists were arrested- in the presence of a number of diplomats and foreign press representatives.
- There was no arrest of peaceful demonstrators. Detainees among demonstrators are released, contrary to the law, within five days of their arrest, if there are any peaceful demonstrators among our detainees, please send us their names.

Accusing authorities of torture is exaggerated and utterly untrue, only 12 cases of that kind are presented to courts, they are all mentioned in our earlier response to the High Commission.

- There were no orders to fire on peaceful protestors, if anything; orders were given not to carry weapons, while accompanying peaceful demonstrations.
- No heavy weaponry or helicopters were used while facing armed terrorist groups. All what the report included in relation to this fact is misleading, contrary to the truth, and clearly intended to discredit Syria, and to harass the state for obvious political reasons known to everybody.
- The Syrian government is seriously determined to oppose to torture used against Syrian citizen. A special judicial commission of inquiry is taking direct measures to bring to justice individuals who are found guilty with violating human rights, or who were involved in murdering civilians and armed forces.

- Concerning refugees, they will face no obstacle at their return, we will facilitate their homecoming, and we also allow members of the press to cover events in turbulent areas.
- Permission to enter the country and proceed with its investigations of human rights will be granted to human rights organizations by the Syrian state in accordance with considerations related to national sovereignty, in a time the state determines as suitable.
- In terms of procedures, we find the High Commission's report deviating from the usual legal framework set up by the resolution S-16/1 in many aspects, including:
 - 1- Changing the "Mission" name into "Fact Finding Mission" in the report title, as well as the first paragraph.
 - 2- Non-compliance with the logic of resolution S-16/1 requiring the Commission to investigate and present an impartial, reliable report.
 - 3- In paragraph 15 and 17 of the report, some of the violations were described as potential crimes against humanity, this description does not fall under the High Commission's jurisdiction, and has no place to appear in this report. The High Commission's mission stops at collecting information and does not extend to attributing legal designations to the mentioned violations.
 - 4- The High Commission has presented its recommendations to UN Security Council, while, in fact, its relation is limited to the Human Rights Council.
 - 5- The High Commission has presented its recommendations to the Arab League, is acting as if the Arab League is under authority of the Human Rights Council.
- With the high estimation Syria has with regards to the Human Rights Council, and its missions, Syria expects the Council to keep its impartial position, and to take into account the different existing view points, to objectively analyze it away from prejudice, especially with respect to humanitarian aspects. We implore the High Commission to remain independent, and not allow pre determined perceptions and lack of scrutiny to take over its judgment. The Syrian government is extending a helping hand to the High Commission in proposing a fruitful cooperation aiming to set matters in their right places. Syria is in the process of preparing comprehensive judicial documents, which will be presented to the High Commission and other competent international bodies, clearly showing the involvement of individuals, groups and states in fueling internal unrest and sectarian friction, while supporting armed terrorist groups' work in destroying stability and the national unity of Syria. In addition to interfering with internal affairs of Syria, and offering financial and moral support to criminal gangs ravaging the country and murdering both civilians and armed forces personnel and bringing about chaos, confusion and organized violence.

The committee in charge of Hamza Al Khateeb's issue

Investigation's outcome

Based on administrative order number 913/s dated May 30th 2011 related to naming a committee with major general AbdulKareem Sulaiman, Deputy Minister of Interior as president, and the following members:

- Director of Criminal Security, Mr. Mohamed Darwisha
- Military Prosecutor, Mr. Mohamed Kanjo

- Commander of Military Police, Mr. AbdelAziz Al Shallal
- Criminal Investigations Security branch director, Mr. Raed Jazem

The mission of this committee consists of investigating claims of acts of violence and torture performed on the cadaver of the child Hamza Al Khateeb.

All members of the committee met in its president's office at 8 am on Tuesday, May 5th, 2011, and decided, after deliberations, to take the following measures in order to reach the truth about this issue:

1. All committee members took a trip to the Teshreen Military Hospital, and visited its forensic department, viewed 6 colored photos on thick white photography paper, produced by the military police, judicial evidence, of the criminology photo department, and numbered 202/757, each of them carry the number 23, the photos are taken of the cadaver of a minor, Hamza Al Khateeb, it portrayed the cadaver in several different positions, and were marked with the number 23, because there was no identification of the cadaver at the moment the photos were taken. The photos were included in the file of investigation according to regulated procedures.

2. A copy of the forensic file was viewed, the file was established by three medical doctors, Dr. Akram Al Shaar, Dr. Essam Ahmad, Dr. Ismael Kiwan. The 4 pages of this report included the following, verbatim:

Report of forensic expertise concerning the death of citizen Hamza Al Khateeb

Description of appearance:

- The cadaver belongs to a minor/boy in his teens, overweight, medium height, light brown skin color, black hair 4 centimeter long.
- Honey colored eyes, pupils completely dilated, symmetrical.
- The cadaver shows blue color in the back parts of torso and extremities.
- The cadaver is soiled with blood, and shows abrasions and light superficial bruises in the right side of the front, eyelids and right cheek; it is caused by falling while dying, and has no connection to the cause of death.
- It is noted that the cadaver appearance is not in concordance with the age of the dead person, it shows big proportions of torso, width and height, and increased mammal glands size, small size testicles, scrotum and penis, the penis appears to be buried in the scrotum.
- It is also noted that the cadaver did not carry hair in the face, mustache, armpits and pubic areas.

The cadaver shows the following injuries:

1. Perforations caused by bullet entry into the lower lateral part of the left upper arm, exit at the lower-third- part of the inner left upper arm, re-entered the chest from the side, and exited in 10 centimeters.
2. Perforations caused by bullet entry at the top right waist area, exited at the lower lateral back area.
3. Perforations caused by bullet entry and exit in the right upper arm.

The cadaver does not show:

There are no signs of violence or sprain, or resisting violence, no beating marks, no traces of torture, like bruises and fingernail abrasions, it does not show wounds with sharp objects,

nor traces poking, no bone fracturing or dislocation of articulations, nor bullets wounds other than what is previously detailed.

Discussion:

- The deceased Hamza Al Khateeb had received 3 bullet wounds, the first one had two entrances and two exits perforations, entering at the left upper arm, exiting, and re-entering at the left side of the chest, exiting in the front part of the chest, between the nipples. The second entered in the right side of the waist area and exited in the back close the last rib on the right. The third entered and exited in the lower third of his right upper arm.
- All three bullets caused perforations with edges pointing inside the body at the entry locations, pointing outside when exiting the body, abrasion traces were formed around bullets' entry locations, they were absent for bullets' exit locations, which is an important evidence of bullets entry and exit locations.
- Bullet wounds occurred while the person of Hamza was alive.
- The perforation created by entry of bullets is relatively big and deformed, which leads us to think it had possibly gone through some kind of an obstacle before it hit the body of the victim, or had entered the body in an angle.
- The bullets hit the body in different areas, left and right upper arms and torso; this indicates that both shooter and deceased were moving around, or, the possibility of having more than one shooter.
- The two bullets in the boy's chest and waist might have caused instant death, while the right upper arm wound is not deadly.
- Bullets have caused damage in bones and internal chest and abdomen organs, and were the direct cause of internal bleeding and death.
- Shooting originated from a third party, the shooter was at the same height of the victim at the moment of shooting.
- Shooting occurred from a distance of more than one meter away from the victim.

Conclusion:

- Death is due to severe internal bleeding resulted from wounds of three bullets.
- Perforations are caused by bullet entry and exit at the lower part of the left upper arm, re-entered the chest from the side, and exited at the middle of the sternum.
- Perforations are caused by bullet entry at the top right waist area, exited at the lower back area.
- Perforation are caused by bullet entry and exit in the right upper arm.
- Shooting has originated from one or several third party sources. Shooter(s), as well as the victim might have been moving at the time of shooting.
- The bullets have damaged internal chest and abdomen organs and caused severe bleeding ended in death.

Death is a result of the damages caused by bullets shots from a fire arm.

4. The committee formed of three doctors (names mentioned above) was mandated to prepare a comparative study of Hamza Al Khateeb's cadaver photos taken at the Teshreen Military Hospital in Damascus on April 30th 2011, to be compared with the same cadaver photos taken at the National Hospital in Daraa on May 24th 2011, the Committee produced a 2 pages report related to its mandate as follows:

When examining photos taken at the Teshreen Military Hospital in Damascus on April 30th 2011, and comparing it with the cadaver photos taken at the National Hospital in Daraa on May 24th 2011 we found the following distinctions:

<i>differences</i>	<i>The National Hospital in Daraa</i>	<i>Teshreen Military Hospital, Damascus</i>
1	Black color, swelling in eyelids, nose, lips, signs of post mortem decomposition process.	Light abrasions of bruises happened when the person was alive; the body is soiled with blood, no signs of swelling.
2	Flushed green color and blackened areas in the right cheek, upper chest and extremities, all due to post mortem decomposition process.	No green color or blackened areas on the body.
3	Severe swelling with green tint of the testicles area, lower abdomen and top of the thighs, due to post mortem decomposition process.	No swelling or black green coloring of testicles area.
4	Scored skin, especially in the neck and hands areas, due to post mortem decomposition process.	No scored skin.
5	Visible parts of the vascular system, tinted with brown color on the legs, due to post mortem decomposition process.	No apparent vascular system elements on the surface of the body of the deceased.
6	Traces of fetid liquids completely covering the surface of the cadaver, a sign of post mortem decomposition process.	No traces of liquid.
7	Glans appear in a black color with testicles scored skin at the basis of the penis, subcutaneous tissue is colored in yellow, a sign of post mortem decomposition process. Nothing in the photos suggests amputation.	Testicles, in their normal location, appear to be small, the penis is small and buried in the scrotum, the only visible part is glans with reddish pink color, a little opening of urethra in the center, this appearance is related to his overweight, no signs of scored skin.
8	Perforations of bullets entry blackened with blood, a sign of post mortem decomposition process.	Perforations of bullets entry and blood are of red color, also light red color blood is spread in different areas on the surface of the cadaver.

To discuss dissimilarities appeared in the cadaver's photos taken in Teshreen Hospital in Damascus on April 30th, 2011, compared to photos taken in the National Hospital in Daraa on May 24th, 2011:

- What emerged from the photos taken in the National Hospital in Daraa on May 24th, 2011 are the changes of the state of the cadaver due to the process of decomposition that was taking place between the moment of death and the time the cadaver was delivered to the National Hospital in Daraa. These are normal physiological shifts that generally occur with time after death takes place, they are related to different bacteria in the air and elsewhere producing gas and leading to enlargement of cadavers' cavities, and characterized by skin becoming easy to shred just by simple friction, and body orifices producing rotten liquids, muscles tissue and internal organs start to decay with time, leaving only a skeleton. According to forensics this process is conform to the circumstances and temperature of the place where the cadaver was found, despite the fact that in this particular case, the cadaver was kept refrigerated at minus 5 Celsius, which had

contributed in slowing down the process without completely stopping it, that explains the discrepancies in cadaver description between Teshreen Hospital in Damascus on April 30th, 2011, and the National Hospital in Daraa on May 24th, 2011.

5. The committee mandated Deputy Public Prosecution in Damascus to present a report explaining the judicial procedures of investigations he ran in relation to the cadaver of deceased Hamza al Khateeb. A report of one page signed by the Deputy Public Prosecution was presented as follows:

In a late hour on Friday night, April 29th, 2011, we were informed by Teshreen Military Hospital about the existence in their forensic department of a cadaver with no identity, the cadaver arrived from Daraa. As judge of crimes, I immediately went to Teshreen Military Hospital, accompanied by a clerk and a forensic expert, Dr. Seles Waqqaf, we all examined the cadaver from a medical and judicial view points in order to determine the cause of death, lately appeared to be bullets from a fire arms. Forensic photographer took detailed photos of the cadaver, we attributed the number 23 to it, the cadaver did not bear traces of acts of violence or beating or torture or broken bones. Our examination of the cadaver continued until the morning of Saturday, April 30th, 2011.

In addition, we mandated a committee of three experienced medical doctors, Dr. Akram Al Shaar, Dr. Issam Ahmad and Dr. Ismael Kiwan, to determine the exact cause of death. The cadaver was confined to a refrigerator in the morgue of Teshreen Military Hospital, Department of Forensics. It would be delivered to the family as soon as we identify the deceased, which later took place when the cadaver number 23, turned out to belong to the boy Hamza Al Khateeb, was moved from Teshreen Military Hospital on May 21st, 2011, 5 pm, to a refrigerator in the National Hospital in Daraa. It took an hour and a half trip to get there. We have no information as to what happened next.

6. The committee called Dr. Ismael Abu Nabut, employed by the National Hospital, forensic department on June 1st, 2011, as he was the person who had examined the cadaver of the boy Hamza Al Khateeb, in order to get the accurate scientific facts beyond any doubts, the three members of the committee of medical doctors –mentioned above- who examined the cadaver were also called, they held a meeting and discussed the situation from a technical, medical and scientific view points, and reached a description that was formulated by forensic Dr. Abu Nabut as follows:

“We, Dr. Ismael Abu Nabut, forensic doctor of the province of Daraa, hereby declare, after viewing the report presented by the committee of three medical doctors dated April 29th, 2011, in the matter of examining the cadaver of the deceased Hamza Al Khateeb, in addition to seeing photos of the cadaver taken in Damascus on April, 4th, 2011, and photos taken in Daraa on May 24th, 2011.

Following a meeting with my colleagues, members of the medical committee, Dr. Akram al shaar, Dr. Issam Ahmad and Dr. Ismael Kiwan, and the viewing of comparative documents related to the photos taken by them of the same cadaver in Damascus and in Daraa, I declare the following:

It was mentioned in my report dated May 24th, 2011, the existence of a post mortem amputation on the penis, and that the cadaver had presented at the time of examination, general signs of decomposition, also in its reproductive areas, which was apparent in swelling of the scrotum, and blue coloring and skin abrasions. I support the possibility that an amputation might have not occurred, and this physical loss might have taken place during the advancing stage of decomposition previously described, or with skin friction at the area during transport of the cadaver. This is my conclusion of expertise”

When he finished hand writing this report, it was presented to all committee members, who equally signed it, this report has full power of an official document, and later was combined with the rest of investigation documents accordingly.

7. Mr. Ali Al Khateeb, father of the deceased, was called on June 1st, 2011, he willingly declared, after discussing the matter, that his son's body was intact, and that no one has any interest in tampering with the cadaver, he formulated this opinion after viewing records related to medical and judicial examinations of the cadaver, records established by the committee of three medical doctors, in addition to viewing the photos taken in Damascus. He implored the committee to omit his presence and convictions from the official records, for fear of vengeance by extremists in Daraa. The committee decided to respect his wishes by not mentioning his statement in the official records.

8. To limit erroneous interpretations, the committee used Hamza Al Khateeb's official birth certificate, issued by secretary of the civil registry, which included the following information:

Name: Hamza. Family name: al Khateeb. Father name: Ali. Mother name: Samira. Registry: Daraa. Place and Date of registration: Al Jeeza, June 5th, 1998. Religion and Denomination: Islam. National Number: 12010118983. Sex: male. Date of Birth: May 27th, 2011. Marital Status: single. Name Serial: 83.

Following the above mentioned procedures, the committee unanimously declares:

1. The cadaver arrived late at night on April 29th, 2011, to Teshreen Military Hospital in Damascus, a forensic examination of the cadaver took place according to regulations, short time after its arrival, examination was conducted in a comprehensive, scientific, technical and lawful manner.

2. The cadaver did not carry signs of violence except the perforations caused by fire arms previously described.

3. The cause of death is severe internal bleeding due to bullets wounds in three occasions:

(a) Perforations caused by bullet entry at the lower part of the left upper arm, re-entered the chest from the left side, and exited at the middle of the sternum.

(b) Perforation caused by bullet entry at waist's right area, exited at the lower side of the back area.

(c) Perforation caused by bullet entry and exit in the right upper arm. All three bullets were shot from a distance no less than one meter away from the victim.

Shooting originated from one or several third party sources. Shooter(s), as well as the victim might have been moving at the time of shooting, they were on the same height. Bullets have damaged internal chest and abdomen organs and caused severe bleeding ended in death.

Death is the result of the damages caused by bullet shots from a fire arm.

4. No amputation of penis was observed, Dr. Ismael Abu Nabut had misjudged the situation in an earlier examination in Daraa on May, 24th, 2011, and later rectified his declaration in today's report. The alteration of his statement is based on comparative technical and medical evidence presented in the photos taken in Damascus and Daraa, and discussed with a committee of three medical doctors who examined the cadaver on April 30th, 2011 in Damascus.

5. Evidence of conviction of Mr. Ali Al Khateeb, father of the victim, declaring that his son's cadaver is intact, not tampered with. He ultimately formulated his conviction in presence of committee members, and asked to keep his statement out of the written report for fear for his life of Daraa's extremist groups retaliation, in case they discover that he had altered his convictions about the rumors spread by biased press and mass media concerning the amputation of his son's penis. This new conviction of Ali Al Khateeb is based on discussing facts with committee members, in addition to viewing official judicial documents, photos, medical experts' report and the comparative illustration of cadaver photos taken in Daraa, and Damascus.

6. It is proven that hostile third parties have commissioned certain persons to influence information about facts, and to apply digital manipulations on photos of the cadaver of Hamza Al Khateeb. The concerned authorities are following up on these facts in order to put their hands on the manipulated photos and their authors in general and particularly in relation to this case.

Conclusion:

- Scientific, medical and judicial evidences have proven the cadaver of the boy Hamza Al Khateeb does not sustain traces of acts of violence or torture, not in post mortem, nor when he was alive. Except for perforations of bullet shots from fire arms.
- It is also proven that Hamza Al khateeb's cadaver did not undergo an amputation of penis.

Annex VII

Chronology

Chronology of the events in Syria from 15 March, 2011 until 20 July, 2011:

15 March – The “Day of Dignity”: Dozens of protesters convene in Damascus and Aleppo. Activists call for the abolition of the state of emergency, in existence since 1963, the implementation of reforms and the release of political prisoners.

23 March –The Syrian president dismisses the Governor of Dar’a against the backdrop of the latest protests in the city.

24 March – The Syrian president orders the creation of a committee to raise living standards and explores the lifting of the emergency law.

25 March – Friday of Glory (جمعة العزة): thousands participate in demonstrations in Dar’a during a funeral procession.

31 March –The Syrian President orders an investigation into the recent killings in Dar’a and the establishment of a panel to examine the nationalization of Syrian Kurds.

1 April – “Friday of Martyrs” (جمعة الشهداء): reports indicate that Dar’a is isolated by security forces and the army.

12 April – Baniyas is reported to be “under siege” by security forces. Electricity and phone lines are cut off and food shortages are reported.

April 16: The Syrian President gives a televised speech pledging to lift the emergency law and instate further reforms.

21 April: A number of presidential decrees are issued lifting the emergency law, abolishing the Higher State Security Court and regulating the right to peaceful assembly.

25 April – The army deploys to Da’ra, where electricity and water are reportedly cut off and medical supplies and blood stocks are running low.

28 April – 233 members of Syria’s ruling Baath party in Dar’a announce their resignation in protest over the deadly crackdown on protesters. The UN Security Council fails to agree on a statement condemning the violence in Syria.

29 April – “Friday of Rage” (جمعة الغضب): the US imposes a series of new sanctions on Syria’s intelligence agency and two relatives of President Assad. The Human Rights Council convenes a Special Session and adopts resolution S-16/1 on the situation in Syria where the High Commissioner also calls for the dispatch of an OHCHR Fact Finding mission to the country.

6 May – “Friday of Defiance” (جمعة التحدي): thousands of protesters gather in many cities including Baniyas, Homs, Edleb, al-Qamishli and the Damascus suburbs of Zabadani and Saqba.

10 May – The European Union imposes sanctions (including asset freezes, an arms embargo and travel bans) on Syria, naming 13 high-ranking officials on its list. Syria renounces its candidacy for a seat in the Human Rights Council.

11 May –The Syrian Prime Minister announces that the government has established a committee to prepare a new law on parliamentary elections.

18 May – Al Jazeera reports, that their correspondent, Dorothy Parvaz is released after having disappeared for three weeks upon arrival in Damascus. The US expands its sanctions on Syria to include President Assad and six other Syrian officials.

23 May –EU restrictions against Syria are expanded to include President Assad and nine other senior members of the government. Restrictions include a ban from travelling to the EU and freeze on the officials' assets.

27 May – “Home Protector’s Friday” (جمعة حماة الديار): protests take place in Latakia, Homs, Hama, Qamishli, Deir az-Zour and Damascus.

31 May –Dozens of tanks surround the towns of Rastan and Talbiseh. President Assad issues an amnesty on all political crimes committed before May 31, 2011.

1 June – Members of the Syrian opposition meet during a three-day conference in Antalya, Turkey.

3 June – “Freedom Children Friday” (جمعة أطفال الحرية): more than 50,000 demonstrators gather in the centre of Hama amid heavy security presence.

5 June –Official governmental sources report that armed terrorist groups have attacked state buildings and police centers in the town of Jisr al-Shughour in the Idlib province.

6 June – The Syrian Official News Agency (SANA) reports that armed gangs have killed 120 policemen in an ambush in the town of Jisr al-Shughour.

9 June –Russia and China announce that they will oppose a US-backed UN Security Council resolution on Syria.

12 June: The Syrian army takes control of the town of Jisr al-Shughour. The government stated that it is trying to restore order after 120 security personnel were killed in the town.

16 June: The OHCHR presents its preliminary report on the situation in Syria at the Human Rights Council’s seventeenth session. In the report the High Commissioner, Navi Pillay, expresses grave concern about the deterioration of the human rights situation in Syria and renews calls for allowing access to the Fact-Finding mission in the country.

17 June: According to the UNHCR, the number of refugees in Turkey fleeing from north-western Syria is at 9’600.

20 June : The Syrian President addresses the nation in a one-hour speech at the Damascus University in which he promises to initiate a process of "national dialogue" and a series of economic and political reforms.

21 June: The Syrian state news agency (SANA) reports that Syrian President has ordered a new general amnesty for all crimes committed in the country until 20 June. Syrian authorities organize a tour around Jisr al-Shughour for diplomats.

22 June: Syrian Foreign Minister Walid al-Muallem states that al-Qaeda might be behind some of the violence in the country.

24 June: “Friday of Lost Legitimacy” (جمعة فقدان الشرعية): according to the Turkish foreign ministry, the number of Syrians sheltered in Turkey reached 11,739. The EU expands its sanctions to include three Iranian Officials.

27 June: Around 200 regime critics and intellectuals meet in Damascus to discuss strategies for peaceful transition to democracy in Syria.

1 July: “Friday of Departure” (جمعة الرحيل): large-scale demonstrations are reported in various parts of the country. There are reportedly a million demonstrators in Hama, making it the largest single demonstration so far since the unrest began.

7 July: Secretary-General Ban Ki-moon calls on the Syrian authorities to “stop their bloody crack-down on protesters” and to allow access to the United Nations to assess the Human Rights situation in the country.

8 July: “Friday of No Dialogue” (جمعة الاحوار): hundreds of thousands attend a demonstration in the city of Hama, which according to some estimates reached 500’000. The French and British ambassadors to Syria visit the city. The Syrian government condemns the visit.

11 July: Supporters of the Syrian president attack the French and US embassies. The US secretary of state condemns these attacks and states that President Assad had “lost legitimacy.”

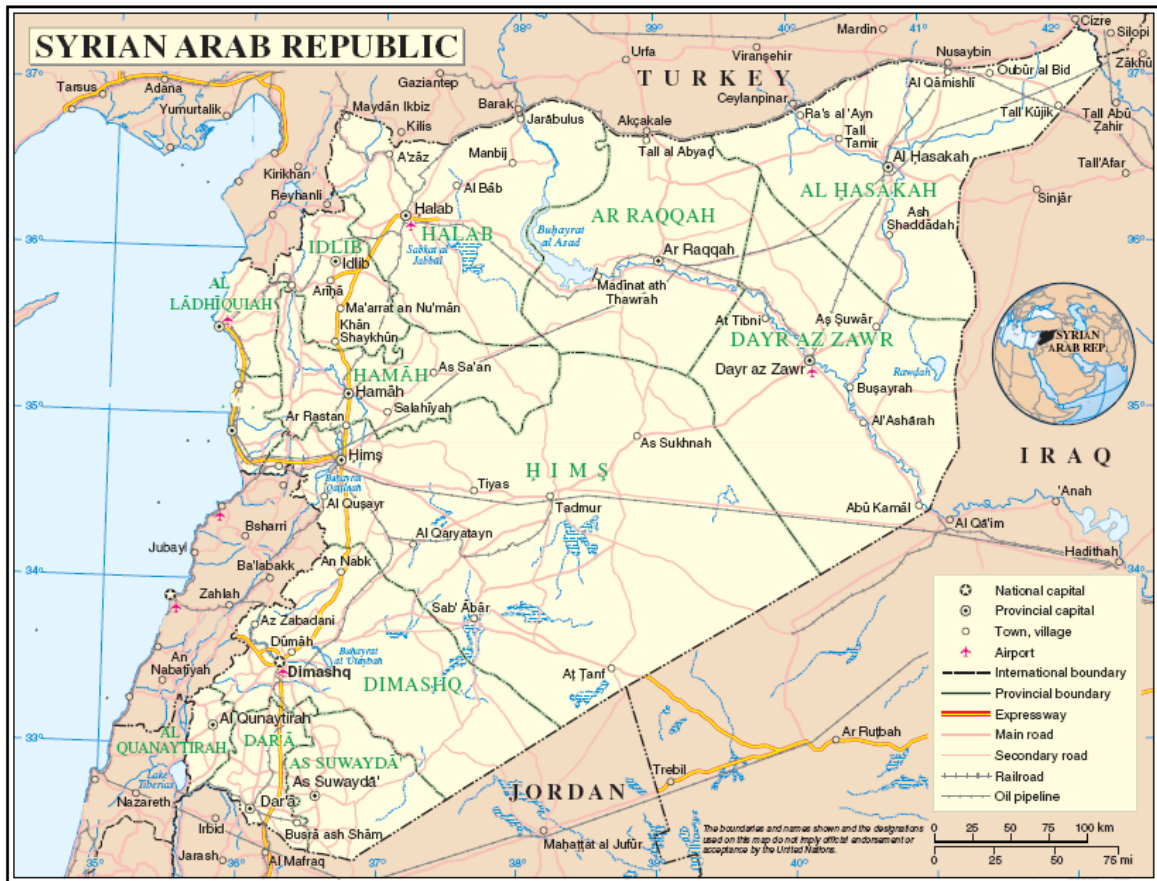
12 July: Secretary-General Ban Ki-moon and the Security Council condemn the attacks against the British and French embassies in the Syrian capital Damascus.

15 July: “Detainees’ Freedom Friday” (جمعة اسرى الحرية): hundreds of thousands demonstrate in various parts of the country including Hama, Aleppo and Damascus.

20 July: Secretary-General Ban Ki-moon calls on the Syrian government “to stop repression immediately” and urges all sides to refrain from violence.

Annex VIII

Map of the Syrian Arab Republic



Map No. 4204 Rev. 2 UNITED NATIONS
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Department of Field Support
Cartographic Section