

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	283
Land:	Syrien
Kilde:	United Nations Human Rights Council
Titel:	Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic
Udgivet:	26. juni 2012
Optaget på baggrundsmaterialet:	10. juli 2012

Distr.: Restricted
26 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 4

Human rights situations that require the Council's attention

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

I. Introduction

1. The Independent International Commission of Inquiry (CoI) submits this Update pursuant to Human Rights Council resolution 19/22 of 23 March 2012. The Update describes the findings of the CoI based on investigations into alleged human rights violations in the Syrian Arab Republic that have taken place since the CoI previous report dated 22 February 2012 (A/HRC/19/69). On 1 June 2012, the Human Rights Council in special session adopted resolution A/HRC/RES/S-19/1 further mandating the CoI to urgently conduct a special inquiry into the events in Al-Houla.

2. The findings reported are based on three investigative missions conducted in March and in April, and on a third one that began in May and continues at the time of writing. It builds upon two previous Periodic Updates, one released on 16 April and the other on 24 May. It includes information gathered through 15 June 2012. The CoI conducted 383 interviews, of which 50 were with women and 11 with children. The protection and safety of interviewees is of paramount importance. Consequently, names and other identifying features of those interviewed are not included in the Update.

3. In rendering its findings, the CoI has adopted an inclusive approach to information gathering, accepting submissions from a wide range of sources, including the Government of the Syrian Arab Republic and those groups and organizations opposing it. The collected materials, which include photographs, videos, satellite imagery, interviews and documentary evidence, are carefully examined for reliability and credibility. Incidents are included in the Update only when corroborated to a level where the CoI found it had reasonable grounds to believe that events occurred as described. As the CoI continues investigating, it is updating the confidential list of identified perpetrators, which it will hand over to the High Commissioner once the mandate of the Commission ends.

4. The CoI Chair is grateful to the Syrian authorities for enabling a visit to Damascus on 23–25 June, which provided him an opportunity to explain in person to the members of the Government the nature of the Commission's work as well as the modalities necessary for it to be successful. While there, he met with the Deputy Foreign Minister, the Deputy Justice Minister and other officials, including the Head of the National Independent Legal Commission established by the Government to investigate crimes committed in the context of the crisis since March 2011. He also met with staff of the UN Supervision Mission in Syria (UNSMIS), members of the diplomatic community and civil society. He met as well with the Syrian Orthodox Patriarch in Damascus and 20 families from Damascus and Homs governorates whose relatives were killed allegedly due to their allegiance to the Government. The visit allowed him to discuss the Al-Houla investigation with the authorities and to come to an understanding as to how the CoI would deploy effectively in the Syrian Arab Republic for the purposes of carrying out investigations. He hopes that the visit will pave the way for the CoI to begin its work in earnest in the Syrian Arab Republic, thereby fulfilling its mandate.

Context

5. Since its establishment in September 2011, the CoI has consistently expressed its concern about the deteriorating human rights situation in the Syrian Arab Republic. Gross violations of human rights are occurring regularly, in the context of increasingly militarized fighting which – in some areas – bears the characteristics of a non-international armed conflict. Whereas the Government had initially responded to demonstrations with police units and security forces, the violence soon shifted to fighting between its army together with what appear to be pro-Government militias and numerous, armed anti-Government

fighters. The rapid rise in violence occurs in inverse proportion to the respect for international human rights norms.

6. The CoI remains concerned by the displacement of civilian populations, both within the Syrian Arab Republic and across its international borders – numbers of refugees now reaching 92,000; the pillaging and burning of homes; the tightly controlled security environment resulting in restrictions on the fundamental freedoms of movement, speech and association; and the systematic denial, in some areas, of the basic requirements of human life such as food, water and medical care. OCHA reports that 1.5 million people need humanitarian assistance in Syria.

Political Developments

7. Throughout the reporting period, efforts to reach a political solution have been undermined by further escalation of violence. The League of Arab States (LAS) initiative withdrew in February 2012. The departure of the LAS monitors took place against a backdrop of rapidly escalating violence, especially in the city of Homs, where heavy artillery was used in shelling entire residential areas, resulting in significant civilian casualties. On 29 February 2012, Government troops entered Baba Amr neighbourhood and the anti-Government armed groups withdrew. This did not put an end to violence in Homs. In March 2012, the CoI recorded massacres in several neighborhoods of the city.

8. Alongside the upturn in violence, diplomatic efforts to negotiate a peaceful resolution to the crisis gathered pace. On 23 February 2012, the UN and the LAS jointly named former Secretary-General of the United Nations, Kofi Annan, as Joint Special Envoy (JSE) on the Syrian crisis. On 16 March 2012, the JSE announced a “six point plan”¹ to stop violence and start a political process. The 12 April 2012 announcement of a cease-fire was swiftly followed by the arrival of the UN Supervision Mission in Syria (UNSMIS) led by Major-General Robert Mood. The arrival of UNSMIS led initially to a decrease in violence in some areas and an opening to the possibility of a Syria-led negotiation process.

9. Meanwhile the Syrian authorities proceeded with two political initiatives, which aimed at reform. The first was the referendum on a new constitution on 26 February 2012, followed by parliamentary elections on 7 May 2012. Official election sources declared participation levels of 51% of the electorate. These political steps were viewed by neither the Syrian opposition nor the anti-Government armed groups as inclusive or sufficient.

10. By May 2012, violence was once again escalating. Armed clashes began to be reported daily between pro-Government forces and anti-Government armed groups throughout the country, many resulting in civilian deaths and injuries. Killings took place

¹ Excerpts of the JSE’s six-point plan:

- (1) commit to work with the Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people;
- (2) commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms . . . the Syrian government should immediately cease troop movements towards, and end the use of heavy weapons in population centres, and begin pullback of military concentrations in and around population centres. . . Similar commitments would be sought by the Envoy from the opposition and all relevant elements to stop the violence;
- (3) ensure timely provision of humanitarian assistance to all areas affected by the fighting;
- (4) intensify the pace and scale of release of arbitrarily detained persons;
- (5) ensure freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;
- (6) respect freedom of association and the right to demonstrate peacefully as legally guaranteed.

on what appeared to be mainly sectarian grounds. Where previously victims were targeted on the basis of their being pro- or anti-Government, the CoI has recorded a growing number of incidents where victims appear to have been targeted because of their religious affiliation.

11. The 7 June 2012 speech of the JSE to the UN articulated the difficulties faced by those making diplomatic efforts. The JSE urged the international community to take action to prevent the situation in the country from further deterioration. The obstacles faced by UNSMIS reflected a lack of common ground among the parties to the conflict. These challenges were exacerbated by significant differences among States.

Military and security situation

12. Despite the commitment to a ‘cessation of armed violence’, military engagements have escalated dramatically over the reporting period and have extended to other regions and levels not previously involved. The situation on the ground is dangerously and quickly deteriorating.

13. The Syrian Government forces have intensified their military operations against areas presumed to be strongholds of anti-Government armed groups or those supporting them. Government forces continued to use machine guns, artillery and tanks in shelling restive neighbourhoods and localities while increasingly employing aviation assets in attacks against anti-Government armed group strongholds. Heavy military equipment including tanks, armoured personnel carriers (APC), mounted machine guns and artillery continued to be deployed and used in different localities. Meanwhile, a small but steady flow of defections, coupled with cases documented by the CoI where the army has abandoned its checkpoints in Homs governorate, indicate that the regular forces are exhibiting a certain fatigue.

14. Helicopter gunships and artillery have been used in the shelling of entire neighbourhoods believed to be anti-Government, even during the presence of observers, as occurred in Dayr Al-Zawr and Aleppo in May 2012. This reveals the increasing difficulty of the Government to preserve its hold over large areas through the deployment of military and security forces. The inability to hold territory equally explains the army’s shift in strategy from static permanent positions to attacking the anti-Government armed forces and then making tactical withdrawals.

15. Defections from different army and security forces continued during the reporting period throughout the Syrian Arab Republic, sometimes costing the lives of the defecting soldiers and often leading to retaliatory operations against their families or communities by the Government forces.

16. The anti-Government armed groups, including those affiliated to the “Free Syrian Army” (FSA), continued to engage with the Government forces through direct combat, the use of Improvised Explosive Devices (IEDs) and attacks on military/security facilities. The Homs neighbourhoods of Khaldieh, Al-Qusour, Bab S’baa and the city of Al-Qusayr have effectively become battlefields between the FSA and Government forces, causing thousands of inhabitants to flee. While the CoI has not noted the use of new or more sophisticated weaponry by anti-Government armed groups, their operations in some locations are improving in efficiency and organisation. These groups appear to have spread throughout the country, expanding their activities to new areas, and clashing simultaneously with Government forces on multiple fronts. Their increasing capacity to access and make use of available weapons has been demonstrated in recent weeks.

17. In Damascus, Homs, Hama, Idlib and Aleppo governorates, these groups have effectively challenged the Government authority. For example, the Government forces’

control of the country's borders has been regularly undermined. Cross border movements of refugees as well as of anti-Government fighters appear to be more frequent and fluid.

18. The CoI has noted the increased use by anti-Government armed groups of IEDs against army and security convoys, patrols and facilities such as military buildings and checkpoints. In, at least, one case, this has led to collateral damage among civilians and their properties. According to reliable sources, anti-Government armed groups have also been using IEDs in assassinations, targeting Government officials and individuals from the army and security forces.

19. New anti-Government groups, bolstered by defections, have emerged. Several newly created groups, such as Ahrar Al-Sham and Al-Islam Brigades, have not announced an affiliation to the FSA. Most of these groups declare their objective to be the protection of civilians from attacks by the military and security forces. The CoI, however, has documented cases where groups are involved in criminal/opportunist activities such as kidnappings and abductions for ransom.

II. The CoI Findings

Casualties

20. The CoI has recorded numerous casualties resulting from incidents across the country. In line with its methodology, the CoI reports the deaths only of those persons about which it has first-hand information through individual interviews that its investigators conducted. In the CoI figures, no distinction is made between civilians and fighters. Injured persons are not included in the count of casualties. The CoI, through 383 interviews of victims and witnesses of events since its February 2012 report to 15 June 2012, was able to confirm 435 deaths.

21. Information provided by the Syrian Government concerning the number of deaths as a result of the unrest, indicates that by 27 April 2012 some 6143 Syrian citizens had been killed. This number includes 3211 civilians, 478 public order officers, 2088 military personnel, 204 women and 56 children. Another 106 people were assassinated according to the Government. The Syrian Government supplemented these figures, according to which 804 persons were killed (both armed forces and civilians) in the period between 7 May and 4 June 2012. The CoI is not in a position to confirm these figures.

22. Other entities, in particular non-Governmental organizations, are also counting casualties by employing a variety of methods. The number reported by these groups ranges from 13,000 to 17,000. These figures could not be confirmed by the CoI.

Special inquiry into Al-Houla

Introduction

23. On 25 May 2012, amidst armed confrontations between Government and anti-Government armed forces in the town of Taldou, Homs Governorate, more than 100 people were allegedly killed. Although some were victims of armed clashes, the significant majority were reported to be women and children who had been deliberately killed in their homes.

24. In resolution A/HRC/RES/S-19/1 the Human Rights Council directed the CoI

“to urgently conduct a comprehensive, independent and unfettered special inquiry, consistent with international standards, into the events in el-Houleh, and if possible

to publicly identify those who appear responsible for these atrocities, and to preserve the evidence of crimes for possible future criminal prosecutions or a future justice process, with a view to hold to account those responsible; and also requests the commission to provide a full report of the findings of its special inquiry to the Human Rights Council at its twentieth session, and to coordinate, as appropriate, with relevant UN mechanisms.”

25. Al-Houla refers to a group of towns located approximately 30 kilometers northwest of Homs. Its three main towns - Tal Addahab, Kafr Laha and Taldou - have a population exceeding 100,000 of which the majority is Sunni Muslim. The towns are ringed by Shia villages to the southeast, and Alawi villages to the southwest and the north. Government forces are present in Al-Houla with permanent security force installations, including police and military intelligence services. A number of fortified checkpoints were set up during the crisis (see annexed Maps).

Government’s account of the events

26. Immediately after the incident the Government of the Syrian Arab Republic announced the formation of a National Commission of Inquiry (inquiry), including membership from the Ministries of Defense, Interior and Justice. The General Command of the Armed Forces appointed Brigadier General Jamal Qassem Al-Suleiman to lead the inquiry. On 4 June the CoI addressed a Note Verbale to the Permanent Mission of the Syrian Arab Republic requesting access to the country and a copy of the results of the inquiry. On 6 June the CoI received a report containing the preliminary results. There is no information when the final report will be available.

27. The Government’s inquiry found that the Syrian Army defended itself from an attack by what it deemed ‘terrorists’ (the term used in the Note Verbale), and that a number of its soldiers were killed in the clashes. The report acknowledged the deaths of civilians and describes the victims as peaceful families who had refused to rise up against the State or participate in demonstrations. It further suggested as a motive for the Al-Sayed family killings that they were allied with Abdelmuti Mashlab, a new member of the Syrian Parliament, and their political loyalties were thus, presumably, pro-Government.

28. The victims were reportedly killed by terrorists numbering between 600–800, who had entered Al-Houla previously from the villages of Al-Rastan, Sa’an, Bourj Qaei and Samae’leen, among other locations. The terrorists were said to have gathered in Taldou, launched the attack on security forces and while that attack was taking place a part of the group, or a separate group, went to the crime scenes and perpetrated the murders.

29. The Government inquiry further found that the number of deceased people claimed in media reports of the incident were inflated because they included also members of terrorist groups who had been killed fighting Government forces. The Government inquiry also found that the evidence of close proximity killings exculpated the military as the victims could, thus, not have been killed in shelling – as was initially claimed. The report included testimony from two eye-witnesses who appeared to have been in the vicinity of the armed groups at various points during the events and whose testimony is consistent with the Government’s version.

30. The report does not describe the methodology employed in the inquiry, for example, the number of witnesses interviewed or how and where the Government inquiry interviewed the witnesses. The inquiry’s preliminary report states that the two eyewitnesses were “from the region,” and that their identities were kept confidential for fear of reprisal. There is no indication of any other evidentiary material collected for the inquiry, whether it examined video or photographic evidence or whether it attempted to visit the scene of the crime, find and interview injured persons or secure medical records.

The report does not indicate that testimony was collected from military personnel who would have been involved in the fighting or present on the day the events occurred.

Findings

31. The CoI was unable to visit the site of the killing as it has yet to be afforded access to the country. This fact substantially hampered the investigation, and its findings should be viewed in that light.

32. The CoI conducted its investigation by interviewing witnesses either by telephone/skype, or in person if they had fled the country. It collected and reviewed materials from a variety of sources, both governmental and non-governmental. The CoI reviewed satellite imagery taken prior to and after the incident, as well as other photographs and videos.

33. The CoI also took note of the engagement by various UN human rights mechanisms following the allegations concerning the Al-Houla events. On 30 May 2012 the Committee against Torture expressed its grave concern over the tragic events. On 31 May 2012, the Committee on the Rights of the Child deplored the possible deliberate targeting of children. Both statements were transmitted to the President of the Human Rights Council (HRC) on 1 June 2012. On the part of Special Procedures, a statement on behalf of all mandate-holders was delivered at the 19th Special Session of HRC on 1 June 2012, condemning a series of attacks on residential areas in Syria, in particular the massacre of civilians in Al-Houla.

34. The evidence collected by the CoI indicates that in the 24-hour period beginning at noon on 25 May 2012, at least 100 people were killed in the town of Taldou. Shortly after the Friday prayers, a demonstration took place near the town center. The protestors appear to have been fired upon or shelled by Government forces. Either in retaliation, or in a pre-meditated attack, anti-Government armed groups, including the FSA present in Taldou, fired upon the security forces checkpoints, probably overrunning one or two of them. Several people were killed in these clashes or as a result of the shelling. According to multiple accounts, shelling by Government forces continued throughout the day. The CoI was able to verify shelling damage to buildings by comparing satellite images from the morning of 25 and the morning of 26 May. Much of the damage appeared to be caused by mortars, including large caliber mortars, heavy machine guns or light artillery.

35. In the late afternoon and evening of 25 May, at a minimum 50 civilians were killed, the bulk of those were members of the Abdulrazzak family. Another 13–15 members of the Al-Sayed family were killed later, probably after dark, although the precise timing for either killing could not be determined by the CoI. The CoI received information that members of other families may have been killed, but the CoI was unable to verify these assertions. The list of names of the deceased was not consistent among various sources.

36. The victims were predominantly women and children, and most appear to have been killed in their homes. Evidence indicates they died by gunshots fired at close range to the upper body. The killings reportedly occurred in, at least, two locations. The first is on Saad Road (*Tariq Al-Sad*) which lies at the south-west edge of Taldou (Map 2: A) where many members of the Abdulrazzak family were killed. The second location is on Main Street (Al-Raeesi), approximately 1000 meters below the clock tower roundabout (Map 2: B), where members of the Al-Sayed family were killed.

37. On 25 May there were Government checkpoints along Main street: one in the very heart of Taldou at the clock tower roundabout (Map 1: CP 1), possibly another one at the

Military intelligence building,² a mobile one between Qaws (the “Arches,” at the original entrance to Taldou) and the National Hospital (Map 1: CP 2). The hospital was itself a military post, having been taken over by the army several months earlier (Map: Army post 1). Another military position established at the Water Company, described by both the opposition and the Government to be just outside the southwest entrance of the city (Map: Army post 2) – appears to be in an elevated location, providing a clear view over the town of Taldou, including Saad Road. The (direct) distance from the Water Company location to Saad Road crime scene is 1.3 km. According to accounts collected and based on satellite imagery, the river cuts access between Main Street where the army checkpoints are located and Saad Road. There were no visible checkpoints on Saad Road itself.

Saad Road killings (Abdulrazzak family and others)

38. By most accounts the killings on Saad Road occurred between 16:00 and 18:00 hrs on 25 May. The Abdulrazzak family lived in the last set of houses on Saad Road in the direction of the dam. Apparently multiple families lived in each house. The location is 500 meters away from the closest Government checkpoint known as Qaws, near the National Hospital. There is, however, a small river running between the locations so they are not directly accessible one to the other - except perhaps by foot across the riverbed.

39. Interviewees who arrived at the Abdulrazzak compound described the scene inside the houses as horrific, with groups of women, boys and girls huddled together in the corner of living rooms. Most victims appeared to have been killed at close range; their upper bodies exhibited wounds consistent with the use of firearms. Blood was visible on the walls, indicating many were standing when shot. Witnesses described bodies of men, women and children outside the homes and on the street.

40. Accounts collected from those who told the CoI they were among the first to arrive at the scene described the use of sharp objects in the killing of the Abdulrazzak family. Multiple interviewees described stab wounds and the apparent use of axes or similar (*satour*). One person early on the scene described to the CoI a bloody knife allegedly found in one house. Another described multiple knives found, one knife bearing the inscription “*We will sacrifice ourselves for you Hussein*” - which is a Shia slogan. The CoI viewed a video of a knife with such an inscription, although it could not verify its authenticity. Other witnesses stated that all victims had been shot, apart from those killed in the shelling. Video and documentary evidence available to the CoI was inconclusive on this point.

41. Multiple accounts indicated that the homes had been ransacked and valuables stolen in the course of the killing. There appears to have been, at least, one survivor from the Abdulrazzak home, although the CoI was unable to interview this person.

42. Accounts varied as to who was in control of the southern portion of the village of Taldou and specifically the street where the Abdulrazzak family’s house is located. Opposition forces may have been in control of parts of the city, mostly in the north.

43. The CoI determined that neither the anti-Government armed groups nor the security forces could fully control access to Saad Road to the exclusion of the other. The Government forces’ deployment on the military positions did not equate to control of Saad Road and that, in any event, it is possible that one or all checkpoints were engaged in fighting at the time of the Abdulrazzak killings. It is important to note, however, that movement of vehicles or military equipment, explosions or armed clashes would likely have been detectable by the Water Company position. Access for any sizable group would

² The Commission understands the Military Intelligence building to be the “detachment” referred to in the Government report (see map).

have been practically impossible, especially if they arrived in vehicles, without Government forces being aware.

44. Accounts varied as to the location from where the perpetrators entered and how they exited Saad Road. To the extent verifiable from accounts and satellite imagery, there were no checkpoints anywhere on the street. Both pro- and anti-Government forces could have accessed the crime scenes. Opposition activists managed to reach the site of the Abdulrazzak killings in broad daylight - while the clashes and shelling were reportedly ongoing. This fact indicates that routes to the Abdulrazzak crime scene were not closed to them. Anti-Government forces could also have accessed the scenes through fields, or in small numbers. While the National Hospital checkpoint is 500 meters away, the CoI was unable to determine whether that checkpoint remained actively manned at the time of the crimes, and even if manned, whether it would have been in the position to stop a small group of armed persons from accessing the Abdulrazzak homes. The checkpoint was, however, manned by Government troops at the time the UN observers arrived the morning of 26 May 2012.

45. Some sources told the CoI that the perpetrators entered from the road leading to the south towards the dam and eventually to the neighbouring Alawite villages, including Fullah. There was testimony collected that described two white mini-buses arriving and departing from that direction. The lack of a checkpoint on this route was asserted as proof of government complicity. Other accounts described the perpetrators as working together with the army, and coming and going from the direction of the government checkpoints either at the National Hospital or the Water Company, on the southeast side of the village. To access Saad Road from there by road, the perpetrators would have had to go either through Taldou itself, including areas controlled by anti-Government armed groups, or make a detour to the Alawite villages on the other side of the reservoir, and return the same way. They might also have accessed on foot, by crossing the riverbed.

Main Street killing (Al-Sayed family and others)

46. The CoI was able to garner little evidence of the Main Street killings, save for the location. Accounts as to the time of the incident were inconsistent, although it appears to have been sometime after 11pm. The victims' homes are situated in close proximity to the National Hospital and thus, 75 - 100 meters from a security forces checkpoint at Qaws. There is an alleged survivor, a young boy, and the CoI was able to interview him via skype. The CoI also considered video evidence posted by anti-Government groups of the boy being interviewed by others. In both interviews he blamed the killings on *Shabbiha* and soldiers of the Syrian army. In one interview the survivor stated that the perpetrators arrived together in tanks. The CoI took note of the age of the boy and duly considered his suggestibility.

47. Access to the Al-Sayed family/Main Street location, if it did occur in the middle of the night, would have been possible for either pro- or anti-Government elements. Complicity of the checkpoint staff would have been all that was required for access by pro-Government forces. Even then, anyone with knowledge of Taldou could have found other routes of access by avoiding the checkpoints under the cloak of darkness. Evidence indicates that the checkpoints were sufficiently close to the crime scenes that the noises emanating therefrom (gunbursts and screams) would likely have alerted those manning the checkpoint. Thus, the CoI determined that the location of the checkpoints, although not determinative as to the perpetrators' accessing the crime scene, made it likely that those manning the pro-Government checkpoints were aware.

Alleged perpetrators

48. The CoI considered the information available to it on the killings in Al-Houla in an impartial manner and considered carefully the prevailing views on the party responsible, determining that three were most likely in light of the evidence. First, that the perpetrators were *Shabbiha* or other local militia from neighbouring villages, possibly operating together with, or with the acquiescence of, the Government security forces; second, that the perpetrators were anti-Government forces seeking to escalate the conflict while punishing those that failed to support – or who actively opposed – the rebellion; or third, foreign groups with unknown affiliation.

49. With the available evidence, the CoI could not rule out any of these possibilities.

50. The Government had superior equipment. Evidence available indicates they had deployed APCs, tanks and/or self-propelled anti-aircraft guns and mortars in Taldou and the surroundings. The Government clearly had the capacity to shell any location on Saad Road and indeed the entire town – and, in fact, did so. The CoI determined that the clocktower checkpoint was overrun at some point, but there was no indication or evidence that the elevated post, the Water Company, was ever overrun, nor was the National Hospital. The vantage point of the Water Company should have been clear onto the Abdulrazzak and the Al-Sayed family sites. That said, it is unlikely that those positioned at the Water Company could have discerned between a farmer with a rake and a fighter carrying a gun, unless viewing through a sniper scope or similar. The same cannot be said for the National Hospital checkpoint which, if actively manned, could easily have made such a determination. Moreover, there is no indication that the Government attempted the next day to secure the crime scene, which had already been disturbed by the removal of the bodies.

51. Government positions at the National Hospital and the Water Company appear to have had a clear line of site to the Abdulrazzak and Al-Sayed homes making access for perpetrators not aligned with the Government difficult. Government shelling will have caused a number of the deaths, and controlling the timing and location of the impact would also have made it easier to control access to the crime scenes. Finally, the manner in which these killings took place resembles those previously and repeatedly documented to have been committed by the Government, including in this report (see section, Violations by the Syrian Government, Unlawful killings).

52. The village as a whole and the particular neighbourhoods in question appeared aligned to the opposition more than the Government. Leaving the sectarian aspect aside, the CoI found that the victims from the Abdulrazzak and the Al-Sayed sites were taken to areas controlled by the opposition and it was opposition groups who first arrived to the scene, cared for the wounded, prepared the deceased for burial, and were present in large numbers during the funeral. The Commission has testimony indicating that those who fled the area, fled to anti-Government controlled parts of town. Still, without further investigation, the CoI could not determine whether these specific families had loyalties one way or the other. There appears to have been a retired member of the security forces, and perhaps even one active member, among the deceased. Some information, including a video viewed by the Commission, indicated that, at least, one of the deceased children was wearing a bracelet bearing the Syrian National Flag. The video could not be verified. Nor could the CoI establish whether the Al-Sayed family and the Mashlab family (new member of parliament) were, in fact, associated.

53. The Commission determined that while the anti-Government forces could access the Abdulrazzak crime scene despite the superior firing position of the Government, it would have been difficult (although not impossible) for them to access the Al-Sayed family site. Thus, while the CoI could not rule out the possibility of anti-Government fighters being responsible for the killing, it was considered unlikely.

54. The CoI could not rule out the possibility of the involvement of foreign groups with unknown affiliation. The CoI received information that the anti-Government armed groups in Taldou on that day received “support from other groups from neighboring areas.” Testimony was also collected that described the perpetrators as having shaved heads and long beards – descriptions which have been applied both to foreign groups and the *Shabbiha* in other contexts. This information could not be corroborated by the Commission.

55. The CoI is unable to determine the identity of the perpetrators at this time; nevertheless the CoI considers that forces loyal to the Government may have been responsible for many of the deaths. The investigation will continue until the end of the CoI mandate.

Perspectives on the continuation of the Al-Houla special inquiry

56. The CoI reiterates that for it to conduct a thorough investigation, access to the territory of the Syrian Arab Republic is required. The killings in Al-Houla, like other alleged violations recorded by the CoI, require independent, impartial investigation which the CoI exists to provide.

57. International human rights law places the onus for protecting citizens squarely on the Government. Irrespective of the perpetrator of this crime, it is the State that bears primary responsibility for investigating it, bringing a case to an independent judicial body and ultimately providing justice to the victims.

58. The CoI considers that the investigation undertaken so far by the Government falls short of applicable international standards. The ‘UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions’ require that the inquiry be independent, thorough, prompt and impartial. Three of these four requirements have not been met. The CoI recognizes that the report it received was “preliminary,” and it expects to be provided with the final version when available.³

59. In the course of a further investigation, the CoI recommends: interviewing the military personnel present in Taldou; conducting crime scene examinations, including forensic and ballistic studies of available evidence; interviewing potential eyewitnesses on Saad Road and those who were wounded but survived the killings and any other eyewitnesses; examining the photos, medical records and death certificates of the deceased, if any, to verify cause/circumstances of death, age and gender. The investigation should extend to the town of Kafr Laha, and to the neighboring villages of Fullah and Ghur Gharbiye, at a minimum.

60. It is of the utmost importance that any remaining evidence of this crime be preserved. The location must be secured to the extent possible and any available evidence brought under the control of an independent judicial or investigative body. The CoI, in line with the mandate given by the Human Rights Council, is recording and safeguarding all evidence it obtains – accounts, videos, photos, satellite imagery, etc. – bearing in mind its possible use by a future justice mechanism.

³ Under these guidelines, members of a National Commissions of Inquiry “shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.” Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, 24 May 1989, Art. 11.

61. The CoI will update these findings and conclusions in its Final Report, due for delivery to the Human Rights Council at its 21st Session in September 2012, and will also deliver an amended, confidential list of suspected perpetrators.

Violations by the Syrian Government Forces

62. In the increasingly militarized context described above, human rights violations are occurring across the country on an alarming scale during military operations against locations believed to be hosting defectors and/or those perceived as affiliated with anti-Government armed groups, including the “Free Syrian Army” (FSA). Demonstrations, with or without “armed protection,” continue to be a trigger for a heavy-handed government response, as do anti-Government armed groups’ attacks on military bases, outposts and checkpoints. Other violations noted by the CoI have less clear impetus. Some appeared to have sectarian undertones while still others appeared to be reprisals, including collective punishment.

Unlawful Killings

63. The Commission continues to receive reports of unlawful killings taking place during the shelling of towns and villages perceived as being anti-Government strongholds, and in the military operations which follow. Interviews were conducted with civilians, defectors and members of anti-Government armed fighting groups present in camps in the bordering countries. Since the Commission has not yet been afforded access to the Syrian Arab Republic, it has not been able to carry out investigations at the scenes of the alleged crimes. Therefore, its ability to independently verify the accounts received has been limited.

64. Over the reporting period a clear pattern to such violations has been identified. In an effort to quell a demonstration or to seize wanted persons, military and security forces attacked neighbourhoods, villages and towns across the Syrian Arab Republic. Attacks were often preceded by a blockade of main roads with checkpoints fortified by tanks, armoured personnel carriers and machine guns. Military and security forces would then reportedly begin to indiscriminately shell the encircled location. More precise shelling appeared to have been employed in some cases. The more recent deployment of helicopter gunships and heavy artillery during the shelling reflects the increasing militarization of the engagements.

65. After shelling, military and security forces would enter, often positioning snipers on rooftops as they advanced. Once inside the area, the forces would begin house-to-house searches. Statements received by the Commission indicate that in many instances forces were accompanied by pro-Government militias, also known as *Shabbiha*. If the inhabitants anticipated the raid, those fearing reprisals would flee, usually evacuating women, children and the elderly at the same time. Young men were especially vulnerable to targeting as their age and sex were alone sufficient for them to be considered suspects. If the inhabitants were caught without warning, or they decided to remain in their homes, they would be exposed to shelling, sniper fire and searches. The military and security forces would generally leave the area in the evenings. Inhabitants who had fled would subsequently return to bury the dead and to assess the damage to their houses and other property.

66. Unlawful killings as a result of indiscriminate shelling by the Government’s military and security forces were documented in Atarib on 14 February; Ain Larouz on 5 March; Sermin on 22 March; Taftanaz on 4 April; Kili on 6 April; and El Haffe on 4 and 5 June 2012. The Commission notes the intense and prolonged indiscriminate shelling of the city of Homs, and in particular the neighbourhood of Baba Amr, where many civilians, including young children, were among those killed and injured. Also killed, on 22 February

2012, were journalist, Marie Colvin and photographer, Remi Ochlik. The shelling ceased temporarily on 1 March 2012 when anti-Government armed groups withdrew, but since late May 2012, the indiscriminate, periodic bombardment of Homs has resumed.

67. There have been multiple consistent reports of unlawful killings, in the form of extra-judicial executions, during house searches. There are clear indications that some individuals were targeted as it was believed that their relatives were members of anti-Government armed groups or defectors. In Abdita, on 21 February 2012, the army reportedly entered the house of family members of known FSA members, took them into neighbouring fields, questioned them about a recent IED attack and executed them if they did not receive a response they considered adequate. Independent eyewitnesses told the Commission of 15 persons killed with gunshot wounds to the head, many with their hands tied behind their backs. Relatives of the FSA leader Riad al-Assad were among those allegedly summarily executed. Eight of the victims were from Abdita, while the others were from the neighbouring villages of Mashoum and Bsamas. In Sermin on 23 March 2012, three young men, said to be family members of a well-known lieutenant from the 15th Division Special Forces who had defected, were reportedly taken outside during a house search conducted by the army and shot in the front-yard, in the presence of their family.

68. In many instances, it was less clear whether specific individuals or families had been targeted, beyond living in an area under attack by the Government's military and security forces. Extra-judicial executions were documented in Ain Larouz between 4 and 12 March; Sermin on 23 March; Taftanaz on 4 April; Kili on 6 April; Bashiriya on 8 April and in Tal Rifat on a date unknown in April 2012. In some particularly grave incidents, reports were received of large-scale executions. In Taftanaz, multiple executions were recorded occurring during the 4 April 2012 searches. Estimates of those unlawfully killed range from 84 to 110 people, many of them from a branch of the Ghazal family. Some bodies were reportedly found with gunshot wounds to the head and chest, including some that had been blindfolded with hands tied behind their backs. In Tal Rifat, 52 people were reportedly executed by the 4th Division of the Syrian army during the April 2012 attack. The Commission is not in a position to verify these figures.

69. The Commission notes the relatively high incidence of extra-judicial executions which took place in various neighbourhoods of the city of Homs since March 2012. On 11 and 12 March 2012, the neighbourhood of Karm al-Zeytoun reportedly came under an attack by what was described as *Shabbiha* protected by the army. Multiple families were killed in their homes, apparently by knives or other sharp instruments. Estimates of casualties, unverified by the Commission, ranged from 35 to 80. In the Sultaniya neighbourhood, on a date unknown in March 2012, Syrian military and security forces and *Shabbiha* reportedly removed adult men from their houses, before lining them up and shooting them. Multiple interviews have consistently detailed extra-judicial executions taking place in the Shammas neighbourhood on 15 May 2012. Residents described members of the "security forces" and *Shabbiha* entering the neighbourhood, shooting into the air and commencing house-to-house searches. One of those interviewed stated that she saw young men, blindfolded and handcuffed, taken into a building after which shots were fired. Another interviewee indicated that, on the following day he found 23 bodies, including the local imam, in a building near the mosque. Most had bullet wounds to the head.

70. The Commission has noted an increasing incidence of the burning of bodies following execution. Of the executions in Taftanaz taking place on 4 April 2012, the charred bodies of two adults and five young children were later discovered in the family house. In Kili on 6 April 2012, according to multiple eyewitnesses interviewed independently, elements of the security forces arrested two brothers, handcuffed and executed them and then burnt the bodies.

71. Some casualties occurred when civilians, having ventured out of their homes, were shot by snipers. Civilians were reportedly killed by sniper fire in Ain Larouz between 9–12 March 2012, in Atarib in February, March and April 2012 and in Homs in March and April 2012. The Commission notes with concern the high number of children killed by snipers, in proportion to the total number killed. Those interviewed have also reported executions of, at least, six civilians by members of the security forces and *Shabbiha* at checkpoints placed in and around Atarib in February and March 2012.

72. State security forces continued to use lethal force against anti-Government demonstrations. The Commission collected consistent testimony from defectors who told of orders they received to use live fire on demonstrators. The Commission recognises that many such protests were accompanied by armed groups, who have described their role as providing protection for the demonstrators. In some cases armed opposition fighters admitted they went to the mosques where many protests start after Friday prayers. In other cases anti-Government armed groups positioned themselves around the protesters or at the main entry points to the town to guard against the arrival of military and security forces. The resulting clashes often resulted in civilian casualties.

73. On 9 May 2012, a demonstration of around 200-300 students took place on Aleppo University campus. Shortly after political security, air force intelligence, army and some *Shabbiha* elements reportedly surrounded the campus, the number of student protesters grew to over a thousand. Government forces fired tear gas at the students and live ammunition in the air. They then entered the campus and, in an operation that lasted most of the night, began arresting students, ultimately detaining approximately 200. During the raid they allegedly threw one student from the fourth floor. According to sources interviewed by the Commission, between two and five students were killed.

Arbitrary arrest and detention

74. The Commission continues to receive first-hand accounts of arbitrary arrest and detention, predominantly of men and boys. Government forces reportedly arrested those identified previously by local informers as supporters and/or family members of anti-Government armed groups, or organisers of anti-Government protests or simply protesters. The Commission has, however, received reports of the arbitrary arrests of those injured in shelling, and in one instance, a road accident. From the interrogations which followed, it was apparent that merely being injured was deemed to be evidence of involvement in fighting. The Commission has also received reports of civilians being arrested during house-to-house searches by Government forces. Where people were arrested, their families were provided with no information about where their relatives were being held and on what charges.

75. The Commission noted that a number of those interviewed had been transferred to multiple different facilities and interrogated by what they perceived to be different intelligence agencies. Questioning during interrogations, according to testimonies received, appeared to revolve around reasons for protesting, involvement of the detainee or his or her family members in anti-Government armed groups and, in the case of a few detainees who were members of the Government forces, about alleged plans to defect. Two of those interviewed had been transferred for separate interrogations at over ten different locations, including Military Security buildings in Halab, Idlib, Homs, Halab and Damascus.

76. Nearly all of those interviewed had not been formally charged with any offences, and they received neither defense counsel nor family visits. In the days prior to release, the majority indicated that they had been made to sign or thumbprint a document, the contents of which they were unaware. The Commission has received reports that some of those detained were brought before a judge and then released. The Commission also interviewed one former member of the judiciary who indicated that security agencies produced

detainees who showed signs of abuse, including open wounds. The interviewee indicated that security agents would not permit questioning in their absence and, on one occasion, held the judge at gunpoint. Several detainees stated that the judges did not question them about their injuries and the presence of security units in the courtroom intimidated them.

Torture and other forms of ill-treatment

77. The majority of detainees interviewed by the Commission stated that they had been tortured or ill-treated during their interrogation. Methods of torture documented by the Commission were consistent across the country. They included mock executions; electric shocks applied to sensitive parts of the body, including genitals; cigarettes burns; and beating with electric cables, whips, metal and wooden sticks and rifle butts. There were multiple reports of detainees being beaten about the head and on the soles of the feet. The Commission also received reports of detainees being placed into prolonged stress positions (*shabeh*) and the use of vehicle tires to hold hands and feet in uncomfortable positions (*dulab*) while beatings were administered. In many of the interviews, scars and wounds, consistent with their accounts, were still visible.

78. The Commission further notes that several forms of torture and ill-treatment meted out to detainees would not have resulted in physical scarring. Reports received also detail detainees being forcibly shaved, made to imitate dogs and to declare that “there is no God but Bashar” while in a position of supplication.

79. Detainees indicated that they had been held for extended periods, ranging from a week to as long as five months. The majority described being held in over-crowded cells in unhygienic conditions, with inadequate food and water. The Commission received information it could not corroborate on the denial of medication and medical treatment. One detainee stated that a man, held in his cell in the Idlib military security building in early 2012, died having not received medication for his diabetes. Another, held in the Kafr Sousa military security branch in Damascus, stated that a fellow detainee was left with a broken leg in his cell. Many of those interviewed have difficulty recalling dates and, in some cases, months.

Violations of children’s rights

80. Children continue to suffer in the context of the on-going events in the Syrian Arab Republic. They are frequently among those killed and injured during attacks on protests and the bombardment of towns and villages. During an attack on Taftanaz in April 2012, there were five people under 18 among the deceased. Additionally, specific reports of children being killed by snipers came out of Atarib in February 2012 as well as in two separate villages in Idlib in January and March 2012. In areas where anti-Government armed groups hold sway, boys older than 14 years are reportedly targeted as members of such groups. Children, including boys as young as 10 years of age, detained by State forces, have reported that they are tortured to admit that older male relatives are members or supporters of anti-Government armed groups.

81. Wounded children have been unable to seek treatment due to fears of being perceived as anti-Government armed groups supporters or for fear of being beaten in health facilities. Children have died due to a lack of adequate health care during Government blockades. Some, including those injured as a result of torture, have been denied medical care.

82. Accounts were recorded that primary and secondary schools have been targeted by State forces. In March 2012, a school in Atarib, Aleppo governorate, was occupied with tanks on its grounds and snipers positioned on its roof. In the same month, another school in a nearby village was burnt down, allegedly because its headmaster was rumored to be

associated with anti-Government armed groups. In early April 2012, a village school in Hama governorate was occupied by State forces, which used it as a command post, again putting snipers on its roof.

Sexual violence

83. The CoI recognises the difficulties in collecting evidence in cases of sexual violence in the Syrian Arab Republic due to cultural, social and religious beliefs related to marriage and sexuality. This includes a victim's understandable reluctance to disclose information due to the trauma, shame and stigma linked to sexual assault. Regarding one incident, the CoI was informed that the rape victim had subsequently been killed by her brother-in-law to "preserve the honour of the family". The silence surrounding rape and other forms of sexual violence appears to have existed prior to the conflict as well.

84. Nevertheless, interviews collected by the CoI indicate that crimes of sexual violence – against men, women and children – have continued to take place in the Syrian Arab Republic during the reporting period. The CoI conducted 23 interviews relating to allegations of sexual violence in this period, including with one victim. Information collected thus far indicates that rape and other forms of sexual violence occurred in two distinct circumstances. The first is during the searches of houses as Government forces entered towns and villages; the second, during interrogations in detention.

85. Following the Government forces' move into the Baba Amr neighbourhood of Homs in February 2012, and the commencement of house searches, the CoI received multiple reports of rape and sexual assaults taking place. In one incident, an interviewee stated that 40-50 men stormed into the family house, destroying and stealing property as the search took place. In his testimony, he described being forced to watch as his wife and two of his daughters were raped by three of the men involved. Afterwards, he stated, he, too, was raped while his family was made to watch.

86. In a separate incident, a soldier with the Syrian army described seeing three of his colleagues sexually assault a 15-year-old girl during a house search in Zabadani in February 2012. According to the interviewee, he attempted to prevent the assault but he was threatened and beaten by the other soldiers, so he fled. The CoI also received corroborated reports of women being forced at gunpoint to walk naked in the streets of the Karm al-Zeytoun neighbourhood of Homs, again in February 2012.

87. The CoI heard from an eye-witness a report on the gang-rape of a female activist during an interrogation at the military security building in Dara'a in late May 2012. The victim was reportedly found unconscious in the streets of Dara'a two days later. The eyewitness also reported being a victim of a sexual assault during the same interrogation. The CoI has received multiple, uncorroborated reports of incidences of rape and sexual assault of men and women while detained.

88. The fear of rape and sexual assault has restricted the freedom of movement of women and young girls and has adversely affected the right to education of female students. One girl told the CoI that, since 24 April 2012, female students in Latakia governorate were not attending school due to fear of such assaults. It was also apparent to the CoI that many of the women interviewed who had sought refuge in neighbouring countries had done so because they feared sexual assault. The CoI also notes the lack of medical or psychological services available to victims who suffer sexual violence.

Abuses committed by anti-Government armed groups

89. Although the international human rights legal regime operates primarily vis-à-vis states, the CoI has received reports of abuses of human rights in the Syrian Arab Republic

committed by anti-Government armed groups, many of which claim affiliation with the FSA. Lack of access to the country has hindered investigations of abuses committed by these groups.

Unlawful killings

90. The CoI has received multiple reports of the extra-judicial executions of members of the army and security forces, *Shabbiha*, foreign fighters, suspected informers and/or collaborators, captured by anti-Government armed groups. Two such incidents occurred in Homs in April 2012. In corroborated statements taken from anti-Government fighters, the CoI recorded instances where members of Government forces perceived to have committed crimes – for example, by participating in the shelling of civilian areas – were executed on capture. A defector who fought in the ranks of Al Farouk Brigade, which is affiliated to the FSA, in Homs city stated that members of the Government forces, including those he claimed were three Iranian snipers, were summarily executed after they apparently confessed. One anti-Government armed group fighter also admitted that he and his associates had killed Government soldiers when the captives refused to join them.

91. In June 2012 an FSA fighter told the CoI that his unit was currently holding four senior officers for exchange. Lower level soldiers were reportedly tried by a court applying Sharia law, according to the fighter. Multiple FSA soldiers interviewed told the CoI they had never heard of international humanitarian or human rights law. One soldier stated that he believed the creed “an eye for an eye”, which he described as being part of Sharia law, supersedes international standards. Another FSA soldier told the CoI that Alawite soldiers are normally killed immediately upon capture, while soldiers from other sects are offered the chance to join the FSA, and if they refuse to join, they are released to their relatives. Other soldiers have said Alawites are more valuable in prisoner exchanges, and can be traded for multiple Sunnis.

92. One FSA member told the CoI that the number of “female informers” was on the rise. He insisted they were not raped when captured. They were, however, immediately executed.

93. The anti-Government armed groups are reportedly developing mechanisms for trying captured members of the security forces. The CoI documented several accounts of captives being judged by military commanders as well as community and religious leaders (a Shura Council). The CoI has been unable to obtain a consistent account of a trial process or the extent of any adherence to fair trial standards. Punishment is generally execution for anyone found guilty, although for “small crimes” some captives might be released. In some locations, such as Jabal al Zawiya and Deir Sinbal, makeshift prisons have reportedly been set up.

Use of Improvised Explosive Devices

94. The CoI has taken note of an increased use of IEDs by anti-Government armed groups. Interviewees described how, in April 2012, they had put nails inside pipes with explosive powder and a fuse. Others described the use of gas and fertilizer to create homemade bombs. Information provided by the Government, but not corroborated by the CoI, indicated that some 736 explosive devices have exploded or were dismantled during the month of May 2012 alone.

Torture and other forms of ill-treatment

95. The CoI has received information indicating that Syrian security forces or their alleged supporters caught by the anti-Government armed groups have confessed under torture. Many of the video recordings of alleged incidents show those captured with signs

of physical abuse, including bruising and bleeding. Two Iranians, held in late January 2012 and released in late April 2012, later made public statements about physical abuse suffered, including the breaking of bones, during their captivity. A defector who joined the FSA recently also reported that the group used torture, which has in some instances led to the death of the captive. Methods employed by the FSA include beating with electrical cables and holding a captive's head under water.

Abductions

96. The CoI has recorded instances of anti-Government armed groups abducting civilians and members of the Government forces. The apparent motivation is to enable prisoner exchanges, but one fighter told the CoI that they sometimes call families and seek ransom to purchase weapons. The CoI recorded examples in Homs in April, 2012, and in Idlib, in March 2012.

Abuse of children's rights

97. The CoI received corroborated evidence that anti-Government armed groups have been using children as medical porters, messengers and cooks for field units, and for delivery of medical supplies to field hospitals. In May 2012, CoI staff met many children involved in these activities who were regularly traversing the Turkish/Syria border. Four of them had been injured by sniper fire on a mission to Hama in mid-March 2012.

Other crimes by anti-Government groups

98. The CoI received information from the Government with respect to serious crimes allegedly perpetrated by the opposition armed groups, including kidnapping, looting and vehicle theft. According to this information, some 2,491 civilians and security forces personnel were either kidnapped or have disappeared since the beginning of the unrest until 15 March 2012, while another 776 persons (either civilian or security forces personnel) were reportedly kidnapped between 7 May and 4 June 2012. Over the same period, the Syrian Government registered 88 cases of attempted weapons smuggling from neighbouring countries, including Lebanon, Turkey, Iraq and Jordan. The CoI could not corroborate this information, although it is clear that the anti-Government groups possess weapons and ammunition. Some anti-Government fighters have described to the CoI that they buy or steal their weapons from the Syrian army.

99. The Government provided the CoI with information concerning damage and financial loss to the country's infrastructure, including damage caused to the Ministry of Transportation, its employees and its facilities (exceeding SP 3824 million; until the end of February), financial losses caused to the electricity sector (some SP 334 million in the period 1 to 17 April 2012), as well as financial losses caused to the irrigation sector (USD 51.5 million in the period March 2011 to April 2012). The Government placed the responsibility for these losses on the anti-Government armed groups. However the CoI was not in a position to verify this information.

Abuses by unknown perpetrators

Attacks on the UN monitors

100. Where international humanitarian law is applicable, attacks on personnel or objects involved in humanitarian assistance or peacekeeping missions constitute a war crime.⁴ The

⁴ Rome Statute of the International Criminal Court, Art. 8(2)(e)(iii).

CoI has noted an increasing hostility towards the UN presence in Syria, which is apparently emanating from both sides. In the period leading up to this report, a series of attacks, primarily gunfire, were directed at UN observers' convoys. On 12 June, the convoy headed to Al-Haffe was stopped by alleged pro-Government protestors and was later fired upon by unknown gunmen. On 16 June UNSMIS stopped its patrols due to safety concerns.

Attacks on religious buildings

101. The Commission notes with concern reports that an armed group has occupied a Greek-Catholic church in Al Qusayr, Homs, attacking clergy and turning the building into a base for its operations. The Commission's investigations are on-going.

Explosions

102. In the period preceding this Update, the Syrian Arab Republic suffered a series of large explosions in which scores of civilians were killed. The explosions appear to be by suicide bombers or by explosives hidden in vehicles and detonated remotely. The CoI has compiled the list below based on open sources it deems credible and whose information is consistent with other material on hand, including interviews conducted by the CoI:

- 14 June 2012, a car bomb exploded near the Sayyidah Zaynab shrine in a Damascus suburb injuring 11 people⁵;
- 10 May 2012, two large explosions in Damascus' Qazaz neighborhood killed 55 people;
- 9 May 2012, an explosion as a UN convoy passed near Dar'a wounded six soldiers of the Syrian Government escort troops;
- 30 April 2012, twin explosions near daybreak close to a government compound in the city of Idlib killed 20 people, most of them from the security services;
- 27 April 2012, a bomb near a mosque of Al-Meidan neighborhood of Damascus killed 11 people;
- 18 March 2012, a car bomb killed three people in Aleppo; and
- 17 March 2012, two bombs apparently aimed at an intelligence service office and a police headquarters killed 27 people in Damascus.

103. The CoI was not able to ascertain those responsible for these criminal acts.

III. Conclusions

104. In the reporting period, the human rights situation in the Syrian Arab Republic has deteriorated rapidly. Gross violations of human rights are occurring in the context of increasingly militarised fighting. In some areas the fighting bears the characteristics of a non-international armed conflict. The violence has shifted dramatically from confrontations between protesters and the Government's security apparatus to fighting between its army – together with what appear to be pro-Government militias - and numerous anti-Government armed groups.

⁵ On the day when this report was finalized, the CoI received a DVD from the Permanent Mission of the Syrian Arab Republic, containing a video recording of a confession by one of the alleged perpetrators.

105. The situation on the ground has dramatically changed in the last three months as the hostilities by anti-Government armed groups each day take on more clearly the contours of an insurrection. As a result of the estimated flow of new weapons and ammunitions, both to the Government forces and to the anti-Government armed groups, the situation risks becoming more aggravated in the coming months. The international community must not fail to implement a concerted effort to put an end to the violence.

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

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

108. There have been a number of incidents, including attacks on United Nations staff operating inside the Syrian Arab Republic, attacks on religious buildings and the series of explosions, as described above, where the CoI was unable to determine the perpetrators. The CoI investigations are on-going.

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

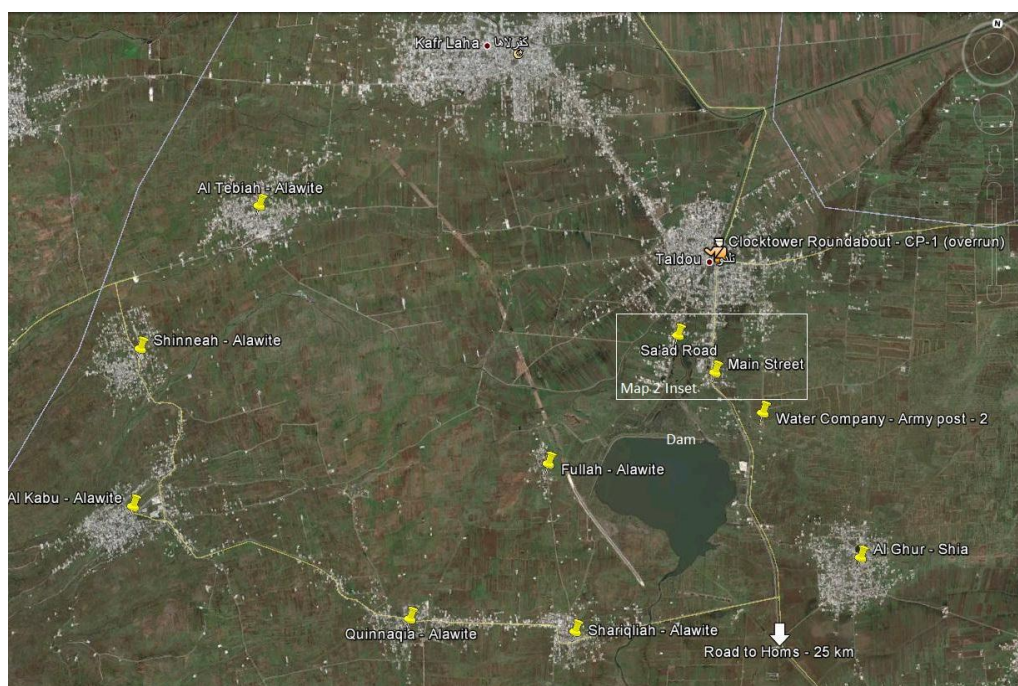
110. The cessation of hostilities is of paramount importance. Through hundreds of interviews, it is apparent that it is the civilian population, from various communities, who are suffering in this conflict, many losing their lives in the spiral of violence.

111. The CoI firmly believes that the Joint Special Envoy's Six-Point Plan, supported by UNSMIS, offers the best framework for a resolution of the conflict. The CoI, cognizant of the rapidly deteriorating human rights situation, reaffirms its belief that the further militarization of the crisis will be catastrophic for the people and the territory of the Syrian Arab Republic and also for the entire region. As stated in its previous reports, the Commission's view remains that the best solution is one of a negotiated settlement involving an inclusive dialogue among the parties.

Annex

Maps

Map 1 – Al-Houla area



Map 2 – Inset from Map 1 – South Taldou

