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Independent International Commission of Inquiry on the Syrian Arab Republic
established pursuant to United Nations Human Rights Council Resolutions S-17/1, 19/22 and 21/26

20 December 2012

Periodic Update

I. Introduction

1. The unrelenting violence in Syria has resulted in thousands of deaths, untold thousands of wounded, detained and disappeared, and physical destruction on a massive scale. Hundreds of thousands have fled their homes and those that remain struggle to secure basic necessities. World heritage sites have been damaged or destroyed, as have entire neighbourhoods. Civilians have borne the brunt of escalating armed confrontations as the front lines between Government forces and the armed opposition have moved deeper into urban areas. The patterns of international human rights and humanitarian law violations that were noted in previous reports have continued unabated, alongside a proliferation of both anti- and pro-Government armed entities.
2. On 28 September 2012 the Human Rights Council (HRC) extended the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic (the Commission), requesting it to investigate all massacres and continue to update its mapping exercise of gross violations of human rights since March 2011. The HRC also requested the Commission to investigate allegations of war crimes and crimes against humanity. Updates of the Commission's findings with respect to such violations are to be released periodically.
3. This periodic update covers the period 28 September to 16 December 2012.

II. Military situation

4. The Syrian conflict has been marked by a continuous but unequal escalation of armed violence throughout the country. Levels of violence have varied geographically due to the interplay of a number of factors: the strategic importance of a particular area, the deployment and strength of Government forces, the

sectarian composition of the local population and anti-Government armed groups' organisation and access to logistical support.

5. In the southern governorates of Dara'a, al-Suweida and al-Qunayterah, Government forces remain in control of main localities. This is due to the heavy presence of army units and security services, together with the existence of relatively disorganised and poorly armed anti-Government groups in these areas. In comparison to groups based in the north-west, armed groups in the southern governorates have struggled to establish themselves and are able only to briefly attack isolated checkpoints and individuals. In these areas, the army is still able to set up checkpoints and conduct targeted raids inside restive towns.
6. Reports from northern and central provinces describe a different reality, with anti-Government armed groups exercising control over large swathes of territory. Armed groups in governorates such as Idlib, Latakia and Aleppo have been able to coordinate effectively, both with each other and with unified local military councils. Further, they are equipped with increasingly efficient military assets allowing them to mount a serious challenge to the Government forces' authority.
7. Violence has increased dramatically in and around major cities, in particular Damascus and Aleppo, where anti-Government fighters have advanced to neighbourhoods close to the cities' centres. Anti-Government armed groups were also reported in governorates such as al-Raqqah and al-Hasakah where they have clashed with army units, provoking shelling and artillery attacks.
8. Mounting tensions have led to armed clashes between different armed groups along a sectarian divide (see Section III). Such incidents took place in mixed communities or where armed groups had attempted to take hold of areas predominantly inhabited by pro-Government minority communities. Some minority communities, notably the Alawites and Christians, have formed armed self-defence groups to protect their neighbourhoods from anti-Government fighters by establishing checkpoints around these areas. Some of those local groups, known as Popular Committees, are said to have participated alongside Government forces in military operations in Damascus countryside in Tadamon and Said al-Zeinab neighbourhoods. Interviewees alleged that the Government provided arms and uniforms to these groups.
9. During the last two months, anti-Government armed groups have reached strategic regions and were able to challenge state forces control of sensitive infrastructure such as oil fields, major highways, airports and military camps. The armed groups have increasing access to weaponry, though those in the south tend to be less well-armed. Most anti-Government armed groups are equipped with individual light weapons and small arms, typical to any insurgency, including Rocket Propelled

Grenades (RPGs) of different calibres and types. The larger armed groups possess mortars, heavy machine guns and heavy anti-aircraft machine guns. A few have obtained anti-tank and anti-aircraft missiles. The quality and quantity of such missiles appear to be limited but would be sufficient to affect Government forces use of air assets. While significant quantities of arms were taken from army camps, weapons and ammunition have also been smuggled in from neighbouring countries.

10. Interviews with fighters, including some defectors, indicate that newly formed armed opposition groups are less likely to attach themselves to the Free Syrian Army (FSA). Many operate independently from existing groups or are affiliated to Islamist groups such as Jabhat al-Nusra. Foreign fighters, many of whom also have links to other extremist groups, are present in Idlib, Latakia and Aleppo governorates. Multiple interviewees noted that while these groups are independent of the FSA, they coordinate attacks with them.
11. Government forces, along with supporting militia, have tried to adapt their deployment, tactics and capabilities to those of the armed groups. They are focussing now on securing control of main cities – particularly Aleppo and Damascus – while limiting their actions in the countryside to shelling and aerial attacks. There are fewer accounts of Government forces engaging in ground actions. Rather they continue shelling areas under anti-Government armed group control, endangering civilians who remain in these areas. Interviewees stated that joint pro-Government forces are conducting house-to-house searches in neighbourhoods used by the opposition such as Daraya in Damascus countryside and Mashari'a al-Arbaeen in Hama city. Government forces continue to besiege opposition strongholds in the central region of the country and reinforce borders with Lebanon and Jordan in an attempt to limit flows of weapons and people.

III. Increased sectarianism

12. The risk of the Syrian conflict devolving from peaceful protests seeking political reform to a confrontation between ethnic and religious groups has been ever present. As battles between Government forces and anti-Government armed groups approach the end of their second year, the conflict has become overtly sectarian in nature.
13. In recent months, there has been a clear shift in how interviewees portray the conflict. In describing the shelling of a village in Latakia governorate by Government forces, one interviewee stressed that the shelling came from positions in “Alawite villages”. Another interviewee, describing ground attacks in Bosra in the southern Dara'a governorate, stated that tensions between the Shia and Sunni communities in the town were “escalating”, with violence becoming increasingly inevitable.

14. The country's other minority groups, such as the Armenians, Christians, Druze, Palestinians, Kurds and Turkmen (see Section IV), have been drawn into the conflict. However, the sectarian lines fall most sharply between Syria's Alawite community, from which most of the Government's senior political and military figures hail, and the country's majority Sunni community who are broadly (but not uniformly) in support of the anti-Government armed groups.
15. Attacks and reprisals (and fears thereof) have led to communities arming themselves, and being armed by parties to the conflict. One interviewee, a Turkman living in Latakia, captured the situation succinctly: "it is too dangerous to live beside neighbours who are armed and [consider you to be a rebel], while you yourself remain unarmed".
16. Government forces and militias aligned with the Government have attacked Sunni civilians. One interviewee, present in Bosra in late October, described "members of the Shia militia", whom she recognised from the neighbourhood, conducting house searches. She stated that the militia told her that "they would kill all Sunnis in the region and that the area belonged to them". Another interviewee stated that he regularly witnessed Sunni commuters being pulled out of their cars and beaten at army checkpoints along the main highway between Dara'a and Damascus.
17. The Commission has received credible reports of anti-Government armed groups attacking Alawites and other pro-Government minority communities. One interviewee, an FSA fighter in Latakia, detailed how, upon capturing Government forces, the Sunni captives were imprisoned while Alawites were immediately executed. On 30 October, a bomb exploded near an important Shia shrine outside of Damascus, killing and injuring several people. On 6 November, a car bomb exploded in the Alawite neighbourhood of Hai al-Wuroud in the north-west of Damascus, reportedly killing ten people.
18. Most of the foreign fighters filtering into Syria to join the anti-Government armed groups (or to fight independently alongside them) are Sunnis hailing from countries in the Middle East and North Africa. The increasingly sectarian nature of the conflict provides one motivation for other actors to enter into the conflict. The Lebanese Shia group Hezbollah has confirmed that its members are in Syria fighting on behalf of the Government. There have also been reports, still under investigation, of Iraqi Shias coming to fight in Syria. Iran confirmed on 14 September that members of its Revolutionary Guards are in Syria providing "intellectual and advisory support".
19. One expatriate interlocutor working inside Syria described a "low intensity sectarian conflict" taking place alongside the fight against the Government. The

dangers are evident. Entire communities are at risk of being forced out of the country or of being killed inside the country. With communities believing – not without cause – that they face an existential threat, the need for a negotiated settlement is more urgent than ever.

IV. Minority groups in the conflict

20. Feeling threatened and under attack, ethnic and religious minority groups have increasingly aligned themselves with parties to the conflict, deepening sectarian divides.
21. Syria's Armenian Orthodox, other Christian, and Druze communities have sought protection by aligning themselves with the Government, with the consequence that they have come under attack from anti-Government armed groups.
22. The Armenian Orthodox community resides mainly in Aleppo governorate. On 16 September, ten passengers on a bus travelling from Beirut to Aleppo were kidnapped. All ten were Christian, with seven being Armenian Orthodox. Their whereabouts remain unknown. On the same day, the Saint Kevork Armenian Church in Aleppo was heavily damaged. Syrians of Armenian descent have sought refuge in Armenia.
23. Christian communities are spread throughout Syria, with the largest communities, prior to the conflict, living in Aleppo, Damascus and Homs governorates. Homs city had been home to approximately 80,000 Christians, most of whom have now fled reportedly to Damascus, with some then making their way to Beirut. It is estimated that only a few hundred remain. An interviewee, speaking about recent events in al-Suweida governorate, confirmed that the Sunni and Druze communities had clashed, leaving several dead. On 29 October, a car bomb exploded outside a bakery in Jaramana, a predominantly Christian and Druze neighbourhood in Damascus.
24. Half a million Palestinian refugees live in Syria. A third reside in the Yarmouk refugee camp in Damascus. Divisions within the community hardened after February 2012, when Hamas broke with the Government. Reports reviewed by the Commission indicate that Palestinians in Yarmouk are being armed by both the Government and the anti-Government armed groups.
25. On 5 November, approximately 20 Palestinians were killed and over 70 injured during a mortar attack on Yarmouk. Both the Government forces and the anti-Government armed groups have accused each other of firing the mortars. On the same day, the body of Mohammed Rafeh, a prominent Syrian-born Palestinian who had been outspoken in his support of President Assad, was returned to his family

bearing gunshots to the head and upper body. A group named “Ahfad al-Siddiqi” claimed responsibility for the killing.

26. Following airstrikes on Yarmouk on 16 December, which reportedly killed and injured dozens of residents, damaged a mosque and left the camp devastated, the Palestinian Liberation Organization (PLO) denounced the Assad Government. The Popular Front for the Liberation of Palestine – General Command continues to support the Government.
27. The Kurds, who live predominantly in the north-eastern al-Hasakah governorate, have remained relatively autonomous due to their fighting ability and independent supply lines. They have clashed with Government forces and anti-Government armed groups over control of territory. Hostilities flared between Kurdish militias and the anti-Government armed groups on 25 October in Aleppo, following the armed groups’ attempt to enter the Kurdish-held Sheikh Maqsd neighbourhood. Fighting continued until 5 November, when a truce was signed. On 19 November, anti-Government armed groups attacked a Kurdish militia checkpoint in Ras al-Ayn, leaving six rebels dead. An anti-Government sniper also assassinated Abed Khalil, the president of the local Kurdish council. Four Kurdish fighters were later executed after being captured by anti-Government fighters.
28. Turkmen militias fight as part of the anti-Government armed groups in Latakia governorate. Several Turkmen civilians have emphasised the discrimination their community suffered under the Government. Interviewees also emphasised that the decision to bear arms was influenced in part by the creation of Alawite militias in surrounding villages, and the fact that Turkmen were being harassed at checkpoints and during house searches.

V. Violations of international human rights and humanitarian law

Unlawful killing and ‘massacres’

29. In addition to investigating summary executions and violations of the right to life generally, under its extended mandate the Commission is also investigating massacres.
30. Investigations continue regarding reports that pro-Government forces are unlawfully killing armed and unarmed persons suspected of opposing the Government. Accounts from Latakia indicate that *Shabbiha* arrest and torture, including torturing to death, suspected opposition members. Incidents in Asfira (September) and al-Basit (August) fitting this pattern are under investigation.
31. Although fewer credible accounts were received of Government soldiers executing captives, incidents of direct targeting of civilians by aerial bombardment, including

“barrel bombs,” rocket attacks and machine gun fire have risen significantly. The Commission recorded a large number of incidents in several governorates where multiple civilian casualties resulted from shelling by Government forces. The evidence in many of these cases indicates that Government forces take insufficient precautions to avoid incidental loss of civilian life and that their attacks are disproportionate to the concrete and direct military advantage anticipated. Investigations are on-going as to whether these attacks are indiscriminate and violate the law of armed conflict.

32. Consistent accounts of summary executions by anti-Government armed groups continue to be collected. Unlawful executions of captured Government soldiers in Aleppo (10 September), Sabouk (2 November) and Ras al-Ayn (29 November), where the unarmed captives were gathered together and then gunned down, are under investigation. Investigations indicate that in some instances captured enemy fighters are brought before a Sharia council (*al-Lajana al-Shariah*) prior to their execution. Neither the substantive nor procedural framework of these councils could be ascertained, with one interviewee positing that, “only those with blood on their hands” are executed. It is a war crime to sentence or execute a person who has been captured, has surrendered, is injured or is otherwise *hors de combat*, without due process.
33. The use of snipers has become a pronounced feature of the urban insurgency fought by both Government and anti-Government armed groups, positioned in strategic areas to freeze the frontlines and hinder movement. Civilians caught in between are exposed, vulnerable to the constant risk of being hit by snipers. Several interviews describe civilians, particularly in Aleppo city, being killed by sniper fire. There are also recorded accounts of women and children victims with injuries that indicate they were shot by snipers while going about their daily routine. Several credible accounts concern civilian victims in Latakia who came under sniper fire while collecting milk in the morning. One woman was hit adjusting the television antenna on the roof of her house. Similar accounts were recorded elsewhere.

Torture

34. Considerable evidence has been collected regarding the use of torture, particularly in Government-run detention centres in Damascus. The testimony of interviewees indicates a consistent and systematic pattern of torture during which individuals are beaten and subjected to electric shocks while held in overcrowded, underground cells. One victim who had been detained in Harasta Intelligence Branch outside of Damascus for 30 days, had his genitals electrocuted on multiple occasions. Another interviewee, a former guard of Harasta prison, described how his superiors encouraged the ill-treatment of detainees. Testimony was also gathered indicating that children were held in Harasta Intelligence Branch in the same detention areas and conditions as adults and were also tortured.

35. An interviewee, arrested in August while distributing bread in one of the northern governorates, was handed over to Military Security, who beat him, asking “where are you taking this bread? Were you taking it to the FSA?” After five days of torture and detention without food or water, the interviewee reported, “I couldn't move my leg or stand up, I reached the point where I wished I could die.” The interviewee was transferred through a prison in Homs and then to Military Security Branch 215 in Damascus where for two weeks he was kept in an underground cell of 4 by 5 metres with 60 other detainees. Multiple accounts have been collected of torture occurring in Military Security Branch 215, including the use of torture methods such as hanging from the ceiling by wrists (*shabeh*) and beaten inside a tyre (*dulab*). The consistency among the various accounts lends them significant credibility.
36. In Latakia, interviewees described a pattern of *shabbiha* conduct. In manning checkpoints to majority-Alawite villages, *shabbiha* often arrest, harass and torture individuals suspected of cooperating with the opposition, detain them or hand them over to Air Force and Military Security Intelligence organs.
37. Accounts were also received of torture by anti-Government armed groups, documenting an FSA-administered detention centre in Sahara, Aleppo where detainees were tortured and killed. In Seida al-Zeinab in Damascus, FSA members reportedly captured, interrogated and beat a suspected Hezbollah member.

Attacks on protected objects

38. Increasing attacks on cultural property as well as the use of protected objects for military purposes by all parties to the conflict have been recorded. Available information indicates that Syria's six World Heritage sites have been damaged in the fighting. In Aleppo, the historic souk was burned (1 October), the Umayyad mosque was significantly damaged (14 October), and the Saint Kevork Church (29 October) was damaged by arsonists. The doors of the Aleppo Citadel were also damaged in August, while looters have broken into one of the world's best-preserved Crusader castles, Krak des Chevaliers. Artefacts in museums in Palmyra, Bosra and Homs have also been looted while ruins in the ancient city of Palmyra have been damaged.
39. Interviewees described Government forces' shelling of state hospitals as well as field hospitals in opposition-controlled areas. Multiple interviewees described the shelling of hospitals in Aleppo governorate, in Aleppo city and the towns of Hirtan and El Bab. Dar al-Shifa, the main emergency hospital in Aleppo city, has been shelled on multiple occasions leading to its destruction. Investigations are on-going about the potential misuse of the hospitals at the time of attacks, the possible

presence of legitimate military targets nearby, and whether adequate warnings were given prior to attack.

40. Attacking protected objects is a war crime, while using protected objects for military purposes violates customary international humanitarian law in non-international armed conflict.

Use of cluster munitions

41. The use of cluster munitions in populated urban areas is currently under investigation. Syria is not party to the international Convention on Cluster Munitions which prohibits such use. Where the object of an attack was the civilian population or individual civilians not taking direct part in hostilities, the investigation will seek to verify the occurrence of the war crime of attacking civilians. Whether the use of cluster munitions was indiscriminate is also being assessed.

VI. Impact on the civilian population

42. Investigation into the conduct of hostilities of the parties to the conflict in Syria is on-going. Certain attacks are of particular concern, particularly those that inflict terror upon civilians seeking to obtain basic necessities.
43. The evidence collected indicates that anti-Government armed groups consistently fail to distinguish themselves from the civilian population. The obligation on each party to the conflict, under customary international law, to remove civilian persons and objects under their control from the vicinity of military objectives is particularly relevant where military objectives cannot feasibly be separated from densely populated areas. The manifest failure to make these distinctions has resulted in civilians being driven from their homes and contributed to the alarming increase of IDPs and refugees.
44. Faced with shelling and shortages of food, water and fuel, civilians have fled their homes, becoming refugees in neighbouring countries or finding themselves internally displaced. Towns and villages across Latakia, Idlib, Hama and Dara'a governorates have been effectively emptied of their populations. Entire neighbourhoods in southern and eastern Damascus, Deir al-Zour and Aleppo have been razed. The downtown of Homs city has been devastated.
45. The humanitarian situation in Syria has deteriorated rapidly during the reporting period. Many of those interviewed detailed the difficulty in obtaining food, potable water and fuel. This appears to be particularly acute in Idlib, Latakia and in northern Aleppo governorates. In Aleppo city, and among much of the north of Syria, electricity has been cut off, food is no longer readily available and access to

medical care or assistance is severely limited. In Idlib, an interviewee described how in addition to the shelling, the living conditions in the town of Hass had become unbearable, aggravated by a lack of fuel and domestic gas, frequent electricity and water cuts, and skyrocketing food prices of basic products such as bread. The situation in Latakia, according to multiple accounts, has become so dire that entire villages that are home to the Turkmen community have been emptied. Investigations are seeking to establish whether such shortages are deliberate and part of an intentional and concerted siege, or whether they are a direct, albeit unintended, consequence of protracted armed conflict.

46. In certain areas, the humanitarian situation has been aggravated by widespread destruction and razing of residential areas. According to the Office for the Coordination of Humanitarian Affairs (OCHA), many internally displaced persons (IDPs) in Syria are unable to return to their homes because they have been destroyed. The onset of winter poses particular risk to such vulnerable groups. Numbers of refugees are expected to swell in the coming months to over 700,000, while there are already 2 million IDPs according to the latest OCHA figures.

VII. Conclusion

47. The war of attrition that is being fought in Syria has brought immeasurable destruction and human suffering to the civilian population. As the conflict drags on, the parties have become ever more violent and unpredictable, which has led to their conduct increasingly being in breach of international law. The sole way to bring about an immediate cessation of the violence is through a negotiated political settlement which meets the legitimate aspirations of the Syrian people. The Commission strongly supports the mission of Mr. Lakhdar Brahimi, the Joint Special Representative of the United Nations and League of Arab States in its effort to bring the parties towards such a settlement.