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

I. Introduction

1. It has been more than two years since clashes first erupted in the Syrian Arab Republic between the Government and opposition demonstrators. The harrowing violence that ensued continues unabated, with armed hostilities now consuming vast swathes of the country. The number of civilian casualties continues to rise. Millions are refugees or internally displaced. An estimated two-thirds of those fleeing Syria are women and children. Thus far, the international community has been able only to bear witness to Syria's slide into an increasingly destructive civil war. Humanitarian agencies are struggling, partly as a result of limited funding, to deliver aid to growing numbers of refugees and the internally displaced.

2. This update covers the period of 15 January to 3 March 2013 and coincides with the presentation of the commission's most recent report (A/HRC/22/59) to the Human Rights Council. The update seeks to provide insight into the context in which human rights and humanitarian law violations continue to occur. Investigations, including those conducted in the last month, reinforce the finding that the main cause of civilian casualties, mass displacement and destruction is the reckless manner in which parties to the conflict conduct hostilities.

3. The overwhelming imperative is for the parties, influential states and the international community to work to ensure the protection of civilians. It is critical that the parties to the conflict conduct hostilities in a manner that secures the protections afforded to civilians under the law of armed conflict and in full respect of applicable human rights standards.

4. First-hand victim accounts convey the depth of the tragedy engulfing Syria. Victims speak of their struggle for survival, fleeing their homes only to be confronted with the inescapable brutality of war. Syrians still inside the country have taken on an enormous task, acting as the main providers of humanitarian assistance to those in need.

5. The commission remains without access to the country despite repeated requests. The lack of physical access to the country has seriously hampered the conduct of the commission's investigation.

II. Erosion of civilian space

6. Over the past two months, there has been a dramatic erosion of areas inside Syria where civilians are able to live unaffected by the violence and destruction caused by the conflict. Fighting continues – and has intensified – in the cities of Aleppo and Homs. Damascus and Dara'a governorates are fiercely contested.

7. The growing insecurity has resulted in mass displacement. In 2013, the escalation of hostilities has resulted in a flood of Syrians seeking refuge in neighbouring countries. At the time of the release of the commission's fourth report on 18 February 2013, UN agencies estimated the number of refugees at 821,000. On 3 March 2013, the estimate stood at 975,000. Approximately 16% of the total number of Syrian refugees fled the country in a 12 day period. According to recent UNHCR figures, at least 2.5 million Syrians have been internally displaced.

8. The scope of the humanitarian crisis in Syria remains of grave concern. The collapse of Syria's economy continues to seriously impact Syrians' access to their basic economic and social rights, notably the right to health. The education system in many areas is in tatters. Prices for basic necessities have increased exponentially. Shortages of fuel, electricity, water and medicine are the norm and have been compounded by sanctions.

There has been significant damage to the country's infrastructure. The Office for the Coordination of Humanitarian Affairs (OCHA) estimates that at least four million people are currently in need of assistance.

9. Civilians fleeing violence find fewer areas in which to take refuge. As described below, indiscriminate shelling by Government forces of areas predominantly populated by civilians continues apace. Communities perceived to be anti-Government have been singled out for attack. Entire neighbourhoods have been destroyed. Hospitals and schools have been damaged beyond recognition. The pattern of mass razing of neighbourhoods documented in the last report remains under investigation as large scale demolitions continue. Such conduct raises the spectre of forcible displacement. As the civilian space within Syria disappears, people are fleeing to enclaves of stability. One interviewee, speaking about the conditions in one such safe area, described "people living everywhere, in shops, in schools."

10. One of the most alarming features of the conflict has been the use of medical care as a tactic of war. Medical personnel and hospitals have been deliberately targeted and are treated by parties to the conflict as military objectives. Medical access has been denied on real or perceived political and sectarian grounds. Instances have been documented in which Sunni civilians faced coercion from security services while receiving medical treatment. Attacks on civilian objects, such as hospitals and clinics, further reduce the space required for the provision of basic assistance to the sick and wounded. Hospitals in Yarmouk camp were shelled in Damascus in December 2012. In Dara'a, interviewees reported that the official hospitals were permitted to treat only members of Government forces and their supporters. Reports note that security services conduct interrogations and arrests inside the hospital.

11. Medical personnel serving in Government hospitals have a well-founded fear of punishment if they provide treatment to members of anti-Government armed groups. Doctors and nurses have also described incidents in which they have been coerced by Government security forces to take the bodies of executed armed group fighters and register them as deceased patients. Medical staff in Government hospitals also fear abduction by armed groups who perceive them as loyal to the state. Such acts instrumentalize the medical profession, drawing humanitarian professionals into the conflict.

12. Civilians from communities who are likely to be perceived as supporters of the Government face particular threats from anti-Government armed groups. The targeting of Shia and Alawite communities by armed groups has been recorded in interviews in Damascus, Homs and Dara'a. Members of the Christian community in Homs also report being targeted, many of them fleeing towards Damascus and Beirut. The taking and holding of hostages along communal lines by armed groups has risen sharply in recent months.

13. As a bulwark against encroaching violence, local residents in some areas have formed 'Popular Committees', reportedly to protect their neighbourhoods against anti-Government armed groups and criminal gangs. Some appear to have been trained and armed by the Government. According to defectors, the ranks of Popular Committees mirror the ethnic, religious and class composition of the neighbourhoods they protect. There are reports that some Popular Committees have supported Government forces during military operations as an auxiliary militia. Their presence has been documented across Syria, where at times they are alleged to be participating in house-to-house searches, identity checks, mass arrests, looting and acting as informants. Witnesses frequently describe these groups as Shabbiha.

14. In a disturbing and dangerous trend, mass killings allegedly perpetrated by Popular Committees have at times taken on sectarian overtones. Moreover, the commission has received consistent testimonies of persons who alleged having been harassed and at times

arbitrarily arrested by members of these committees because they originated from regions perceived as being “supportive of the revolution.”

III. The spreading violence

15. Active hostilities are increasingly spreading into remaining enclaves of stability, eroding civilian space. The situation across Syria’s restive areas is constantly fluctuating, with neither party to the conflict able to gain a definitive military advantage. While the war displays signs of a destructive stalemate, several notable trends have emerged.

Unlawful attacks

16. Government forces continue to focus their military operations on securing major towns and cities, intensifying shelling and airstrikes on anti-Government armed groups’ strongholds. In Dara’a governorate, the towns of Tasil, Enkhel, Mhajjah, Al Jisr, Gharia and Musayfrah, Dara’a al Balad and Muarbeh have all come under shelling and aerial bombardment in the last two months. In one incident on 19 February 2013, Government forces fired rockets at an evacuation convoy of 20 to 30 cars heading to Jordan. This amounts to an indiscriminate and unlawful attack.

17. Homs city continues to be heavily shelled by Government forces, as well as the towns of Kafr Aya, Jobar, Tadmur, Rastan, Gornata village, Al Qusayr, Al Houleh and Al Qaratyn. Similar reports of aerial bombardment have also been documented in Idlib and Hama governorates. Government forces continue to target civilian gatherings such as bakery lines and funeral processions. Such attacks have the effect of spreading terror among the civilian population.

18. Government forces have fired medium and long-range missiles, which have caused widespread damage to residential neighbourhoods in Aleppo. A missile strike in Aleppo city is reported to have killed over 200 people on 18 February 2013. A later strike on 22 February left at least 50 people, including children, dead. Insider accounts detail Syrian Air Force commanders giving orders to shell entire areas of Aleppo city without discriminating between civilian and military objectives. According to the evidence collected, densely populated neighbourhoods were shelled almost daily, often resulting in their total destruction. Such conduct violates the principle of distinction and amounts to a violation of international humanitarian law.

19. Reports describe armed groups, in conducting hostilities in densely populated civilian areas, often doing so without complying with their obligations under international humanitarian law to protect civilians. Evidence suggests that as anti-Government armed groups have improved their access to weapons, their lack of expertise and training often results in their disproportionate and indiscriminate use and fewer precautions taken to protect civilians during attack. Investigations continue into an FSA mortar attack on Mushrefah, an Alawite village in Homs, which appears to have directly targeted the civilian population. Several reports were also received of FSA groups issuing warnings to civilians living nearby, prior to attacking a government checkpoint. The FSA has also been responsible for mass evacuations of civilians from some urban conflict zones.

20. Two explosions at Aleppo University killed scores of students and internally displaced persons (IDPs) on 15 January. Evidence indicates that the second explosion was the result of a rocket or missile attack. The incident remains under investigation.

21. Detonating bombs in populated areas remains a particularly horrific phenomenon of the conflict. Even when ostensibly targeted at military objectives, these explosions kill indiscriminately and result in scores of civilian deaths. Acts or threats of violence, the

primary purpose of which is to spread terror among the civilian population, are prohibited under international law.

22. Since 15 January 2013, there have been three incidents of bombings in Syria. On 21 January, a car bomb exploded in Al Salamiyeh, Hama governorate. The Al Nusra Front later claimed responsibility. Initial reports in the media claimed that the bomb had been set off near the headquarters of a “pro-Government militia”, killing approximately 40 people. This incident remains under investigation.

23. On 21 February 2013, a car bomb targeting the Ba’ath headquarters in central Damascus was detonated killing 53 people. Prima facie, the Ba’ath headquarters would not be a military target. Its use at the time of the bombing is yet to be confirmed. On the same day, three car bombs exploded in the northern Barzeh neighbourhood of Damascus. Syria’s national security headquarters are housed there, but it has not been possible to verify the exact location of the bombings in the neighbourhood. The bombs reportedly killed 22 people and wounded hundreds. With no claims of responsibility, the perpetrators of the 21 February bombings remain unknown.

24. The UN Secretary-General, denouncing the recent bombings in Damascus, reiterated his firm conviction that the resort to violence and military means can lead only to more violence, suffering and destruction. The commission lends the weight of its evidence to the statement of the Secretary-General. The evidence collected over the last two years demonstrates that the proliferation of weapons and increased militarization has led to a contagion of violence and disregard for human life.

Violence at checkpoints

25. The proliferation of checkpoints, erected by Government forces, affiliated militias and anti-Government armed groups in areas under their control, has had a negative impact on the daily lives of ordinary citizens. In addition to undermining freedom of movement, checkpoints are themselves contested strategic objectives on the front line and are often flashpoints for violence.

26. Extra-judicial killings, beatings, enforced disappearances and arbitrary arrests occur at checkpoints manned by Government forces and affiliated militias. Several reports were received of civilians shot and killed at checkpoints in Dara’a governorate. In mid-January, in a stark example of abuse of innocent civilians, between 25 and 60 women were removed from buses while travelling to work or to school and detained by Government forces. The sole purpose of the detention was to coerce the women’s family members, some of whom were ostensibly fighting with anti-Government armed groups, to surrender. Multiple accounts alleged that the detained women were sexually abused. At the time, anti-Government groups in the area attacked a security office and were holding its officers captive. Other interviewees who detailed their torture in detention centres in Damascus were initially arrested at Government checkpoints in various parts of the country, particular Damascus, Dara’a and Homs.

27. The arrest of individuals by Government forces, and to a lesser extent by anti-Government armed groups, during house searches, military operations or at checkpoints, is frequently without legal basis or formal charges. In Al Bara, Idlib governorate, a man was arrested by a member of an anti-Government armed group as his ability to pass through Government checkpoints caused suspicion. While detained, he stated that he was beaten and given electric shocks. Another interviewee, speaking about events in Al Hasakah governorate, recalled anti-Government armed groups creating checkpoints and demanding that those passing through make “contributions to the revolution”. Civilians believed to be Government supporters have also been beaten by members of anti-Government armed groups at checkpoints.

Sexual violence

28. Direct accounts of sexual violence continue to be sought from victims and eyewitnesses. It remains immensely difficult to collect first-hand accounts due to a culture of silence which prevents reporting. Organisations and individuals, including dedicated medical personnel, who assisted or were likely to have assisted victims of sexual violence detail the same challenges. Indirect accounts suggest that women who have been held for any period of time at checkpoints or in intelligence agencies may have suffered rape or other sexual assault.

Child recruitment

29. Young boys remain at risk for recruitment, particularly by anti-Government armed groups. In Al Qusayr, a contested town between Homs and the Lebanese border, local armed groups recruited children by appealing to their desire to defend their families, or by coercions and inducements. Boys as young as 13 were recruited, and those as young as 14 were given weapons training and operational roles. Young fighters told the commission that children were trained and housed with adult members of anti-Government armed groups. It is clear, however, that not all armed groups allow such recruitment. Boys from Dar'a and Homs, aged around 16 or 17, stated that their attempts to join anti-Government armed groups had been rejected on grounds of their being too young.

30. From the age of about 12, Syrian boys in conflict-affected areas face the scrutiny of Government forces during raids and at checkpoints. This scrutiny may push young boys towards a sense of responsibility for the physical safety of family members, a premature sense of adult masculinity that sets the stage for participation in conflict. The army's strict rules against the recruitment of under-18s may be coming under pressure as the bureaucratic systems needed to determine age prior to conscription fray. Government affiliated militias appear to operate with fewer safeguards against child recruitment.

IV. Massacres

31. Acting upon the request of the Human Rights Council to investigate all massacres,¹ the commission adopted the following working definition of massacre:

An intentional mass killing of civilians not directly participating in hostilities, or hors de combat fighters, by organized armed forces or groups in a single incident, in violation of international human rights or humanitarian law.²

32. The brutality of the civil war in Syria has been amplified by the perpetration of massacres. According to corroborated reports, Government forces executed between 52 and 90 prisoners, detained due to their affiliation to the opposition, in a makeshift prison in a former cultural centre in Maarat Al Numan, Idlib, in October 2012. The mass killing of detainees took place in the context of an assault by Free Syrian Army fighters on Maarat Al Numan. As FSA fighters approached the checkpoint next to the cultural centre, they heard heavy gunfire. After taking over the checkpoint and entering the makeshift prison, they discovered multiple bodies of detainees who had been shot at close range. Survivors of the

¹ HRC resolution 21/26, para. 19.

² Massacres include multiple instances of the war crime of murder, the war crime of attacking civilians, and the war crime of sentencing or execution without due process. When murder is committed as part of a widespread or systematic attack directed against a civilian population, perpetrated pursuant to or in furtherance of a State or organizational policy, the commission of massacres may amount to the crime against humanity of murder.

murder relayed that Government soldiers killed the detainees in anticipation of the attack by the FSA to prevent their release.

33. Multiple accounts were collected of an alleged massacre in the village of Al Bouweida in Damascus governorate on 15 November 2012. Following a FSA operation against the nearby base of Division 24, Aerial Defense Brigade 58, seven members of a single family, including four children and one woman, were summarily executed inside their house in the village. Investigations into this incident are on-going.

34. On 15 January 2013, there was an attack on Al Haswiyah, a village on the northwestern outskirts of Homs city, which reportedly resulted in the killing of scores of people. Kafr Aya, formerly considered a safe haven for IDPs, was attacked on 19 and 20 January 2013, by both a ground and air assault. The town, also located in Homs governorate, was subjected to heavy aerial bombardment from fighter jets and helicopters followed by a clash between Government forces and anti-Government armed groups. It is alleged that the bodies of people, not directly participating in hostilities, discovered after the incident bore knife injuries. Investigations continue into this incident.

35. There is a discernible common thread among the mass killing of civilians or hors de combat fighters in Deir Baalbeh on 31 December, Al Haswiyah on 15 January and Kafr Aya on 19 January. These three towns, while in the vicinity of active hostilities in Homs governorate, are located in residential areas that were used as a refuge by IDPs. With fighting escalating in Homs due to a major Government assault on the armed group-held core of the city, the attacks on villages in the outskirts suggest an effort to secure the perimeter of the city. Investigations continue.

36. On 29 January 2013, around 80 dead bodies were discovered in the Qweiq Waterway between Souq Al Hail and Bustan Al Zahra neighbourhoods in Aleppo. These areas are controlled by the FSA. According to reports, most of the deceased had been shot in the head at close range and many had their hands tied behind their backs. They were fully clothed, including with belts and shoelaces, suggesting they were killed shortly after capture. The perpetrator of the killings has not been established and the incident remains under investigation. In all these cases the commission's investigation has suffered from a lack of access to the area.

37. The bodies of those killed or executed are often found burned, making identification difficult. There has been a recent increase in incidents in which the bodies of those killed in massacres have been dumped in rivers and waterways. The desecration of bodies demonstrates a degree of wanton violence and breaches international customary law.

V. The marketplace of war

38. The onset of civil war has marked the suspension of the rule of law. Documented in each of the commission's reports have been the ways in which those in positions of authority – which during the conduct of hostilities means, in practice, those carrying weapons – have used the on-going conflict to enrich themselves at the expense of the powerless. While the battle for the future of Syria continues, the conflict is providing the context for opportunistic and criminal conduct, including bribery, theft and extortion.

39. For those detained, and often tortured, inside Government intelligence agencies and prisons, the securing of their freedom is often a result of their or their families' handing over bribes to well-placed officials. There have also been consistent reports throughout the conflict of Government affiliated forces stealing from civilian houses while conducting ground searches. In investigations conducted in February 2013, fresh accounts were recorded in Dara'a city and Musayfrah of soldiers and Shabbiha looting houses, taking items such as money and jewellery. There have been corroborated reports of soldiers and

Shabbiha erecting checkpoints in Dara'a governorate and relieving those seeking to pass through of their property. In three separate incidents, still under investigation, communities in Damascus governorate in December 2012 and in Dara'a governorate in February 2013 are said to have received demands for payment from nearby army positions in exchange for a cessation of the shelling.

40. The context of war has also been used by anti-Government armed groups to extort money from civilians. There has been a sharp rise in the number of interviewees detailing civilians taken hostage by such groups and held for ransom. In 2013, in Al Bara in Idlib governorate and in Aleppo city, people who had worked for the Government or who were perceived as supportive of the Government were taken hostage by anti-Government armed groups. One interviewee, speaking about events in Jdeida, Damascus governorate, said that kidnappings by armed groups had become "common" and had focussed on "the Christian community", as they were known as goldsmiths and were able to pay the ransoms".

VI. Exercising of civilian authority

41. Anti-Government armed groups have wrested control of some areas of the county from the Government. As they take control over territory, some groups begin exercise aspects of civilian governance. They have assumed some of the roles and functions akin to a de facto state authority, as evidenced by the establishment of quasi-judicial mechanisms and law enforcement structures. While attempting to fill the vacuum left by disintegrating Government institutions, armed groups remain uncoordinated. As a result, there now exist a number of courts in governorates such as Aleppo, Homs, Idlib and Dayr az-Zawr which operate independently on uncertain principles and with no or little apparent judicial oversight. In one court in Salqeen, Idlib, people were fined ostensibly for "being Shabbiha," but evidence suggests this was actually a means to extract money from a wealthy family.

42. Lacking in technical capacity, the quasi-judicial mechanisms set up by anti-Government armed groups fall short of international standards of due process. Captured soldiers and Government affiliated militia members are regularly executed, following a hasty and often partial review of their conduct, with little apparent regard given to the right of defence. Anti-Government armed groups have also established detention centres in Homs and Aleppo, which hold captured soldiers, perceived collaborators, informants and those suspected of other criminal acts. Insider accounts indicate that there are over 500 detainees in FSA-administered prisons in Aleppo.

VII. Military situation

43. Improved military capabilities have enabled anti-Government armed groups to expand their control to new areas, increasingly challenging Government forces during ground operations and causing considerable damage to Government military facilities. However, as noted above, the groups remain fragmented and unable to operate under a unified command and control structure despite improvements in their coordination and collaboration.

44. Across the northern and eastern governorates and more recently in Dara'a and Damascus governorates in the south, anti-Government armed groups have bolstered their military gains, largely due to their increased access to weaponry. Armed groups have attacked military bases, seizing equipment including tanks, mortars, artillery guns, surface-to-air missiles and man-portable air-defence systems (MANPADS). In addition, they have also acquired weaponry from external sources, including anti-tank rocket and grenade launchers.

45. Government forces continued to focus on holding major towns, mainly governorate capitals, by establishing several security layers around the city centres with a particular focus on Damascus, Hama and Homs. Unable to ensure the same level of force deployment in all restive localities and countryside areas due to shortage of reliable units, Government forces have continued a campaign of heavy artillery and air shelling. This campaign has caused widespread damage and mass displacement.

46. In terms of capabilities, Government forces have continued their extensive and indiscriminate use of all available fire power assets including artillery, air force assets and most recently, surface-to-surface ballistic missiles against insurgent held areas. The Syrian regime continued to rely on its elite and most reliable army units including the 4th Army division, Republican Guard and Special Forces regiments. Government affiliated militias and paramilitary forces including the Shabbiha militia and the local Popular Committees, which initially operated as self-defence groups in pro-Government communities, regularly reinforce Government forces. Recently, the regime has begun to integrate the Popular Committees along with other sympathising groups in a new paramilitary force called “the National Defence Forces,” institutionalizing the existing militias and organizing them into an operational structure.

47. In Kurdish areas, the Popular Protection Units (YPG) mostly formed by armed elements of the Kurdish Democratic Union Party (PYD) (affiliated with the Kurdistan Workers' Party (PKK)) have been in control of most Kurdish towns and neighbourhoods in Aleppo and Al Hassakah since the withdrawal of Government forces. Recently, tensions between this militia and anti-Government armed groups have increased, leading to clashes in ethnically mixed localities.

VIII. Conclusion

48. The longer the Syrian conflict continues, the greater the risk that the desperate human suffering that has resulted will be obscured by statistics. For the millions who have been forced out of their homes, each has a compelling story of loss – from an elderly woman hit by sniper fire and unable to get to a functioning hospital to children whose schools are now military bases. International agencies struggle, amidst limited funding, to bring humanitarian aid to growing numbers of refugees and the internally displaced. For those still inside Syria, most have little choice but to rely on each other for the basic necessities needed to survive.

49. The brutality of the war is spelt out all too clearly by the perpetration of massacres. Three have reportedly been committed in Homs governorate since December 2012 alone.

50. The conflict continues to be waged by both Government forces and anti-Government armed groups with insufficient respect for the protection of the civilian population. The parties must take all feasible precautions to protect civilians. The indiscriminate shelling and aerial bombardment of civilian areas is unlawful. In particular, the shelling of bakery lines and funeral processions have formed an unacceptable pattern of violations. Attacks on protected objects, such as hospitals, are prohibited. When attacking a clear military objective, the Government is obliged take steps to avoid disproportionate civilian casualties. Anti-Government armed groups continue to violate their obligation under international humanitarian law by locating military objectives within or near densely populated areas. Such conduct fails to adequately protect civilians from the vagaries of war. The use of protected objects, such as mosques, as bases or for storage of weaponry must cease.

51. Government forces and, to a lesser extent, anti-Government armed groups have arbitrarily arrested and unlawfully detained individuals. All parties are urged to stop

apprehending persons without legal basis or formal charges and to abide by international humanitarian law in their treatment of detainees. The commission reiterates its request to be granted immediate access to the country, including access to detention centres run by both the Government and by armed groups.

52. Justice for the Syrian people should not be deferred. The growing culture of impunity must be addressed through referral to justice at the national and international levels. It is hoped that the confidential list of individuals and units believed to be responsible for war crimes, crimes against humanity, breaches of international humanitarian law and gross human rights violations during this reporting period – shortly to be submitted to the United Nations High Commissioner for Human Rights – will aid the search for accountability. The role of truth and justice in a post-war Syria cannot be ignored.

53. The growing militarization of the crisis has had devastating consequences for civilians. There is a human cost to the increased availability of weapons. As states look for solutions to the conflict, it must be borne in mind that transfers of conventional arms and ammunition ought not to occur when there is a clear risk that the arms will be used to commit serious violations of international humanitarian law.

54. The destabilizing effects of the Syrian war are becoming increasingly felt throughout the region. As recent incidents on Syria's borders with Lebanon, Turkey and Iraq portend, there is a real risk of violence spilling over into neighbouring countries. While neighbouring countries have generously kept their borders open, their capacity to do so is under severe pressure, as they face a refugee crisis of immense proportions.

55. All stakeholders in the Syrian crisis should redouble their efforts to facilitate a negotiated settlement bearing in mind the legitimate aspirations of all segments of Syrian society, including ethnic and religious minorities. The latest initiative by the UN and Arab League Joint Special Representative for Syria suggesting that the UN is willing to facilitate negotiations between the parties represents a step in the right direction and deserves to be supported.

56. The urgent need for a political solution cannot be overstated. A failure to resolve this increasingly violent conflict will condemn Syria, the region and the millions of civilians caught in the crossfire to an unimaginably bleak future.