



人权理事会
第十九届会议
议程项目 4
需要理事会注意的人权状况

独立国际调查委员会关于阿拉伯叙利亚共和国的报告* **

摘要

自 2011 年 11 月以来，阿拉伯叙利亚共和国人权状况明显恶化，给叙利亚人民造成更多痛苦。普遍发生的暴力和日益严峻的社会经济状况使许多社区处境危险。满足日常生活的基本需求日益困难。

目前的形势有可能使民众进一步激进化，加深社区之间的紧张关系并削弱社会的基本结构。国际社会的分裂使结束暴力的前景变得复杂。

政府显然没有履行保护人民的职责。自 2011 年 11 月以来，政府部队实施了更广泛、更系统、更粗暴的侵犯人权行为。反政府团体也有侵犯人权行为，但在规模和组织程度上都与国家的行为无法相比。

委员会要求结束粗暴侵犯人权和有罪不罚的状况并建议联合国人权事务高级专员办事处(人权高专办)和阿拉伯叙利亚共和国人权状况特别报告员继续监测粗暴侵犯人权的情况，以期确保犯罪者的责任受到追究。在特别报告员合作之下，人权高专办应维护并更新委员会所建立的保密数据库。

* 本报告附件不译，原文照发。

** 迟交。

委员会还建议发起包容性的政治对话进程，使政府、反对派和其他反政府行为者走到一起，谈判结束暴力的办法，确保人权得到尊重并解决叙利亚人民的正当要求。应设立一个由对叙利亚局势持不同立场的国家组成的联系小组，发起通向这一对话的进程。

只有在与民众、包括妇女和少数群体以及受害人在内进行可信的磋商之后才有可能实现和解与问责。政治、司法、治安等部门也必须进行深入的改革。

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一. 导言

1. 根据人权理事会第 S-17/1 号决议设立、负责调查自 2011 年 3 月以来在阿拉伯叙利亚共和国发生的据称违反国际人权法律案件的独立国际调查委员会¹继续调查了违反国际人权法律的指控并力求查明相当于这种违法行为的事实和情况。
2. 本报告是在初次报告(A/HRC/S-17/2/Add.1)基础上写的, 应结合初次报告来读。在本报告里, 委员会提供了自 2011 年 11 月以来的最新情况(第三章)。本报告记述了叙利亚民众正在遭受的痛苦、政府部队继续犯下的普遍、有系统和粗暴的侵犯人权行为, 以及反政府武装团体侵犯人权的行爲。
3. 委员会还按照其任务授权, 尽可能努力查明自 2011 年 3 月以来对侵权行为和犯罪行为负有责任者, 以期确保侵犯人权者, 包括那些可能犯下危害人类罪者的责任能够受到追究。² 委员会对责任问题的结论(第四章)涉及 2011 年 3 月至 2012 年 2 月中这段时间。

A. 与政府的合作

4. 委员会感到遗憾的是, 阿拉伯叙利亚共和国政府不允许委员会进入该国, 也没有对采访获得授权的政府发言人的请求作出积极回应。
5. 委员会于 2012 年 2 月 7 日和 15 日会晤了阿拉伯叙利亚共和国常驻代表。
6. 本报告反映了政府为回复委员会一再提出的详细请求而提供的有关资料(附件一至十二)。2012 年 2 月 15 日, 即本报告最后完成的日子, 常驻代表向委员会提交了含有武装团体攻击事件详细资料的文件。本报告反映了所收到的那些文件的总体内容, 这些文件包含好几百页的阿拉伯文字。此外, 委员会还参照了高级官员的公开讲话。委员会还跟踪了阿拉伯叙利亚官方新闻社(叙通社)的报道。

B. 方法学

7. 委员会努力反映所有各方所犯下的违法行为和侵权行为。然而由于无法进入该国, 这为记录反政府武装团体和反对派行为者所犯下的侵权行为造成了特别的困难, 因为大多数受害人和证人依然呆在该国, 政府也没有提供便利, 在所审查期间方便与武装团体暴力的受害人进行采访。委员会如果有机会实地接触社区和官员, 便能够更好地了解实地人权关切情况和人们遭受的痛苦。

¹ 2011 年 9 月 12 日, 人权理事会主席任命了以下三名高级别专家为委员会委员: 保罗·皮涅罗(主席)、亚肯·埃蒂尔克和卡伦·科宁·阿卜扎伊德。

² 人权理事会第 S-17/1 号决议第 13 段。

8. 在第一次报告之后，委员会采访了另外的侵权行为受害人和证人、叛逃者以及了解内情的其他人。从 2012 年 1 月 9 日至 25 日，委员会到好几个国家向最近逃出阿拉伯叙利亚共和国的人收集第一手证词。³ 另外通过电话进行了采访，被采访者包括仍然留在该国的受害人和证人、最近访问过阿拉伯叙利亚共和国的记者以及据知对政府表示支持的个人。在初次报告之后，委员会另采访了 136 名受害人和证人，委员会采访的总人数达到了 369 人。

9. 委员会还审查了照片、摄像记录以及能得到的政府文件。对于部署了军队和治安部队的地区以及据报告发生侵权行为的地方，通过对其卫星图像的分析，证实了若干证人的叙述。委员会还考虑到于 2012 年 1 月 22 日所派遣的观察团的报告，并采访了该观察团的原先观察员。

10. 关于侵犯人权案件记录问题，委员会运用了第一次报告中所使用的证据标准。⁴ 如果有合理的理由认为那些事件已经发生，即委员会获得了足够可靠的证据，与其他信息一起表明这些事件已经发生，那么报告就描述这些事件。本报告所讨论的事件往往由两个或更多的证人以一致和可靠的方式叙述过，另外往往有额外的证据加以验证。在特别情况下，如果可靠的来源报告了有关事件，但委员会无法通过采访证人加以验证，那么报告列出这些事件并同时列出有关的消息来源。本报告所描述的事件格局根据的是多种有文字记载的事件，这些事件又得到经过验证的事实的支持。

11. 为了获得整个形势的一般背景资料以及为解决此形势而作出的外交努力，委员会会晤了人权理事会各个区域成员国和观察员国的常驻代表。委员会还与国际和区域组织包括阿拉伯国家联盟在内的代表进行了交谈。

12. 报告反映了截至 2012 年 2 月 15 日所收到的资料。

13. 委员会并没有为了编写本报告以及针对所涉及的时期而适用国际人道主义法律。⁵ 国际人道主义法律只有在局势可定性为武装冲突时才可适用，这取决于暴力的程度以及参与方的组织水平。委员会感到严重关切的是，某些地区的暴力可能已经达到了必要的程度，但委员会无法证实自由叙利亚军(自由军)、当地自称为自由军的这类团体或其他反政府武装团体已经达到了必要的组织水平。⁶ 同样，委员会在使用“自由军团体”一词时，是指任何这样的武装团体，其成员自称属于自由军，而不一定意味着该团体实际上已经由自由军领导层承认，或听从国外自由军领导层的指挥。

³ 进行采访的地点没有公布，以保护证人和受害人。

⁴ A/HRC/S-17/2/Add.1, 第 5-6 段。

⁵ 同上，第 97-100 段。

⁶ 同上，第 106-108 段。

二. 背景

A. 国内政治发展

14. 政府认为，反对派是外国阴谋的一部分，政府的军事和治安行动针对的是恐怖分子。2012年1月10日，总统声明，“用铁拳恢复安全并同恐怖主义作斗争”，是最优先的任务。⁷与此同时，政府一再推行选举和通过新法律的计划，包括就政治参与和媒体问题。2月13日，总统收到了新宪法草案，并宣布将在2月26日对新宪法进行公民投票。该项新草案的公开目标之一是“建立在政治多元”基础上的政治制度，并确定了总统任期。⁸2011年12月12日举行了地方选举；根据政府的报道，这些选举有80%的参与率。另外宣布将在2012年5月或6月举行议会选举。1月15日，总统命令举行大赦，这是最近的一次，在此之前已经有三次大赦(见下文66段)。

15. 该国许多地方继续发生针对政府的抗议活动，但这些抗议活动时间较短，局限在当地，以避开治安部队。在各个省也组织了支持政府的示威活动。

16. 该国的政治反对派通常通过地方协调委员会的形式来组织自己，这些委员会之上有一个总体性机构，即叙利亚革命总委员会。地方协调委员会在组织示威和人道主义救援行动等方面发挥了领导作用。反对派“叙利亚全国委员会”由一系列不同成员组成，包括穆斯林兄弟会、各世俗团体以及地方协调委员会的代表。这些反对派力图将自己说成是叙利亚人民的合法代表，虽然其他反对派团体在该国国内外也存在。叙利亚全国委员会拒绝在目前的条件下与政府进行任何政治对话。在该委员会内部显然存在着严重的分歧；同时该委员会(其领导层大都住在国外)与其他反对派之间也有分歧。

B. 日益增多的暴力和激进化现象

17. 近几个月来，危机越来越出现暴力和军事化倾向。国家发起的残酷镇压不同意见的行动从一开始就使用了针对和平示威的致命武力，于是随后产生了叛逃和组成反政府武装团体等情况。武装反对派的增多导致政府强化其暴力镇压。

18. 许多反政府武装团体自称为自由军，他们由叛逃者(主要是军人中的叛逃者)以及越来越多的武装平民组成。自由军领导人住在国外，其如何控制在该国境内各种不同的自由军团体尚不清楚。1月中旬，自由军领导层与叙利亚全国委员会同意改进他们之间的协调。

⁷ <http://sana.sy/eng/21/2012/01/10/393338.htm>。

⁸ <http://sana.sy/eng/36/2012/02/16/400646.htm>。

19. 大多数自由军团体最初采取了一种防卫性的态势。近一些时候，一些自由军团体采取了进攻性的行动，目标是检查站、政府部队设施、警察派出所以及政府车辆。例如政府部队声称对 2011 年 12 月 15 日对达拉省的攻击行动负责，在这次攻击行动中，至少 27 名士兵被杀死。阿拉伯国家联盟在其报告中指出，在霍姆斯和达拉省，武装团体对政府部队采取了暴力行动，造成人员伤亡。

20. 自由军团体的活动导致政府部队从大马士革农村省、伊德利卜省和霍姆斯省的某些城市或地区暂时撤出。自 2011 年 12 月以来，政府部队用重型武器进攻这些地区，导致大规模人员伤亡和住房和基础设施被毁坏(见下文第 38-46 段)。

21. 政府说，不属于自由军的其他武装的非国家行为者也在该国活动，其中包括基地组织和其他宗教极端分子。阿拉伯国家联盟在其报告中也区分了自由军和“其他武装反对团体”。众多的消息来源报告说，该国存在着极端分子团体。委员会无法就这些团体的人数、背景和活动情况进行核实。

22. 2011 年 12 月 23 日，据报告 50 人在大马士革治安机构办公楼附近的爆炸中死亡，政府说这是基地组织干的。但包括基地组织在内没有任何人声称负责。阿拉伯国家联盟在其报告中提到，其派驻在霍姆斯、哈马和伊德利卜省的观察员报告了一起民用公交车被炸事件(死伤 8 人)、一起警车爆炸事件(2 人死亡)以及运载柴油燃料的火车、石油管道和小型桥梁被炸毁等事件。对于其他案件，阿拉伯国家联盟观察员发现，所称的爆炸事件都是谎报的事件。2012 年 2 月 10 日，在阿勒颇省军事情报部门和警察建筑物附近发生的两起大型爆炸事件中，有 28 人被炸死，235 人被炸伤。政府及其他消息来源都称这些爆炸事件是恐怖主义分子干的。2 月 14 日，霍姆斯附近的一个主要输油管发生爆炸。政府称这是“恐怖主义破坏者”干的，而反对派说这是政府部队炮击这一地区引起的。

23. 根据各种消息来源，随着暴力现象加剧，人员伤亡人数急剧上升，已有数千人死亡。

24. 2011 年 12 月 27 日，政府告诉委员会，根据医院和警察的报告，从 2011 年 3 月 15 日至 12 月 19 日，至少有 2,131 人死亡。政府还说，在同一时期，共有 913 名士兵和 215 名警察(共 1,128 人)被杀死。⁹ 根据政府的说法，从 2011 年 12 月 23 日至 2012 年 2 月 10 日，另有 651 名军人和治安人员被杀死，2,292 人受伤。¹⁰ 此外，另有 519 具身份不明的尸体被发现。2012 年 2 月 15 日，政府又提供了数字，称从 2011 年 3 月 15 日至 2012 年 1 月 18 日，在阿拉伯叙利亚共和国共有 2,493 名平民和 1,345 名士兵和警察被杀死。

⁹ 见附件四。在另一个普通照会(附件三)中，政府说，截至 2011 年 12 月 21 日，共有 2,000 名警察和士兵被杀死。政府没有说明采用了何种办法来确定这第二种数字。

¹⁰ 政府提供了一个长长的名单，列出了被杀死的军人和治安人员的姓名、级别和私人信息，还有死亡或受伤的日期和地点。

25. 据附属于地方协调委员会的侵权案件记录中心的记载,从 2011 年 3 月 15 日至 2012 年 2 月 15 日,共有 6,399 名平民和 1,680 名叛逃军人被杀死。¹¹ 受害人中包括 244 名妇女、115 名女童和 425 名男童。2011 年 12 月(1,046 名受害人)、1 月(1,196 名)和 2012 年 2 月上半月(983 名)显然是自 2011 年 3 月发生骚乱以来暴力最为严重的时期。

26. 政府以及叙利亚全国委员会、叙利亚革命总委员会以及各地方协调委员会都一再声称他们致力于避免宗派主义,而指责对方煽动仇恨。由于试图调动政治支持,因此造成带有宗派色彩的紧张以及犯罪,特别是在霍姆斯。从 2012 年 1 月至 2 月,在霍姆斯曾发生数起整个家庭包括儿童和成年人在内被残酷杀害的案件。双方都有只是为了报复、索取赎金或作为人质而绑架没有直接参与冲突的人的行为。

27. 少数群体利用自己的恐惧来赢得人们的支持。例如大多数基督教徒看到该地区其他一些国家的势态发展,尤其感到处境脆弱。反对派在呼吁反对政府时,也以教派的忠诚作为理由。许多叙利亚公民,包括知识分子和不同教派的宗教领袖在内,都站起来呼吁实行容忍,谴责这种政治活动。

C. 国际背景

28. 虽然安全理事会常任理事国在如何界定或处理危机方面意见不一致,但区域组织以及个别国家继续施加外交压力并采取了制裁行动。欧洲联盟和美利坚合众国强化了制裁措施,尤其是对于购买叙利亚石油实施了禁运。对越来越多的个人和实体,采取了有针对性的制裁措施。土耳其禁止与该国及其中央银行进行交易,冻结了政府财产,并对叙利亚商品规定了严厉的进口税。

29. 11 月 16 日,阿拉伯国家联盟呼吁政府停止暴力,保护其公民,释放被拘留者,从城市撤出部队,允许阿拉伯和国际媒体自由进入,并同意往该国派遣观察团。政府最初拒绝签署一项同意这些条件的议定书,这导致阿拉伯国家联盟采取了制裁措施,除其他外终止与叙利亚中央银行的交易,并对高级官员实施禁止旅行的措施。

30. 12 月 19 日,政府签署了该议定书,12 月 24 日,阿拉伯国家联盟观察团被派往阿拉伯叙利亚共和国。在观察团提交其报告之后,阿拉伯国家联盟于 2012 年 1 月 23 日通过了一项决议,呼吁将该国的权力由总统移交给其第一副总统,并组成全国团结政府。政府拒绝了这一计划。在此之后不久,联盟以安全理由,暂停了观察团的工作。

¹¹ 该中心(www.vdc-sy.org)的资料源于医疗记录、与受害人家属的直接接触以及负责掩埋尸体的清真寺阿訇所提供的资料。

31. 2月7日，俄罗斯联邦外交部长在大马士革会晤了阿萨德总统，讨论了解决危机的建议。

32. 2月8日，联合国秘书长提到以阿拉伯国家联盟和联合国联合行动的名义，重新派遣观察团。2月12日，联盟通过决议，要求安全理事会授权阿拉伯与联合国的联合部队“监督实施停火”，并敦促其成员“停止”与阿拉伯叙利亚共和国政府的“一切形式的外交合作”。

33. 国际社会大多数人都不赞同以直接军事干预的方式保护叙利亚人民。然而现有的信息表明，对政府或反对派都存在着支持或计划提供支持。若干专家已开始报告，在该国已经有一些个人和感兴趣的团体或许已经得到一些政府的支持，后者的用意是协助一方或另一方。这种信息值得注意，尤其考虑到该国在区域和国际背景下的关键位置，以及人们对于其国家和国际作用和关系可能变化所产生的后果的关切。

D. 社会经济影响

34. 危机加剧了在这之前已经存在的高度的贫困和失业现象。该国经济据估计在2011年缩减了2%至4%，据估计2012年将有更明显的下降。旅游业曾占该国国内生产总值的6%至9%，现已全面崩溃。政府将经济方面的关切归因于制裁措施以及一些武装团体破坏燃料供应或民用设施，同时坚持认为这种关切可以通过经济自立措施来得到解决。

35. 叙利亚人，特别是打零工的人和其他就业地位不稳的人，尤其感受到经济衰退所造成的影响。2011年12月，劳动和社会事务部长宣布，该国失业率为22%至30%。¹²

36. 对叙利亚石油出口的抵制、对银行业的制裁以及据报告大量资金外逃，都使叙利亚货币贬值，造成通货膨胀。经济部估计，到2011年年底，基本食品价格增长了约37%，¹³尤其伤害到穷人。政府力图提高公共部门的工资并扩大或增加对燃料和其他基本商品的补贴来抵消价格的增长。

37. 由于厨用或取暖用燃料价格上涨并且供应短缺，特别是在骚乱地区，人们经历了一个异常严峻的冬天。在该国许多地区，停电现象经常发生。

¹² Sarah Abu Assali “劳工困境”，《今日叙利亚》。见于 <http://syriatoday.com/index.php/focus/17955-labour-invain>。

¹³ “叙利亚镇压的代价”，半岛电视台，2012年1月15日。见于 www.aljazeera.com/programmes/insidesyria/2012/01/2012115721352136.html。

三. 人权状况

38. 2011 年 11 月以来，武装行动加剧导致的暴力升级已使人权状况更加危急，增加了人们的痛苦。

A. 对居民区和平民的攻击

39. 2011 年 11 月初开始，在霍姆斯省、哈马省、大马士革农村省和伊德利卜省这些反政府武装团体众多的地区，政府部队和反政府武装团体之间的暴力升级。政府部队从上述许多地区撤出并随后将之包围。驻扎在战略要点的军队狙击手和沙比哈民兵¹⁴ 袭击并杀害幼童、妇女和其他手无寸铁的平民，令民众恐慌。杀伤迫击炮弹也射入了人口稠密的地区。

40. 阿拉伯国家联盟的观察员于 1 月下旬撤出之后，军队加强了炮击，使用了重型武器。并未警示民众，也没有给手无寸铁的平民疏散的机会。大量民众因此丧生，其中包括很多儿童。很多地区遭到炮击之后遭到政府部队突袭，政府部队逮捕了疑为叛逃人员和反对派活动分子的人，对其施以酷刑并当场处决。

41. 据侵权案件记录中心称，仅 2012 年 2 月的头两周内，至少有 787 名平民丧生，其中包括 53 名成年妇女、26 名女童和 49 名男童。在霍姆斯丧生的受害者最多。

42. 在伊德利卜省，军队于 12 月中旬炮轰了伊赫西姆、伊卜林、伊卜迪塔、卡桑夫拉和卡法尔阿维德村。政府部队控制这些村庄时，安全人员洗劫了各个房屋，并将赃物装上用来运送被拘留者的随行卡车。12 月 20 日，当地居民在卡法尔阿维德和卡桑夫拉之间的一片废弃地区发现了 74 名叛逃人员的尸体。他们双手缚在背后，看起来是被当场处决的。12 月 21 日，政府部队攻击了来自卡法尔阿维德的一群活动分子，这些人在村里的清真寺里避难。部队撤出之后，清真寺里发现了 60 具尸体。受害者在被处决之前似乎遭受了酷刑。

43. 2011 年 12 月 24 日至 26 日，军队在霍姆斯的巴卜阿姆鲁展开了大规模行动，那里驻扎着自由叙利亚军某部。巴卜阿姆鲁的民居遭到坦克和高射炮炮击。12 月 27 日到访的阿拉伯国家联盟观察员证实，该地区遭到炮击。政府部队的狙击手也射杀了手无寸铁的平民男子、妇女和儿童。1 月 19 日，政府部队再次炮击霍姆斯，包括巴卜胡德和拜亚代，导致平民丧生。

44. 2012 年 1 月 12 日，军队开始炮击大马士革农村省的扎巴达尼，造成平民伤亡。与自由叙利亚军某部的交火持续了六天，之后军队重新部署在城市的外围并实行了封锁。

¹⁴ A/HRC/C/S-17/2/Add.1, 第 20 段。

45. 1月24日，坦克和狙击手包围并炮击了哈马的巴卜盖卜利居民区，自由叙利亚军某部曾驻扎在此。自由叙利亚军的成员显然已经在军队接近时撤离了，但还有很多反对派活动分子留在居民区内。第二天，士兵们对居民区发动突袭，逮捕了很多人并劫掠了民宅。1月26日和27日，政府部队在哈马的哈密迪耶居民区进行了一次类似行动。巴卜盖卜利和哈密迪耶的行动之后，一些人的尸体被丢弃在哈马，身上还拷着手铐，显然是被处决的。

46. 2012年2月3日，在一次暴力升级中，霍姆斯的政府部队开始使用重型武器炮击哈利代人口稠密的地区。在场的狙击手使平民无法逃离。2月6日，同一类型的行动扩大至巴卜阿姆鲁，政府部队对那里展开炮击并使用了火箭。

B. 对政治反对派、人权维护者和媒体的攻击

47. 对和平示威者和有支持反对派嫌疑的居民区的镇压仍在持续。委员会收到额外报告，军队、安全部队和沙比哈民兵使用实弹攻击手无寸铁的抗议者。叛逃人员表示，士兵们继续收到“射杀”令。政府还对反对派的罢工呼吁进行了报复。2011年12月11日大马士革农村省罢工和2012年1月24日哈马罢工的参与者遭到了政府部队的攻击。

48. 2011年12月24日至2012年1月20日驻叙利亚期间，阿拉伯国家联盟观察员目睹了几场反对派和平示威，这些示威都没有受到国家干预。观察员们认为，政府部队可能是碍于他们的存在而未使用暴力驱散示威者。观察员们提出，霍姆斯和德拉的市民请求他们不要离开，并认为这可能是由于市民们害怕报复。

49. 2011年12月7日播出的一次电视采访中，总统称，军队和安全部队没有收到“任何格杀令或残忍行事的命令”，同时承认政府部队的一些成员“太过了”。

50. 政府告知委员会，武装团体正在杀害不响应示威或罢工号召的人或者强迫他们流离失所。委员会记录了一些反对派活动分子威胁拒不参与罢工的店员的案件。委员会还发现了反政府武装团体将疑为沙比哈民兵成员的人处决的案件(另见下文第114段和115段)。

51. 2011年8月28日，政府发布了一部新的媒体法律(第108/2011号令)，阐述了许多与言论自由以及记者和公民信息自由有关的基本权利。¹⁵ 该法律纳入了广泛的禁令，包括禁止公布任何部队本身未予公布的与武装部队有关的新闻。该法律并未触及《刑法》第285至287条阐述的定义模糊的刑事罪名，这些罪名一直被用来惩罚持批评意见的记者、人权维护者和持不同政见者并使其沉默。11月，政府建立了一个国家媒体理事会以落实媒体法，并任命了一位前任信息部长

¹⁵ 《阿萨德总统签署媒体法立法令》。叙通社，2011年8月29日。可从以下网址查阅：www.sana.sy/eng/361/2011/08/29/366490.htm。

担任负责人。2012年2月8日，总统发布了一条关于组织互联网通信和打击网络犯罪的命令，此命令列出了各种罪名，限制互联网言论自由。

52. 实际上，言论和信息自由继续受到严重限制。政府有计划地使用审查和任意拒绝签发媒体执照的方式控制媒体。表达过不同观点的记者和博主遭到骚扰、开除公职、任意逮捕和拘留。

53. 活动分子和人权维护者继续通过互联网和社会媒体动员起来。“公民记者”拍摄下了军队和安全部队侵犯人权的行为并张贴到互联网上。其他人则通过文化表现形式传达他们的不同意见，比如在互联网上播出讽刺木偶剧。作为回应，政府于不同时期对不服控制的城市进行互联网封锁或降低其上网速度，在突袭中破坏计算机设备以及侵入私人电子邮件和社会媒体账户。

54. 亲政府与反政府的黑客已就网络空间的控制权展开争夺，并在一些情况下传播了虚假信息。根据收到的证词，这些包括“虚拟叙利亚军”，一个散播支持政府的新闻并试图破坏反对派网站的在线网络。该团体的一个成员告诉委员会，该团体既不为政府工作，也没有参与非法活动，只是想不偏不倚地报道当前的动荡。

55. 报道危机和相关暴力行为的叙利亚记者依然处于危险之中。保护记者委员会和记者无国界组织报告了三起杀害叙利亚记者的事件，有两起据信是政府部队所为。2011年11月19日，摄影师费尔扎特·杰尔班在拍摄盖西尔(霍姆斯省)的反政府抗议时被安全人员逮捕；第二天发现了他的尸体，双眼都被挖了出来。12月29日，公民记者巴西勒·阿勒赛义德在霍姆斯拍摄对示威的暴力镇压时被政府安全部队射杀。12月30日，广播节目主持人兼某政府报纸的审查员舒凯里·艾哈迈德·拉提卜·阿布·布尔古勒在大马士革被一不明枪手射杀。

56. 2011年12月下旬，按照阿拉伯国家联盟议定书的规定，政府重新开始向选中的外国记者签发短期签证。外国记者在该国境内的行动往往受到限制，与他人的接触也受到陪同政府官员的监视。

57. 2012年1月11日，一发炮弹在一群报道霍姆斯示威的记者附近爆炸。法国记者吉勒·雅基耶和几名叙利亚人丧生。政府和自由叙利亚军均指责对方应为此事负责。政府称已展开调查。

C. 任意逮捕、酷刑、绑架和强迫失踪

58. 政府继续任意逮捕和拘留被疑为抗议者、反对派活动分子、人权维护者和逃兵的人。任意逮捕通常不会得到正式承认，而嫌疑人往往被隔离关押，其被捕一事和下落也不会告知其家人。

59. 全国各地的任意逮捕遵循相似的模式。在抗议期间，军队和安全部队往往会将抗议者包围。被捕的人，包括其中的伤者，会乘巴士和卡车被运送至安全部门

运作的拘留中心，有时还会先被暂时关押在体育场或学校等场所。此外，士兵和安全人员往往基于当地安全分支机构提供的通缉人员名单，在检查站实施逮捕。

60. 发动了更多大规模突袭，尤其是在被认为有叛逃者躲藏或者同情抗议者的地区。一般由正规部队将地区封锁，然后由安全部队或军队的精锐作战单位，有时协同沙比哈民兵，进行逐户搜查。在此类突袭中，妇女成为任意逮捕和拘留的目标，很多时候也是为了强迫她们的男性亲属自首。许多妇女还强调，安全部队冲进她们的家，常常是在晚上，并破坏和洗劫她们的个人财物，这是对她们隐私的创伤性侵犯。

61. 委员会收到了证人的额外证词，称在其家人被捕很长时间之后，从政府或信息渠道都没有得到关于家人下落的任何消息，也不知道他们是否还活着。委员会对这种强迫失踪的案件依然关切。¹⁶

62. 拘留场所依然存在酷刑。受害者和目击者就实施酷刑的场所和方式提供的报告可信而一致。2011年3月以来，委员会记录了12个城市中的38个拘留地点存在酷刑，名单附在本报告之后(附件十三)。

63. 安全部门继续有计划地逮捕国立医院里受伤的病人，并往往使用酷刑，就他们可能参与的反对派示威或武装活动进行审讯。委员会记录了证据，证明霍姆斯军事医院和拉塔基亚国立医院的某些部门已经变成了酷刑中心。安全人员，有些情况下还协同医务人员，将严重受伤的病人锁在床上，对他们施以电击、击打他们的受伤部位或不让他们得到医疗救治和水。不合作的医务人员则面临报复。

64. 以上行动已造成了恐惧的气氛。医生们悄悄地给面临逮捕的病人做手术，而医院不给手术病人提供留院术后照料。一些妇女宁愿在不安全的环境里生产，也不去国立医院。在很多动荡地区，平民建立了地下战地医院，由志愿者担任医护人员，有简易的设备，医疗用品或由境外走私，或由关切的市民捐赠，或由国立医院转移而来。

65. 委员会频繁地接到报告，安全官员威胁男子要强奸他们的女性亲属。

66. 2012年1月19日，政府告知阿拉伯国家联盟的观察员，已经依照1月15日宣布的大赦释放了3,569名被拘留者。观察员可以确认，上述大赦下已释放了1,669名被拘留者。

67. 考虑到任意逮捕的数量多，且大部分逮捕和释放都发生在正式程序之外，很难确定还有多少人尚处拘留之中。委员会已要求政府提供直接相关数字。

68. 侵权案件记录中心从被拘留者的家人和当地协调委员会搜集了被拘留者的姓名以及被捕的时间和地点，据侵权案件记录中心称，2012年2月15日时尚有18,000多人被拘留，其中包括200多名妇女和女童以及400多名男童。

¹⁶ A/HRC/S-17/2/Add.1, 第59段。

69. 包括自由叙利亚军各部在内的武装团体实施了绑架。有些情况下，受害者被杀害或遭受了酷刑。

70. 政府告知委员会，2011年3月15日至12月19日期间，共有666名平民、70名士兵和164名警官被绑架。据政府称，2011年12月23日至2012年2月10日期间，又有506名军队和安全人员遭绑架。

D. 经济和社会权利的剥夺

71. 广大民众因危机的经济影响和相关制裁而受苦(见上文第34-36段)，不服控制的地区中的社群面临特别严重的人道主义关切。在那里，正式的经济活动和公共服务正在崩溃，而做饭和取暖用的燃料、医疗用品以及在受封锁地区越来越重要的食物等必需品已变得稀缺。在男子东躲西藏、被捕或丧生的情况下，很多妇女不得不承担起很多额外的责任以养家糊口。

72. 据估计，国内有70,000人被迫流离失所，而在其他国家，有超过20,000名叙利亚人正处在身为难民的危险境地。

73. 军队和安全部队继续对存在大量反政府武装团体的地区进行封锁，包括霍姆斯、哈马、伊德利卜和大马士革农村省内的地区。药品、食物和其他必需品均不允许通过。政府部队任意逮捕和攻击试图将这些用品带入被封锁地区的人。政府还暂停了燃料和电力供应，以惩罚那些有成员参与反政府示威的社区和家庭。

74. 叙利亚阿拉伯红新月会已经向部分处于愈加恶化的环境中的受影响民众提供了人道主义救济。据红十字会与红新月会国际联合会称，叙利亚阿拉伯红新月会秘书长阿卜杜勒-扎拉克·杰布罗于2012年1月25日遭枪击身亡，当时他正乘车行驶在阿勒颇至大马士革的高速公路上，车上有明显的红新月标志。

75. 地方协调委员会和一些叙利亚个人已经建立了社区支助机制。国际人道主义行为者尚未获得直接的人道主义援助准入，只有获得准入才能评估并全面应对2011年3月以来产生的基本人道主义需求。

76. 政府提供了有关武装团体攻击医疗设施的信息。2011年3月15日至2012年2月9日，政府统计出17次对医院的攻击和48次对医疗中心的攻击。共有15名医疗人员身亡，27人受伤，并有119辆医疗车辆受损。

77. 委员会记录了几起案例，国立医院里受伤的病人被迫伪称，是武装团体的攻击致其受伤的。

E. 对儿童权利的侵犯

78. 随着暴力加剧，儿童继续成为受害者。国家当局没有作出显著努力保护儿童的权利。据一可靠消息来源称，2011年3月以来已有500多名儿童丧生，遇害儿童人数最多的月份是2011年12月(80人)和2012年1月(72人)。16岁至18岁

之间的少年死亡人数最多。狙击手和其他政府部队杀害或击伤儿童，包括 10 岁及以下的幼童。很多儿童在 2012 年 1 月和 2 月间军队炮击霍姆斯和其他城市的居住区时丧生。

79. 儿童继续被任意逮捕并在拘留期间遭受酷刑。据委员会访问的前被拘留者称，儿童与成年人受到同等对待，公然无视他们的年龄。他们被关在与大人同样的牢房里，也遭受同样方式的酷刑。

80. 受伤的儿童不能获得适足的医疗救治，因为去医院和健康诊所所有危险，而且陪同他们的成年人也有被逮捕的风险。很多儿童因为目睹暴行而受到了创伤并需要心理支助。

81. 儿童的教育因暴力、政府施加的行动限制以及反对派对学校的攻击和封锁而中断。委员会还收到相关信息，表明政府使用青少年儿童参与组织好的亲政府示威，导致许多家长在有示威安排的时候不让孩子去上学。

82. 2012 年 1 月 10 日，总统宣布入学率下降了一半。他补充说，已有 30 名教师和大学教授被反政府武装团体杀害，1,000 多所学校遭到蓄意破坏、焚烧或毁坏。委员会要求获得细节。2 月 15 日，政府向委员会提供了与实物损失和洗劫有关的信息，涉及 886 所学校，分布在伊德利卜省(240 起)、德拉省(151 起)、大马士革省(131 起)、霍姆斯省(127 起)、大马士革农村省(63 起)、哈塞克省(47 起)、代尔祖尔省(45 起)、塔尔图斯省(19 起)、阿勒颇省(18 起)、拉塔基亚省(12 起)、哈马省(10 起)以及拉卡省(30 起)。政府也着重指出，9 名校长被人用石头砸过，还有 2 名遭到枪击受伤。

四. 对危害人类罪、严重侵犯人权行为和其他侵权行为的责任

83. 委员会记录了政府部队 2011 年 3 月以来对人权普遍而有计划的严重侵犯，且政府部队没有受到惩罚。委员会也发现了反政府武装团体犯下的严重侵害人权的事件。委员会根据其任务，力求尽可能查明责任人以确保侵犯人权的罪犯，包括那些可能构成危害人类罪的罪犯的责任得到追究。

84. 2011 年 3 月 31 日，政府建立了由四名法官组成的国家独立法律委员会，以对本次危机背景下的犯罪进行全面调查。委员会向政府和该法律委员会本身询问其权力、职能和初步调查结果。2012 年 1 月 23 日，政府告知委员会，国家独立法律委员会及其在不同省份的分支机构正在调查 4,070 多起案件，并将在得出结论后向委员会报告调查结果。

85. 阿萨德总统在 2012 年 1 月 10 日的一次演讲中声称，已有有限的国家工作人员因谋杀和其他罪名被捕。政府并未回应委员会提出的提供更多关于逮捕的数量或相关刑事调查结果细节的要求。在一些案件中，军队和安全部队成员根据第 14/1969 和第 69/2008 号令享有的免受起诉的保护已经取消，政府也未提供委员会要求的这些案件的相关信息。

86. 委员会无法查明 2011 年 3 月以来，在阿拉伯叙利亚共和国中有任何起诉军队或安全部队指挥官或文职长官，认为其应为危害人类罪或其他严重侵犯人权行为负责的成功案例。

87. 进一步审查包括 2011 年 11 月以来搜集的信息在内的证据之后，委员会满意地发现，存在一批可靠的证据，与其他已获证实的事件相吻合，有合理依据认为一些具体个人，包括担任指挥职务的军官和最高级别的政府官员对危害人类罪和其他严重侵犯人权的行为负有责任。委员会已将一个装有这些人姓名的密封信封呈交联合国人权事务高级专员保管，也许有助于主管机构在未来进行可信的调查。委员会还查明了具体的军队单位、安全部门及其分支机构，有合理依据认为他们从事了严重侵犯人权的行为。自由叙利亚军各部也在名单之上，委员会记录了其侵害人权的行爲。

88. 此外，委员会已将一个囊括所有已搜集证据的全面数据库呈交高级专员保管，这些证据可在保护证人和保密的情况下，向进行可信调查的主管机构公开。

A. 国家当局

1. 国家政策和指令

89. 委员会在第一份报告以后收集的证据使其确信，严重侵犯人权行为是根据国家政策实施的，实施这种侵权行为的命令源于武装部队和政府最高层发布的政策和指令。¹⁷ 这可以从涉及严重侵权行为的行动的性质和委员会获得的关于计划和执行过程的信息推断出来。

90. 委员会询问了对规划过程有内部消息的个人。委员会得到的可靠叙述是，阿拉伯复兴社会党全国指挥部下属的国家安全局¹⁸ 负责将来自高层的政策指令转化为指导行动的联合战略计划。这些计划指导着政府部队和机构为行动发挥其应有作用。在国家安全局的计划和指令基础上，安全部门主管将命令传达给在各省的分支机构。军队的命令是通过军事指挥系统传达的。

91. 在地方一级，军队和安全部队、文职当局和阿拉伯复兴社会党官员通过地方安全委员会协调行动，地方安全委员会通常由部署在该区域的安全部门地方代表和军队指挥官所主导。大马士革数次调派高级安全官员去协调涉及危害人类罪和其他严重侵权行为的行动。

92. 大部分危害人类罪和严重侵犯人权行为都是由整个安全部队参与的复杂行动所实施的，这样的行动需要上级指令。四个直接向总统报告的主要情报和安全机构，即军事情报局、空军情报局、情报总局、政治安全局，在这些行动中处于核

¹⁷ 见 A/HRC/S-17/2/Add.1, 102 和 103 段。

¹⁸ 该局的成员包括但不限于四个主要情报和安全机构的领导、阿拉伯复兴社会党副书记和内政部长。

心地位。叙利亚陆军大部分师参与了在其部署区域展开的行动，叙利亚海军部队和空军防空部队也有几次参与其中。但是，随着危机的发展，最接近领导层的精英部队，即特种部队、共和国卫队和第四师，起到越来越重要的作用，尤其是后两者在大马士革及其郊区。

93. 政府官员在某些与安全部门有联系的商人的协助下，资助、武装并非正式地组织了事实上的特工组织，他们被称为沙比哈。在数次行动中，委员会记录了沙比哈成员是如何被战略部署以实施危害人类罪和其他严重侵权行为。在其他案件中，他们的参与不易核实，因为很多行动都有便衣安全人员参与。

94. 在很多行动中，首都都派来增援部队，包括几次通过空军直升机运送特种部队。在很多情况下，政府官员周密组织行动，将部队分解成分队，各分队被部署到不同地方，然后在行动开始前与当地其他部队和安全部队成员重新编组。叛逃者的证词表明，实施这一战略旨在打破原部队中的信任纽带以避免收到实施犯罪行为命令后出现集体抗命或逃逸情况。

95. 委员会注意到在不同省实施的大型行动，如袭击居民区和攻击大规模示威人群(见上文第 59 和 60 段)，经常采用相似手法和相互关联的侵犯模式，这表明它们是根据国家统一指令进行的。特别是在所审议时期的最后三个月内，军队至少在四个省内采取了类似的大规模行动，将有反政府武装团体出没的居民区完全包围，并用重型武器轰炸这些居民区，完全不顾可能造成的平民伤亡。

96. 这些行动中最激烈的是发生在哈马和霍姆斯。在此之前，外交部长于 2012 年 1 月 24 日公开表示，“实施安全解决方案是必要的，构成所谓‘自由军’的武装民兵和实施犯罪但不属于‘自由军’的其他武装团体的存在使这种必要性愈加明显”。¹⁹ 这一声明之后，内政部长也于 1 月 29 日做出声明，强调了“国内安全部队继续努力将所有不法分子清除出叙利亚国土以实现正义并恢复叙利亚稳定和安全的强烈愿望”。²⁰

2. 侵权行为的个人责任

97. 在审查具体行动时，委员会收到了可靠一致的证据，证明武装部队高、中级成员曾命令下属向手无寸铁的抗议者射击，杀死拒绝服从这种命令的士兵，无故逮捕人，虐待被拘留人员，以坦克和机枪向平民居住区肆意开火攻击。在某些情况下，他们下达明确的实施犯罪的命令；而在另一些情况下，他们使用更笼统的措辞(如“使用一切必要的武力”)，但在当时环境下不可能有别的解释。委员会

¹⁹ 《阿尔·穆阿利姆：观察员报告令阴谋反对叙利亚者不满：解决方案取决于叙利亚，以人民利益为基础》，叙通社，2012 年 1 月 24 日，见 www.sana.sy/eng/21/2012/01/24/396268.htm。

²⁰ 《内政部长表彰烈士家属》，叙通社，2012 年 1 月 29 日，见 www.sana.sy/eng/21/2012/01/29/397129.htm。

证实，在一些地方，个别军官下令在哈马、拉塔基亚、德拉和霍姆斯等地肆意炮击市区的平民居住区。

98. 军队和政府安全部队的个别官员亲自杀害、非法监禁无辜平民并施以酷刑和其他不人道行为。在拉塔基亚，德拉，赛达(德拉省)，扎巴达尼和乔巴尔区(大马士革农村省)和阿尔马斯图马(伊德利卜省)，官员枪击包括儿童在内的手无寸铁的抗议者以及医生、救护车司机和参加葬礼的哀悼者。

99. 军官和安全部队成员还协助并教唆针对平民的攻击，例如，政府安全部队指挥官通常将其部队安排在新兵之后以确保新兵会向示威者开火。在多个场合，安全部队枪击不服从向抗议者射击的命令的新兵。此外，军官和安全部队指挥官经常将他们的部队驻扎在市区的检查站和其他战略地点，以便其他部队可以攻击居民区、抢劫住宅并逮捕居民。另外，安全部队指挥官还管理着全国的拘留中心，其中的囚犯遭受着酷刑、性侵犯和其他不人道行为。

3. 指挥官和领导责任

100. 有理由怀疑一些军事指挥官和文职领导人涉嫌犯有危害人类罪，因为他们故意未采取其权力范围内一切必要合理的措施预防和约束其下属的相关罪行，也未将此事提交主管机关。

101. 在过去一年，拒绝服从会犯下危害人类罪的明显非法命令的士兵和安全部队成员频繁遭受包括处决在内的严厉惩罚，这清楚地说明了指挥官对其下属的控制程度。这类罪行普遍及多发的性质、以及以阿拉伯文播报的国际媒体、联合国人权机制和阿拉伯国家联盟观察团对这些罪行的公开报告都表明，最高层的军队指挥官和文职领导人一定知道这类事件。2011年12月7日，在一次电视采访中，总统本人就提到了本委员会第一份报告中的调查结果。

102. 尽管对罪行有所知情，却并未认真努力预防和制止它们。如上所述，委员会未发现任何成功的起诉。事实上，据委员会记录，一些直接参与危害人类罪的军官得到了提升和嘉奖。委员会的证据还证实，政府、军队和安全部队在持续不断地掩盖犯罪事实。国家官员经常迫使被政府部队杀害者的家属签署声明，将责任归咎于武装团体，然后才归还死者尸体。这样的虚假声明一经签署，国家独立法律委员会的分支机构便拒绝开展调查。调查委员会还发现，亲政府媒体被用来掩盖侵权行为或诬陷反政府武装团体。

103. 各种结构性障碍，包括政府部队成员享有起诉豁免，司法部门依赖总统和阿拉伯复兴社会党等，助长了有罪不罚现象。²¹

104. 根据现行的法律框架和环境，司法部门似乎无力有效地处理依据国家政策而犯下的危害人类罪。

²¹ A/HRC/S.17/2/Add.1, 第21和22段。

B. 反政府武装团体，包括自由叙利亚军团体

105. 从总体上来看，反政府武装团体，特别是自由军团体，自 2011 年 11 月以来变得更加活跃。委员会自认为只描述了所涌现出的反政府武装团体及其活动的一部分。

1. 自由叙利亚军的政策和集中控制的缺失

106. 委员会仔细审查了迄今为止所收集的关于自由军行动及活动的信息。在这方面，委员会强调，在最低限度上，构成强制性国际法(强制法)组成部分的人权义务约束着国家、个人和非国家集体实体，包括武装团体。违反强制法的行为，如酷刑或强迫失踪，绝对没有正当理由。

107. 自由军的海外领导人还向委员会承诺，自由军致力于按照人权和国际法开展行动。他们要求在制定与这一保证相符的交战规则方面得到指导。自由军的领导向委员会表示，战场上的指挥官目前根据其在叙利亚武装部队接受的培训自行制定交战规则。

108. 委员会无法确定自由军海外领导对在阿拉伯叙利亚共和国作战的各自由军部队的指挥和控制程度。委员会从国内收到了不一致的说法。一些地方团体似乎承认其领导，但不一定与其定期沟通，或接受其具体命令。另一些团体只是采用“自由军”的名称，以强调他们的革命愿望、他们的军队背景或他们不是沙比哈的事实。委员会还收到了关于平民增援反政府武装团体的信息，这使有效控制的问题更为严重，甚至在地方自由军团体一级也是如此。自由军海外领导向委员会表示，战场上的部队并没有接受他们的命令。这些领导认为其作用在于协助不同自由军团体间的协调并确保与媒体的外联。

109. 委员会由于无法查证有效指挥系统或自由军最高领导与地方部队的上下级关系是否存在，因此无法确定自由军海外领导人的个人责任。更准确地说，委员会的调查结果涉及自由军部队在国内不同地点实施的侵权行为。

2. 自由叙利亚军团体和其他武装团体的侵权行为

110. 政府在公开声明和致委员会的来文中一再说，反政府武装团体，特别是自由军团体，严重侵犯人权。在其 2012 年 1 月 23 日致委员会的普通照会(附件十一)中，政府提到“武装团体对叙利亚公民实施的绑架、杀戮、残害、强迫和非自愿失踪和侵犯生命权等行为，受害者包括妇女、儿童以及军队和安全部队人员”。政府还提到，“对不服从武装团体要求参与抗议、罢工、非暴力反抗等命令者或不赞同其恐怖主义议程者，武装团体便施以杀害和强迫流离失所等措施”。叙通社在其日常报道中一再提到此类事件。

111. 委员会多次要求政府提供具体事件的相关信息。2012 年 2 月 15 日，政府提供了一份具体事件清单，列出了从 2011 年 12 月 23 日至 2012 年 2 月 10 日期间

“恐怖主义武装团伙的武装行动”的日期、地点和细节。列表中详细描述了对所有 14 个省的军队、安全部队以及学校、大学、工厂和仓库等平民目标的攻击。在对公共和国家财产的攻击行动中，212 起事件是有具体描述的；另 162 起事件涉及爆炸或爆炸未遂，85 起事件涉及袭击政府部队和警务设施。

112. 阿拉伯国家联盟在其报告中提到了对建筑物、运载燃料的火车和运载柴油的汽车的炸弹攻击和针对警察、媒体工作者和燃料管道的爆炸事件。阿盟并未进一步分解责任，其结论认为有一些攻击是自由军发动的，另一些攻击是由其它反政府武装团体发动的。

113. 委员会记录了各自由军部队成员严重侵犯人权行为的实例。

114. 在霍姆斯，自由军成员被发现拷打和处决疑为沙比哈的成员，以报复沙比哈或假装沙比哈的便衣安全官员的侵权行为。2012 年 1 月下旬，在卡姆梓橄，自由军成员和其他人对一个涉嫌为政府安全部队工作的人施以私刑，并将其尸体放在小卡车上游街示众。

115. 2011 年 12 月下旬，巴布阿姆鲁的自由军成员在一次交火后抓获两名疑为沙比哈的成员。这二人遭到当地居民殴打。在这一案例中，自由军成员将这二人从愤怒的暴民中拉走并带往一个秘密地点审讯。

116. 2011 年 11 月，在巴布阿姆鲁，武装团体成员绑架了一位外国媒体工作者，虐待了他几个小时后才将其释放。

117. 还有报道称在霍姆斯的自由军成员将安全人员及其家属或某些国家的外国公民当做人质以要求政府部队释放拘留的人。自由军领导层在与委员会的书面交流中承认，自由军部队确实绑架过外国公民，但将那些被俘者称为外籍战斗人员。

118. 霍姆斯的一些武装平民，包括自由军下属的武装平民，试图通过杀害安全人员或沙比哈成员的家人以对侵权行为实施血亲复仇。自由军在霍姆斯的领导层和地方协调委员会谴责这种集体报复，并试图予以制止。

119. 可靠报告表明，在其他地方的自由军部队成员曾对抓获的军队或安全部队成员施以酷刑或立即处决。2011 年 11 月中旬，塔尔比塞赫附近的自由军成员在审讯期间对一军事情报局成员施以酷刑。捕获的男子被殴打、用电缆鞭打并被用刀威胁。在 2011 年 11 月下旬，一名安全部队成员被大马士革农村省的一个自由军部队抓获，被施以酷刑并被杀害。

120. 该委员会强调，自由军成员，包括具有指挥责任的地方指挥官，根据国际法可能负有刑事责任。

五. 结论和建议

121. 阿拉伯叙利亚共和国发生的严重人权危机是多重因素共同作用的结果，包括叙利亚未能回应国民合理的政治、经济和社会需求，以及其在该地区高度复杂的地缘政治中的位置。

122. 叙利亚安全机构对最初是和平异议活动的应对很快引发了武装冲突。一年过后，阿拉伯叙利亚共和国已处于爆发国内武装冲突的边缘。存在严重分歧的国际社会所持议程各异，使得结束暴力行为的前景更加复杂。

123. 叙利亚的社会经济状况恶化，致使绝大多数人民身陷混乱局面。对大多数人而言，满足维持日常生活的基本需求已变得越来越困难。据此，调查委员会不支持实施经济制裁，这些制裁可能对人民的人权，特别是弱势群体的人权产生负面影响。

124. 危机持续下去，有可能致使人民激进化，深化族裔间紧张关系，并侵害社会结构。

125. 委员会依然坚信，结束暴力行为的唯一可行解决方案是进行包容性对话，并由此实现协商解决，有效确保国内全体人民的人权得到保护。

126. 叙利亚政府显然未能履行保护本国人民的责任；其军队在大范围内以系统性行为严重侵犯人权，已等同于危害人类罪，该国最高层显然知情，并准许这种行为。反政府武装团体也有侵权行为，尽管在规模和组织方面与该国的行为无法相比。

127. 根据国际法，国家在调查、起诉和惩治国际犯罪和其他严重侵权行为方面负有首要责任。然而，委员会报告中记录的危害人类罪和其他严重侵权行为是在有罪不罚的制度中实施的。必须在政治、司法和安全领域进行深度的结构性改革，才能制止有罪不罚现象，并为受害者伸张正义。

128. 和解和问责应以广泛、包容和可信的磋商为基础，让全体叙利亚人民参与其中，并在国际法框架内进行。可利用国际司法机制来支持和补充国家一级的努力。

129. 与此同时，需要继续对人权状况进行全面监测，并系统地收集国际犯罪和其他严重侵权行为的证据，以便对这些行为负有责任者受到追究。

130. 委员会提出下述建议，以立即结束暴力，并启动一个实现改革、和解和问责的长期进程。

A. 结束暴力

131. 委员会呼吁进行紧急的包容性政治对话，将政府、反对派和反政府行为者聚在一起协商结束暴力行为，以保证对人权的尊重，并满足叙利亚人民的正当要

求。应建立一个由在阿拉伯叙利亚共和国局势上持不同立场的国家组成的联系小组，启动进程，实现这样的政治对话。应尽快召开一次国际和平会议以促进这一进程。

132. 委员会建议政府应落实第一次报告中的建议²²，并应：

(a) 确保所有被拘留人员被告知其被拘留原因及对其指控，并允许他们及时和定期与自己选择的律师会面并接受家人探望，他们的家人也应被告知他们的状况和身在何处；

(b) 公正审判逃兵和武装团体成员，并保证通过酷刑获得的证据不被采信；

(c) 采取一切可行措施寻找并查明在骚乱中死亡的人并确认失踪者的情况；

(d) 利用平民警察，而不是军队或安全部队，来控制和保护手无寸铁的平民的抗议，并为警察提供培训和非致命性工具以使他们根据国际标准控制人群；

(e) 公布所有目前被用作拘留所的场所清单，以及这些场所的监管机构或部队的信息；

(f) 公布指导军队和安全部队实施对反政府武装团体的行动的交战规则。

133. 委员会重申其建议，即一切武装团体应保证遵守国际人权法并依其行事。武装团体，特别是自由军及其在地方上的团体，应：

(a) 采用并公开宣布符合国际人权法和其他适用的国际标准的行为准则，包括《最低限度人道主义标准宣言》²³中的标准；

(b) 公开承诺不对被俘士兵、沙比哈成员或平民实施酷刑或处决，不以未参加冲突者为目标，并且不扣押人质，无论平民还是军人；

(c) 命令自由军成员遵守这些承诺，并对自由军内部侵权者追究责任；

(d) 注意将政府火力伤及平民的风险，以及因自由军被部署到特定地区而使平民面临报复的风险降到最低；

(e) 向相关人道主义和人权机构提供其俘获人员情况的所有信息，并允许这些行为者完全而不受阻碍地接触在押者。

134. 委员会建议，联合国在其派往阿拉伯叙利亚共和国的所有国际使团中包括一个强有力的人权部门，给予其有效监督侵犯人权行为的授权和能力，包括针对妇女、儿童、少数群体的暴力行为等侵权行为。

²² A/HRC/17-2/Add.1, 第 112 段。

²³ E/CN.4/1995/116。

135. 委员会建议人权高专办和将来的阿拉伯叙利亚共和国人权状况特别报告员继续尽可能查明那些对国际犯罪负有责任的人，以确保追究犯罪者的责任。人权高专办在特别报告员的合作下，应维护并更新委员会建立的保密数据库。

B. 和解、问责和赔偿

136. 委员会建议阿拉伯叙利亚共和国在政治、司法和安全领域实行深刻改革。改革应包括消除制约司法独立的法律和体制障碍；废除军队和安全部队成员所享有的起诉豁免；建立可靠审查程序将实施严重侵犯人权行为的官员从军队和安全部队中开除；全面改革《刑法典》，批准《国际刑事法院罗马规约》；以及采用与之相符的国内立法。

137. 叙利亚人民应在广泛、包容和可靠协商的基础上，在国际法提供的框架内，确定必要进程和机制，用以实现和解，查明事实，对 2011 年 3 月以来发生的严重侵权行为予以问责，并对受害者给予补偿和有效补救。妇女、少数群体和受害者团体应得到充分代表。

138. 这一进程应规定对受害者及其家属的赔偿和有效补救。国际社会应予以支持以使适当的赔偿成为可能。

139. 委员会建议阿拉伯叙利亚共和国在改革、协商程序以及在决策者、法官、检察官、安全部门官员的相关培训方面寻求联合国，特别是人权高专办的技术援助。为了促进实现和解和问责的进程，国际社会应考虑执行适当国际司法机制的管辖权。

Annexes

Annex I

Note verbale dated 13 December 2011 addressed to the Permanent Representative of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland, and refers to its notes verbales of 29 September 2011, 19 October 2011 and 4 November 2011, as well to the Chairperson's letter of 27 October 2011. The Commission also takes note of the letter dated 12 October 2011 from the Permanent Representative of the Syrian Arab Republic and the note verbale dated 17 November 2011 from the Syrian Arab Republic addressed to the Independent International Commission of Inquiry.

In its report, transmitted to the Syrian Arab Republic and the President of the Human Rights Council on 28 November 2011, the Commission strove to reflect the position of the Government of the Syrian Arab Republic, including existing policies and announced reforms expressed in public pronouncements and media reports. The Commission believes that a visit to the country would have allowed the Commission to interact directly with Government officials and to ascertain the circumstances of the reported killing of members of the military and security forces. The Commission remains eager to reach out to their families and to wounded soldiers, as well as to suffering civilians across Syrian communities. It also looks forward to the opportunity of meeting the members of the National Independent Special Legal Commission and learning about its work and findings.

In this context, the Commission wishes to reiterate its request to visit the Syrian Arab Republic as part of fulfilling its mandate and in preparation of the written update requested by the Human Rights Council for its 19th session. The Commission looks forward to the results of the 12 December 2011 local elections and to interact with newly elected officials.

The Commission avails itself of this opportunity to renew to the Permanent Representative of the Syrian Arab Republic assurances of its highest consideration.

13 December 2011



Annex II

Note verbale dated 21 December 2011 from the Permanent Representative of the Syrian Arab Republic addressed to the commission

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

21 December, 2011

598/11

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and in reference to the Note Verbal of the Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1 dated 13/12/2011; has the honour to attach herewith the respond of the Syrian Arab Republic Government to the request of the Commission to visit Syria.

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

OHCHR REGISTRY

22 DEC 2011

Recipients : M.E.N.A.....

.....
.....



Office of the High Commissioner for Human Rights
Palais Wilson

Rue de Lausanne 72 (3e étage), 1202 Genève Tel: +41 22 715 45 60 Fax: +41 22 738 42 75

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

**Mr. Chairperson and Members of the Independent International Commission
of Inquiry pursuant to resolution A/HRC/S-17/1**

We received your Note Verbal dated 13/12/2011, which reiterates the request of the commission to visit the Syrian Arab Republic “as part of fulfilling its mandate and in preparation of the written update” to its report published on 13/11/2011, in which you politicized the human rights situation in Syria in an unprofessional, selective and subjective manner, where you undertook what you called “investigations” in a way that lacks the simplest basis of professional investigation, and consigns with the agenda of certain countries aiming to destroy Syria, and to intervene militarily in Syria under the pretext of “protecting the civilians”.

You have grossly exceeded your mandate by holding the Syrian Government fully accountable for what has been going on in Syria, while you have given a blind eye to the violations of human rights committed by the terrorist groups, and you have refrained from referring to millions of dollars funneled to these groups in the form of money, weapons, and media and logistical support, aiming to ruin Syria and kill its people.

Syria has fully cooperated with you, despite the fact that it has not approved of the resolution establishing your committee, and has provided you with numerous documents and documented information regarding the real situation in Syria.

However, you have ignored everything you have received from Syria and you were content only with certain references to them in your report, calling them “allegations” or annexes.

Syria has reiterated that it has formed an independent, impartial and honest judicial Investigation Commission with wide powers to investigate all the crimes committed in the context of the recent events. The Judicial Commission is working continuously to prove the truth for the sake of comforting the souls of the victims and to punish the perpetrators. We have repeatedly clarified that this Commission has not concluded its work yet, and that the Syrian government does not want to anticipate its work and to present non-objective or politically motivated results as did the International Commission of Inquiry in its report. Furthermore, we have reiterated our readiness to consider cooperation with the international commission of inquiry after the Syrian investigation committee has reached concrete results. However, you chose to refuse this and instead turned to listening to whom you call witnesses from international and regional organizations and journalists and NGOs, and those whom you call “defectors from the military and security services”. You have interviewed 223 “witnesses” as mentioned in your report, which leads us here to ask you: Have you called upon any of the martyr Sari Saoud’s family members to listen to their testimony? Or have you listened to the testimony of the “deceased” Zainab, whom you have added to the list of “civilians killed by the security forces” and those you described as “Al Shabiha” based on media reports, which later turned out to be alive? Or have you listened to the testimony of any of the family members of the martyr General Abdo Kheder Tallawi’s who was killed along with his three children in cold blood and whose bodies were mutilated? And why have you refused all of the documented information you received from Syria regarding the case of the child Hamza Al Khatib and preferred instead certain false media

reports in order to form serious accusations against Syria of committing crimes against humanity.

You have relied upon interviews with politicians, journalists, and persons who have interest in destroying Syria, as well as non-Syrian citizens, some of whom are from countries that are involved in the events causing the deaths of Syrians on a daily basis. Some of those are directly contributing to the fabrications of stories against Syria, and others have Syrian blood on their hands. You have shut your ears to the voices of the real victims. How do you claim impartiality and objectivity while you have never met any of the above mentioned victims and many others who have suffered from the scourge of terrorism in Syria?

Hundreds of terrorists have publically admitted that they killed protestors and that they were involved in looting, killing, mutilating bodies, and fabricating stories in return of money they received from some neighboring countries. Those people described the killings of whoever did not protest with them or cooperated in ruining Syria. They also proudly spoke of the burnings, mutilations of bodies, and rape.

You have ignored all of our confirmed information as well as the confirmed information of a number of news agencies upon which you relied in your investigations pertaining to the existence of armed groups killing innocent people and targeting the army, security, intellectuals and scientists in Syria. With the aim to draw the attention to the non peaceful nature of the events in Syria, we have previously informed the office of the High Commissioner for Human Rights on 22/06/2011 of the death of more than /260/ martyrs from the army and security forces in armed attacks. This number grew to /600/ martyrs by 20/08/2011, and then /1100/ by 19/10/2011. The total number of martyrs has now surpassed /2000/ members of the security forces and the Syrian Army, this while you still refuse to

believe or listen to the fact that terrorist acts are being committed in Syria. Is there no place for these facts in your report?

We did not find any indication to the destruction of railways, oil pipelines, as well as the burning of schools, hospitals and official establishments, nor any reference to the destruction of the infrastructure and the ruining of the economy. Do the victims of these violations not deserve your attention?

Does the terrorizing of civilians and forcing them to abandon their homes and properties, and rendering them displaced in areas of a certain sectarian color, and killing them and mutilating their bodies to divide the country on a sectarian basis - in a clear violation of their right to life, and a violation of the prevention of extrajudicial killing as well as the violation of the freedom of religion and belief, does it not deserve any attention from you considering that you have been mandated to investigate these violations? And we ask here: do you plan to call for any non-politicized action to address these issues other than the call for military intervention in Syria?

How can the Commission confirm that crimes against humanity have been committed without having followed the simplest rules of professional and objective investigation in collecting evidence? Unfortunately the International Commission of Inquiry chose to describe everything that it has received concerning these gross violations of human rights in Syria as allegations, while it considered everything all the allegations made by journalists and representatives of NGOs as confirmed and documented information, even though this information is not linked in any way with evidence. The Commission was deliberately selective in using information regardless of its source and credibility, in a clear breach of the basic principles of impartiality, objectiveness and professionalism implemented in any investigation process. The report lacks professionalism in its preparation and precision in the

information and method, and has used erroneous and fabricated information to launch serious accusations and in making recommendations that go in the direction towards intensifying the campaign waged by certain countries against Syria. Therefore, this report cannot be considered separate from this campaign.

The Commission has fully exceeded its mandate, and surpassed its original mission of investigating violations of International Human Rights Law free from double standards and politicization. The Commission immersed itself in the campaign against Syria in a clear violation of its mandate and the resolution establishing it.

The Commission failed to abide by one of the most important objectives of the United Nations which is the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state. The Commission's report was completely politicized and selective, and lacks professionalism and the simplest rules of International Law and Rules of International Human Rights Law, but also the Charter of the United Nations. It has become clear that one cannot build on this report in any future action against Syria, and raises serious questions about the credibility of the Commission.

Syria has previously underlined, and also reiterates today that the only solution to this crisis is national dialogue. Unfortunately, the commission has failed to call for any form of national dialogue, and preferred to violate the Human Rights of the Syrian citizens, first and foremost the right of life, by calling for foreign armies to intervene in Syria.

Syria has chosen the path of reform and fulfilling the demands of its people, and to investigate the events in an impartial and honest manner. Syria also has chosen the path of dialogue. We expect the Commission to contribute to the

achievement of these goals, and to participate in helping Syrians to move peacefully through dialogue towards a better future, and not through calling for the intervention of foreign armies under the pretext of the Protection of Civilians.

We call upon you to listen to the voice of righteousness, justice and objectivity, and to reflect the truth as it comes from the voices of those who know it and live it, and not through allegations of people living thousands of miles from Syria and who are implicated in acts of killings and terrorizing Syrians. We also call upon you not to follow the calls for foreign intervention in Syria and ask you to restore your true role in investigating human rights violations, and to support reform and dialogue plans in Syria in order to overcome this crisis which is draining precious Syrian blood to the benefit of foreign agendas that do not help in protecting and promoting human rights.

In light of the above, and in light of: your lack of commitment to the principles of professional, non-politicized and non-selective investigation; your lack of concern to expose the reality and the violations of victims' rights committed by terrorists groups against Syrians; and your satisfaction with exposing the mere of what you receive from the Syrian authorities and describing it as "allegations" or adding them in "annexes"; we do not see at the present time any benefit in any request to visit Syria. We await seeing a real change in the direction of working towards revealing the truth according to real testimonies of real witnesses and victims of human rights violations. Only then you will find all our doors open for you in Syria.

Kindly accept our highest considerations.

Annex III

Note verbale dated 27 December 2011 from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Human Rights Council

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



OHCHR REGISTRY

27 DEC 2011

Recipients: *H.R. Council*

N° *611/11*

Geneva, 27th December 2011

الجبهة الوطنية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and following all the Mission's communications regarding the recent events in the Syrian Arab Republic, has the honour to forward to H.E Ms. Laura Dupuy Lasserre, President of the Human Rights Council the attached official statistics of the documented acts of killing, kidnapping, looting, and car theft that took place in the Syrian Arab Republic between 15/03/2011 and 19/12/2011.

The Permanent Mission of the Syrian Arab Republic kindly requests the publication of the above mentioned document, in all official languages of the UN, as official documents of the Human Rights Council.

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

H.E Ms. Laura Dupuy Lasserre
President of the Human Rights
The Office of the High Commissioner for Human Rights
Palais des Nations
1211 – Geneva 10



إحصائيات بحوادث (القتل والخطف والسلب وسرقة السيارات)

في القطر منذ بداية الأحداث وحتى تاريخ ١٩/١٢/٢٠١١م

أولاً. حوادث القتل الواقعة على المدنيين والعسكريين والشرطة، وفقاً لتقارير المشافي، والضبوط المنظمة من قبل الوحدات الشرطة، وبلغ عددها /٣٢٥٩/ موزعة على الشكل التالي :

١. حوادث القتل الواقعة على المدنيين :

المحافظة	دمشق	ريف دمشق	لatakia	سويداء	القطر	حصص	صاه	طرطوس	اللاذقية	حمص	الدرعية	المنيرة	البيروت	الموت	العدد
	٨٥	١٥٣	٣٤١	-	-	٨٢٩	٢٨٠	٢٢	١٢٤	٢٤٣	١٠	-	٤٢	٢	٢١٣٦

علماً أن هناك عدد غير معروف من القتلى المدنيين خلال الأحداث لم يتم التعرف على عددهم نظراً لعدم إمكانية الوصول إلى جثثهم، أو تنظيم ضبوط بمقتلهم بسبب دقنهم فوراً من قبل ذويهم دون الإعلام عن وفاتهم، أو دفن بعضهم من قبل المسلحين حتى لا يتم التعرف عليهم.

٢. حوادث القتل الواقعة على العسكريين : (الشهداء من الجيش ٩١٣) وفقاً لقائمة وزارة الدفاع المرسنة لمكتب الأمن القومي حتى تاريخ ١٨/١٢/٢٠١١م .

٣. حوادث القتل الواقعة على الشرطة (الشهداء من الشرطة ٢١٥):

المحافظة	دمشق	ريف دمشق	لatakia	سويداء	القطر	حصص	صاه	طرطوس	اللاذقية	حمص	الدرعية	المنيرة	البيروت	الموت	العدد
	٣	١٥	٢٢	-	-	٨٣	٥٥	-	١	٢٩	-	-	٦	١	٢١٥

ثانياً : حوادث السلب بالعنف الواقعة على الأشخاص أو الآليات، وبلغ عددها /١٦٦٣/ حادثة موزعة على

الشكل التالي :

١. حوادث السلب بالعنف الواقعة على الأشخاص :

المحافظة	دمشق	ريف دمشق	لatakia	سويداء	القطر	حصص	صاه	طرطوس	اللاذقية	حمص	الدرعية	المنيرة	البيروت	الموت	العدد
	٥	٦١	١٩	١٨	-	٩٩	٧٨	٢	٨	١١١	٣٠	٤	٢٣	١٠	٤٦٨

٢. حوادث السلب بالعنف الواقعة على الآليات ، وفقاً لما ورد في التقارير المرفقة :

المحافظة	دمشق	ريف دمشق	لatakia	سويداء	القطر	حصص	صاه	طرطوس	اللاذقية	حمص	الدرعية	المنيرة	البيروت	الموت	العدد
	١٠	٥٥	-	-	-	١٠٧	٣٠٨	٦	-	٦٦١	٤٤	٣	١	-	١٠٩٥

ثالثاً : حوادث الخطف الواقعة على المدنيين والعسكريين والشرطة، وفقاً لما تم التبليغ عنه، والنتيجة التي آلت إليه عملية الخطف، وبلغ عددهم /٩٠٠/ حادثة موزعة على الشكل التالي :

١. حوادث خطف المدنيين:

المحافظة	إجمالي المخطوفين	النتيجة المترتبة على الخطف				
		قتل بعد الخطف	ترك بفدية	ترك بدون فدية	ترك بعد سلبه	تحرير
دمشق	٨	-	-	٤	١	-
ريف دمشق	٢٥	٣	٢	١٦	-	-
درعا	٣	١	-	٢	-	-
السويداء	-	-	-	-	-	-
القنيطرة	-	-	-	-	-	-
حمص	٣٨٨	٧٣	٢	٢١٩	٨	٦
حماه	١٢٩	١٠	١٠	٥٩	-	١
طرطوس	-	-	-	-	-	-
اللاذقية	٤	-	-	٤	-	-
الذبل	٩٩	٩	٥	٧١	-	-
حلب	٧	-	٣	٣	-	-
الرقبة	-	-	-	-	-	-
دير الزور	-	-	-	-	-	-
الحسكة	٣	-	-	٢	-	-
المجموع	٦٠٣٣	٩٦	٢٢	٣٨٠	٩	٧

٢. حوادث خطف العسكريين ، وفقاً لما ورد في التقارير المرفقة :

المحافظة	إجمالي المخطوفين	قتل بعد الخطف	ترك بفدية	ترك بدون فدية	ترك بعد سلبه	تحرير	هروب	مجهول المصير
ريف دمشق	-	-	-	-	-	-	-	-
درعا	٢	-	١ مفار	-	١ سلبه	-	-	-
السويداء	-	-	-	-	-	-	-	-
القنيطرة	-	-	-	-	-	-	-	-
حمص	١٧	٣	-	١	-	٣	-	١٠
حماه	٢٤	١	-	٢	-	-	-	٢١
طرطوس	-	-	-	-	-	-	-	-
اللاذقية	-	-	-	-	-	-	-	-
الذبل	٢٢	١	١	٣	-	-	-	١٧
حلب	١	-	١	-	-	-	-	-
الرقبة	-	-	-	-	-	-	-	-
دير الزور	٤	-	-	٣	-	-	-	١
الحسكة	-	-	-	-	-	-	-	-
المجموع	٧٠	٥	٣	٩	١	٣	-	٤٩

٣. حوادث خطف الشرطة ، وفقاً لما ورد في التقارير المرفقة :

المحافظة	عدد المختطفين الإجماليين	قتل بعد الخطف	ترك نفذته	ترك بدون فدية	ترك بدون سلبه	تحرير	مروء	مختوف (الجنس)
ريف دمشق	٢	-	١	-	-	-	-	١
درعا	٨	٢	-	٢	٢	١	١	-
السويداء	-	-	-	-	-	-	-	-
القطيف	-	-	-	-	-	-	-	-
حمص	١٥	٤	-	٧	-	-	-	٤
حماة	٧٢	٤	-	٣١	-	-	-	٣٧
دمشق	١	-	-	١	-	-	-	-
طرطوس	-	-	-	-	-	-	-	-
اللاذقية	١	-	-	١	-	-	-	-
النبع	٣١	٦	-	١٣	-	-	-	١٢
حلب	٣٠	-	-	٢٩	-	-	-	١
الرقية	-	-	-	-	-	-	-	-
دير الزور	٤	-	-	١	-	-	٣	-
الحسكة	-	-	-	-	-	-	-	-
المجموع	١٦٤	١٦	١	٨٥	٢	١	٤	٥٥

رابعاً - السيارات المسروقة في المحافظات، وبلغ عددها /٨٨٨/ سيارة موزعة على الشكل التالي :

١. السيارات الشرطة :

المحافظة	دمشق	ريف دمشق	درعا	السويداء	القطيف	حمص	حماة	طرطوس	اللاذقية	النبع	حلب	الرقية	دير الزور	الحسكة	المجموع
العدد	-	-	-	-	-	-	٤	-	-	٥	-	-	-	-	-

٢. السيارات الحكومية :

المحافظة	دمشق	ريف دمشق	درعا	السويداء	القطيف	حمص	حماة	طرطوس	اللاذقية	النبع	حلب	الرقية	دير الزور	الحسكة	المجموع
العدد	-	٣	٢	-	-	٤١	١٢٧	١	-	١١٧	٤	-	١	-	٢٩٦

٣. السيارات المدنية :

المحافظة	دمشق	ريف دمشق	درعا	السويداء	القطيف	حمص	حماة	طرطوس	اللاذقية	النبع	حلب	الرقية	دير الزور	الحسكة	المجموع
العدد	٤٧	٧٧	٨	-	-	١١٧	١١٨	٩	-	١٥٩	٢٦	١	٢١	-	٥٨٣

- ربطاً ملف تفصيلي.

(Unofficial translation)

Statistics of Acts of Killing, Kidnapping, Looting and Car Theft from 15/3/2011 - 19/12/2011

Source: letter from the Permanent Mission of the Syrian Arab Republic dated 27/12/2011

1. Killing incidents of civilians, military personnel and policemen according to hospital reports and policing units

<i>Province</i>	<i>Total</i>	<i>Hassakah</i>	<i>Deir Al Zour</i>	<i>Al Raqah</i>	<i>Aleppo</i>	<i>Idlib</i>	<i>Al Ladhqiyyah</i>	<i>Tartus</i>	<i>Hamah</i>	<i>Homs</i>	<i>Al Qunaytirah</i>	<i>Al Suwayda</i>	<i>Drac</i>	<i>Rif Dimashq</i>	<i>Damascus</i>
Killings of civilians ^a	2,131	2	42	–	10	234	124	22	280	829	–	–	341	153	85
Killing of policemen	215	1	6	–	–	29	1	–	55	83	–	–	22	15	3
Killing of soldiers (based on information provided by the Office of National Security as of 18.12.2011)	913														
Total	3,259														

^a The list is not exhaustive because the State could not physically reach all bodies, or because they were buried by family members or armed groups

2. Looting

<i>Province</i>	<i>Total</i>	<i>Hassakah</i>	<i>Deir Al Zour</i>	<i>Al Raqah</i>	<i>Aleppo</i>	<i>Idlib</i>	<i>Al Ladhqiyyah</i>	<i>Tartus</i>	<i>Hamah</i>	<i>Homs</i>	<i>Al Qunaytirah</i>	<i>Al Suwayda</i>	<i>Drac</i>	<i>Rif Dimashq</i>	<i>Damascus</i>
Civilians	468	10	23	4	30	111	8	2	78	99	–	18	19	61	5
Vehicles	1,195	–	1	3	44	661	–	6	308	107	–	–	–	55	10
Total	1,663														

Kidnapping incidents: Civilians, military personnel and policemen and the result

<i>Kidnapped civilians</i>	<i>Total</i>	<i>Killing after kidnapping</i>	<i>Released after ransom</i>	<i>Released without ransom</i>	<i>Released after looting</i>	<i>Liberation</i>	<i>unknown destiny</i>
Damascus	8	–	–	4	1	–	3
Rif Dimashq	25	3	2	16	–	–	4
Draa	3	1	–	2	–	–	–
Al Suwayda	–	–	–	–	–	–	–
Al Qunaytirah	–	–	–	–	–	–	–
Homs	388	73	2	219	8	6	80
Hamah	129	10	10	59	–	1	49
Tartus	–	–	–	–	–	–	–
Al Ladhiqiyah	4	–	–	4	–	–	–
Idlib	99	9	5	71	–	–	14
Aleppo	7	–	3	3	–	–	1
Al Raqa	–	–	–	–	–	–	–
Deir Al Zour	–	–	–	–	–	–	–
Hassakah	3	–	–	2	–	–	1
Total	666	96	22	380	9	7	152

<i>Kidnapped military personnel</i>	<i>Total</i>	<i>Killing after kidnapping</i>	<i>Released after ransom</i>	<i>Released without ransom</i>	<i>Released after looting</i>	<i>Liberation</i>	<i>Escaped</i>	<i>unknown destiny</i>
Rif Dimashq	–	–	–	–	–	–	–	–
Dar'a	2	–	1 (1,400 bullets)	1 (weapon)	–	–	–	–
Al Suwayda	–	–	–	–	–	–	–	–
Al Qunaytirah	–	–	–	–	–	–	–	–
Homs	17	3	–	1	–	3	–	10
Hamah	24	1	–	2	–	–	–	21
Tartus	–	–	–	–	–	–	–	–
Al Ladhiqiyah	–	–	–	–	–	–	–	–
Idlib	22	1	1	3	–	–	–	17
Aleppo	1	–	1	–	–	–	–	–
Al Raqa	–	–	–	–	–	–	–	–
Deir el-Zour	4	–	–	3	–	–	–	1
Hassakah	–	–	–	–	–	–	–	–
Total	70	5	3	9	1	3	–	49

<i>Kidnapped policemen</i>	<i>Total</i>	<i>Killing after kidnapping</i>	<i>Released after ransom</i>	<i>Released without ransom</i>	<i>Released after looting</i>	<i>Liberation</i>	<i>Escaped</i>	<i>unknown destiny</i>
Rif Dimashq	2	–	1	–	–	–	–	1
Dar'a	8	2	–	2	2 (guns)	1	1	–
Al Suwayda	–	–	–	–	–	–	–	–
Al Qunaytirah	–	–	–	–	–	–	–	–
Homs	15	4	–	7	–	–	–	4
Hamah	72	4	–	31	–	–	–	37
Damascus	1	–	–	1	–	–	–	–
Tartus	–	–	–	–	–	–	–	–
Al Ladhiqiyah	1	–	–	1	–	–	–	–
Idlib	31	6	–	13	–	–	–	12
Aleppo	30	–	–	29	–	–	–	1
Al Raqa	–	–	–	–	–	–	–	–
Deir el-Zour	4	–	–	1	–	–	3	–
Hassakah	–	–	–	–	–	–	–	–
Total	164	16	1	85	2	1	4	55

Total kidnappings

Total kidnapping incidents 900

Car theft

<i>Police car</i>	9
Government car	296
Civil car	583
Total	888

Annex IV

Note verbale dated 28 December 2011 addressed to the Permanent Representative of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland, and refers to its note verbale of 13 December 2011 and the response dated 21 December 2011 from the Syrian Arab Republic Government.

The Commission wishes to recall that the Human Rights Council, in its resolution S-17/1 of 23 August, mandated the Commission to (i) investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, (ii) to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, (iii) where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable. The Human Rights Council requested the Commission to make its report public before the end of November 2011 and to present a written update to the Council at its nineteenth session, in March 2012. It also requested the full cooperation of the Syrian Arab Republic.

In order to fulfil its mandate, the Commission collected first-hand information through interviews with victims and witnesses of events in the Syrian Arab Republic. The Commission undertook 223 interviews with Syrians who left the country after the unrest began. Among those interviewed 69 % were civilian victims and witnesses, 25% were defectors from the military and security forces and 6% were other sources. The standard of proof was met when the Commission obtained a reliable body of evidence, consistent with other information, indicating the occurrence of a particular incident or event. The Commission ensured that all its interlocutors had the opportunity and time to consider the Commission's request for interviews and either accept it or reject it.

In addition, a public call was made to all interested persons and organizations to submit relevant information and documentation that would help the Commission implement its mandate. It held meetings with Member States from all regional groups, regional organizations, including the League of Arab States and the Organization of Islamic Cooperation, non-governmental organizations, human rights defenders, journalists and experts. Reports, scholarly analyses and media accounts, including Syrian official sources such as SANA, as well as audio and visual material, were also duly considered.

Prior to the release of its report S-17/2/Add.1 dated 28 November 2011, the Commission requested access to the Syrian Arab Republic in its notes verbales dated 29 September, 19 October, 27 October and 4 November 2011. In its letter dated 27 October 2011, the Commission reiterated its invitation to the members of the national Independent Special

Legal Commission and relevant Syrian officials to visit Geneva in November. A questionnaire was annexed to the letter with a view of engaging the Government of the Syrian Arab Republic in a dialogue. The Commission stressed that the deadline for the submission of its report to the Human Rights Council was before the end of November.

Despite these numerous attempts, to date, the Commission has not received from the Syrian Arab Republic Government any cooperation, documents or substantive information related to the events since March 2011. No access to the Syrian Arab Republic was granted to the Commission. No Syrian officials met with the Commission even when on official visit to Geneva in the context of the Universal Periodic Review. No answers were provided by the Government on the detailed questionnaire sent by the Commission. No information was provided concerning the work of the national Independent Special Legal Commission.

The only correspondence from the Government of the Syrian Arab Republic received by the Commission prior to the release of its report were two letters dated 12 October and 17 November 2011. In those letters, attached as Annex III and VII to the Commission's report, the Government expressed its position that it would examine the possibility of cooperating with the commission once its own commission had concluded its work and this despite the deadline of the public release of the Commission's report by end-November.

While the Commission deeply regrets not having had access to the Syrian Arab Republic and despite the lack of cooperation by the Syrian Arab Republic, the Commission's report of 28 November and more specifically paragraphs 30, 31, 32, 33, 34, 37, 38, 40 and 51, strove to reflect the position of the Government of the Syrian Arab Republic, including existing policies and announced reforms expressed in public pronouncements and media reports.

As stated in its report, the Commission is aware of acts of violence committed by demonstrators, army defectors or opponents of the Government. It also referred to 1,100 members of State forces who had been killed by terrorists and armed gangs according to official statements. The Commission did not receive from the Government any information about the cases of Sari-Saud, General Abdo Kheder Tallawi and his children as well as the case of Hamza Al Khatib. The Commission would have welcomed the Government's cooperation in facilitating contacts with the families of killed or wounded military and security personnel, as well as other victims. No offer of such good offices was made. Neither did the Government provide any information about the public confessions of hundreds of terrorists that the Government refers to.

The Commission continues to believe that a visit to the country would have allowed the Commission to interact directly with Government officials and to ascertain the circumstances of the reported killing of members of the military and security forces. The Commission remains eager to reach out to their families and to wounded soldiers, as well as to suffering civilians across Syrian communities. In its report, the Commission recommended that opposition groups ensure respect for and act in accordance with international human rights law and that Member States suspend the provision of arms and other military material to all parties.

The Commission refutes any accusation of politicisation, selectivity and non-objectivity. The Commission has shown extreme diligence in maintaining its independence from all Member States and organisations. At no point has the Commission advocated, implied or referred to any use of force or foreign intervention. It has submitted its report to the Human Rights

Council asking the Government of the Syrian Arab Republic, the Human Rights Council, Member States, regional organisations and non-State actors to ensure the implementation of the recommendations contained in the report led by the sole and only purpose of protecting the Syrian population. In its resolution S-17/1, the Human Rights Council decided to transmit the report of the commission and its update to the General Assembly, and recommended that the Assembly transmit the reports to all relevant bodies of the United Nations.

The Commission hopes that cooperation and dialogue could be established for the second phase of its work which will result in a written update to the Human Rights Council on 12 March 2012. Due to United Nations reporting requirements, the Commission should submit its written update by mid-February. Therefore, an open dialogue with the Government of the Syrian Arab Republic including a visit to the country and provision of relevant information should take place not later than mid-January. The Commission looks forward to the opportunity of meeting Syrian officials and the members of the National Independent Special Legal Commission.

The Commission avails itself of this opportunity to renew to the Permanent Representative of the Syrian Arab Republic assurances of its highest consideration.

28 December 2011



Annex V

**Letter dated 18 January 2012 from the commission
addressed to the President of the Syrian Arab Republic**

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/17/1

Geneva, 17 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations in Geneva and has the honour to transmit a letter addressed to H.E. Mr. Bashar AL-ASSAD, President of the Syrian Arab Republic.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic. *RC*



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

17 January 2012

Excellency,

We have the honour to address you in our capacity as the Independent International Commission of Inquiry on the Syrian Arab Republic.

The Human Rights Council of the United Nations, in its resolution S-17/1 of 23 August 2011, mandated the Commission to (i) investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, (ii) to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, (iii) where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

The Commission expresses its gratitude to Your Excellency's Government for the information provided by your note verbale of 27 December 2011. We also applaud your Excellency's decision to accept the deployment of the Observer Mission established pursuant to the Plan of Action agreed between the League of Arab States and Your Excellency's Government and hope that this decision will be followed by further cooperation with United Nations mechanisms, including this Commission.

We were encouraged to take note of reports that Your Excellency had issued an amnesty under Decree 10/2012 in relation to events since March 2011. We would be grateful to receive a copy of the decree as well as information on how many people have applied for amnesty under this or other amnesty decrees issued since March 2011, how many people have been released from detention as a result of the amnesty and how many continue to be detained.

In addition, the Commission respectfully seeks more information on several important issues that Your Excellency addressed in your comprehensive speech of 10 January 2012.

The speech made reference to acts of terrorism, sabotage and murder and the theft, looting and destruction of public and private property, including the deaths of about 30 teachers and university professors and the vandalism, burning and destruction of over a thousand schools. In this context, it was asserted that perpetrators had received money, arms and other support from foreign sources. We would be grateful for a list of specific acts of this nature and their victims; available information on the alleged perpetrators and legal action taken against them; and any evidence that the alleged acts were carried out with foreign support. Furthermore, we would be interested in continuing to receive figures on how many unarmed civilians, active members of the

State security forces, military defectors and other armed opponents have been killed in relation to the events that have taken place since March 2011.

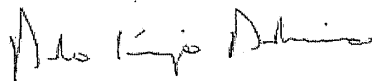
We appreciate that Your Excellency emphasized that there is no order at any level of the State to shoot at any citizen. The speech acknowledged individual mistakes and notes that a limited number of people working for the State have been arrested in relation to murder and other crimes. We would be grateful to receive a list of state officials arrested in connection with such crimes, detailing what rank they held, what crimes they were prosecuted for, who the victims were and what reparation was provided to victims or their families. In this respect, we would also be interested to find out more about the mandate, composition and achievements of the Independent Special Legal Commission established by the Government to investigate all cases pertaining to the events that had taken place since March 2011. Furthermore, we respectfully request information on steps ordered by Your Excellency's Government to prevent future wrongdoings, in line with your command responsibility.

In the course of your speech, Your Excellency reiterated your commitment to advance reforms. In respect of our mandate, we would be particularly interested to receive copies of the Media, Political Parties and Anti-Corruption laws that were passed as well as information about the implementation of these laws. Furthermore, we would be interested to finding out more about the constitutional amendments that are to be approved in the upcoming referendum and the envisaged legislative elections.

Finally, Your Excellency also made references to economic sanctions taken against Syria and citizens being deprived of cooking gas, heating fuel and medicine. In this context, the Commission would be interested to receive more detailed information on the impact sanctions imposed against Syria have had on the living conditions and economic and social rights of the population, including the most vulnerable groups.

In the impartial pursuit of our mandate, we remain committed to seek the cooperation of the Government and undertake to reflect the information provided in our updated report to the 19th session of the Human Rights Council. To ensure that information provided by your Excellency's Government is fully reflected in the report, which will be finalized in mid-February, we would be grateful for a response at your earliest convenience. We also take this occasion to reiterate our request to carry out a visit to Syria to obtain a first-hand impression of the situation on the ground. Meanwhile, we remain open to engage in a direct, constructive dialogue with any representatives Your Excellency chooses to designate.

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



Paulo Pinheiro
Chairperson

Annex VI

Letter dated 23 January 2012 from the commission addressed to the Minister for Justice of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Judge Tayseer Qala Awwad, Minister of Justice in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland. DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information about dissidents who have been brought before criminal courts since March 2011 for offences related to disruption of public order and/or to their conduct during demonstrations. We also remain eager to learn about your cooperation with the Independent Special Legal Commission established by the Syrian Government to investigate all cases pertaining to the events that have taken place since March 2011. The Commission looks forward to reviewing any document or statistics that the Ministry of Justice could provide related to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Justice which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Judge Tayseer Qala Awwad
Minister of Justice
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير
القاضي تيسير قلا عواد
وزير العدل
حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د/١٧-١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بمعلومات بخصوص المعارضين الذين مثلوا أمام المحاكم الجنائية منذ شهر آذار/مارس ٢٠١١ بتهم متعلقة بالإخلال بالنظام العام و/أو بسلوك المحتجين خلال المظاهرات. اللجنة حريصة أيضاً على معرفة ما هو نوع التعاون بين وزير العدل واللجنة القضائية الخاصة المستقلة التي أنشأتها حكومة الجمهورية العربية السورية للتحقيق في جميع الحالات المتصلة بالأحداث التي وقعت منذ شهر آذار/مارس ٢٠١١. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية أن تقوم وزارة العدل بتزويدها بأية وثائق أو إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية أن توجهه فائق التقدير الى وزارة العدل في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex VII

**Letter dated 23 January 2012 from the commission
addressed to the Minister for the Interior of the Syrian Arab
Republic**

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Major General Mohammad Ibrahim AL-Shaar, Minister of Interior in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning dissidents who have been arrested and detained since March 2011 for offences related to disruption of public order and/or to their conduct during demonstrations. We remain eager to learn whether investigations by the Ministry of Interior have taken place to ascertain specific responsibilities of individuals, as well as the number of persons who have been detained and the nature of the charges brought against such offenders. The Commission looks forward to reviewing any document or statistics that the Ministry of Interior could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Interior which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Major General Mohammad Ibrahim Al-Shaar
Minister of Interior
Damascus, Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير
اللواء محمد ابراهيم الشعار
وزير الداخلية
حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د ١ - ١٧/١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/ مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بأسماء المعارضين الذين اعتقلوا واحتجزوا منذ شهر آذار/ مارس ٢٠١١ بتهم متعلقة بالإخلال بالنظام العام و / أو بسلوك المحتجين خلال المظاهرات. اللجنة حريصة على معرفة ما إذا كانت التحقيقات التي أجرتها وزارة الداخلية قد أجريت لتحديد المسؤولية عن الأحداث. كما نود أن تحيطونا علماً بعدد المحتجزين من المتظاهرين، وطبيعة التهم الموجهة اليهم. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان تقوم وزارة الداخلية بتزويدها بأية وثائق او إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى وزارة الداخلية في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

Handwritten signature

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex VIII

Letter dated 23 January 2012 from the commission to the Minister for Defence of the Syrian Arab Republic

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to General Dawoud Rajiha, Minister of Defense in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning the names, ranks and number of killed and wounded among the military and security forces since March 2011, as well as the circumstances that have led to deaths and injuries. We would be grateful for your good offices to be allowed to contact the families of those members of the armed and security forces who were killed or injured since March 2011. The Commission looks forward to reviewing any document or statistics that the Ministry of Defence could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Ministry of Defence which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Gen. Dawoud Rajiha
Minister of Defense
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الوزير

العماد أول داود عبدالله راجحة

وزير الدفاع

حكومة الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي الوزير،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها للجنة حسب ولايتها، وكما أمل أن تتبخوا لنا مساعيكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د ١ - ١٧/١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بمعلومات بخصوص عدد وأسماء ورتب أفراد قوات الأمن والجيش في الجمهورية العربية السورية الذين قتلوا أو أصيبوا، بما في ذلك الظروف التي أودت بحياتهم أو أصابتهم. وتقدر اللجنة بامتنان مساعيكم الحميدة بالسماح لنا بالتواصل مع عائلات أفراد قوات الأمن والجيش الذين قتلوا أو جرحوا منذ شهر آذار/مارس ٢٠١١. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية أن تقوم وزارة الدفاع بتزويدها بأية وثائق أو إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية أن توجهه فائق التقدير الى وزارة الدفاع في الجمهورية العربية السورية لتعاونها مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex IX**Letter dated 23 January 2012 from the commission addressed to the President of the People's Assembly of the Syrian Arab Republic**NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMMEUNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to H.E. Mr. Mahmoud Al-Abrash, Chairperson of the Peoples' Assembly in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests information concerning the role of the Peoples' Assembly in monitoring the events since March 2011 as well as the impact of existing and new legislation in this regard. We remain eager to learn how the Permanent Committee on National Security and the Permanent Committee on Constitutional Affairs responded to the legislative changes resulting from the unrest in the Syrian Arab Republic since March 2011 and how they gather information regarding the implementation of the reforms announced by the Government. The Commission looks forward to reviewing any document or statistics that the Peoples' Assembly could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Peoples' Assembly which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

H.E. Mr. Mahmoud Al-Abrash
Chairperson
Peoples' Assembly
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد الدكتور محمد الأبرش
رئيس مجلس الشعب السوري
الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

معالي رئيس مجلس الشعب السوري،

أكتب إليكم نيابةً عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدتكم الحميدة عند الحاجة.

كما تعلمون قام المجلس الدولي لحقوق الإنسان بتكليف اللجنة، في قراره د ١/١٧، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتزم من سيادتكم تزويدنا بمعلومات حول دور مجلس الشعب السوري في مراقبة أعمال العنف المتصلة بالأحداث التي وقعت منذ شهر آذار/مارس ٢٠١١. كما نود أن تحيطونا علماً بأثر التشريعات القائمة والتشريعات الجديدة في هذا الصدد. اللجنة حريصة أيضاً على معرفة دور لجنة الأمن القومي ولجنة الشؤون الدستورية واستجابتهن للتحديات الناجمة عن الأحداث منذ شهر آذار/مارس ٢٠١١، بما في ذلك كيفية جمعهم المعلومات حول تنفيذ الإصلاحات التي قامت حكومة الجمهورية العربية السورية بإعلانها في هذا الصدد. وكما تأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان يقوم مجلس الشعب السوري بتزويدها بأية وثائق او إحصائيات ذات صلة بمهمة التحقيق المكلفة بها اللجنة من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى مجلس الشعب السوري لتعاونه مع اللجنة بغية تنفيذ مهامها.

مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex X

**Letter dated 23 January 2012 from the commission
addressed to the Chairman of the National Independent
Legal Commission**

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council, presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland and has the honour to transmit a letter addressed to Judge Muhammad Deeb Al-Muqatrin, Chairman of the Independent Special Legal Commission in Damascus.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

DC



NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

23 January 2012

Your Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic to respectfully request your assistance and good offices in the fulfilment of the Commission's mandate.

The United Nations Human Rights Council, in its resolution S-17/1, mandated the Commission to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

In accordance with its mandate, the Commission respectfully requests a copy of the mandate of the Independent Special Legal Commission established by the Government of the Syrian Arab Republic. In addition, the Commission of Inquiry would be grateful to receive information concerning dissidents as well as members of the armed forces and Government security forces who the Special Legal Commission has investigated since its creation in March 2011. We remain eager to learn whether investigations by your Commission have taken place to ascertain specific responsibilities of individuals, as well as the number of persons who have been detained as a result of the work of your Commission and the nature of the charges brought against such offenders. The Commission looks forward to reviewing any document or statistics that the Special Legal Commission could provide relating to the inquiry mandated by the United Nations Human Rights Council.

The Commission would appreciate collaboration with the Independent Special Legal Commission which would enhance the reach of its findings.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Paulo Pinheiro', written in a cursive style.

Paulo Pinheiro
Chairperson

Judge Muhammad Deeb Al-Muqatrin
Chairman
Independent Special Legal Commission
Damascus, Syrian Arab Republic



لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

هاتف: +41-22-9179101

السيد القاضي محمد ديب المقطرن
رئيس اللجنة القضائية الخاصة المستقلة
بشأن الجمهورية العربية السورية

٢٣ كانون الثاني ٢٠١٢

حضرة السيد القاضي محمد ديب المقطرن المحترم،

أكتب إليكم نيابة عن لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية لطلب مساعدتكم بهدف تنفيذ المهام المنوطة بها اللجنة حسب ولايتها، وكما أمل أن تتيحوا لنا مساعدتكم الحميدة عند الحاجة.

قام مجلس حقوق الإنسان التابع للأمم المتحدة بتكليف اللجنة، في قراره د ١٧/١، بالتحقيق في جميع الانتهاكات المزعومة للقانون الدولي لحقوق الإنسان منذ شهر آذار/مارس ٢٠١١ في الجمهورية العربية السورية، للوقوف على الحقائق والظروف التي قد ترقى إلى هذه الانتهاكات، وفي الجرائم التي ارتكبت، من أجل تحديد المسؤولين عنها، حيثما أمكن، بغية ضمان مساءلة مرتكبي هذه الانتهاكات، بما فيها الانتهاكات التي قد تشكل جرائم ضد الإنسانية.

وفقاً لولاية لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية، نلتمس من سيادتكم تزويدنا بنسخة من كتاب تفويض اللجنة القضائية الخاصة المستقلة التي أنشأتها حكومة الجمهورية العربية السورية للتحقيق في جميع الحالات المتصلة بالأحداث التي وقعت منذ شهر آذار/مارس ٢٠١١. لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية حريصة أيضاً على الحصول على معلومات بخصوص المعارضين وأفراد قوات الأمن والقوات المسلحة الذي تم التحقيق معهم منذ انشاء اللجنة القضائية الخاصة. وكما نود معرفة ما إذا أجريت هذه التحقيقات بغية تحديد مسؤولية الأفراد، فضلاً عن عدد الأشخاص الذي تم اعتقالهم نتيجة التحقيقات وطبيعة التهم الموجهة إليهم. وتأمل اللجنة الدولية المستقلة بشأن الجمهورية العربية السورية ان تقوم اللجنة القضائية الخاصة بتزويدها بأية وثائق او إحصائيات تخص مهمة التحقيق المكلفة بها اللجنة الدولية من قبل مجلس حقوق الإنسان.

في الختام تود لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية ان توجهه فائق التقدير الى اللجنة القضائية لتعاونها مع اللجنة الدولية بغية تنفيذ مهامها.



مع فائق الاحترام والتقدير،

باولو بنهيرو

رئيس لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية

Annex XI

Note verbale dated 23 January 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the commission

MISSION PERMANENTE DE LA RÉPUBLIQUE ARABE SYRIENNE GENÈVE		الجُمْهُورِيَّةُ الْعَرَبِيَّةُ السُّورِيَّةُ البعثة الدائمة لدى مكتب الأمم المتحدة جنيف
27/12	23 January, 2012	
<p>The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the High Commissioner for Human Rights, and in reference to the letter of the Independent International Commission of Inquiry dated 28/12/2011, has the honour to attach herewith the official response of the Government of the Syrian Arab Republic to the above mentioned letter.</p>		
<p>The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights the assurances of its highest consideration.</p>		
		
OHCHR REGISTRY		
23 JAN 2012		
Office of the High Commissioner for Human Rights Palais Wilson	Recipients: MENA D.C.	
Rue de Lausanne 72 (3e étage), 1202 Genève	Tel: +41 22 715 45 60	Fax: +41 22 738 42 75

MISSION PERMANENTE
DE LA
RÉPUBLIQUE ARABE SYRIENNE
GENÈVE



الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

- 1- The Syrian Arab Republic has always welcomed cooperation and dialogue with all UN Human Rights mechanisms that enjoy objectivity, impartiality and non politicization. Syria Is always ready to pursue its dialogue and cooperation within these international norms. Nevertheless, and as Syria has pointed out in previous communications, the International Commission of Inquiry has failed at its very first test. And as Syria had expected, the Commission's Report was written beforehand, therefore it does not deserve examination because it was based on false information and predetermined ideas. For the same above mentioned reasons, the Syrian Arab Republic refuses the allegations included in the International Commission of inquiry letter dated 28/12/2011.
- 2- The Syrian Arab Republic had clearly expressed in several communications its position regarding the cooperation with the Commission, and based the matter of this cooperation upon the work of the National Independent legal Commission (the Syrian Investigation Commission). It is known that the Syrian Legal Commission and its branches in the different Syrian Governorates are investigating more than /4070/ cases, and they are working exhaustively in investigating these cases in line with the principles of justice, honesty, impartiality and objectivity, and without predetermined assumptions. The International Commission of Inquiry will be informed with the outcomes of these investigations when they are concluded.

- 3- The government of the Syrian Arab republic refuses the claims of the Commission that the Syrian Government did not provide information about the victims of the violations of human rights committed by the armed terrorist groups, and uses such claims as an excuse to ignore the victims of these violations. The Commission distanced itself from objectivity and professional investigation rules when it limited its report to the allegations presented by hostile parties to the Syrian Arab Republic with well-known motives.
- 4- The Human Rights Council has mandated the International Commission of Inquiry in its resolution S-17/1 “to establish the facts and circumstances that may amount” to violations of human rights. Hence, the Commission is requested to comply with its duties in this regards, as impartiality and professionalism oblige the Commission to seek the truth. The dangerous method adopted by the Commission in dealing with information it receives contradicts with its mandate.
- 5- The Government of the Syrian Arab Republic provided the High Commissioner of Human Rights with a considerable amount of information about victims of Human Rights violations committed by the armed terrorist groups against army and security forces and civilians. The Syrian government reiterates its will to keep the Commission and the High Commissioner of Human rights informed with the facts and cases of such violations.
- 6- As the Commission had been busy working on presenting evidence to support its pre assumptions in order to accuse the Syrian Government of committing violations of Human Rights, it neglected its duty in illustrating the stance of the International Human Rights Law regarding acts of kidnapping, killing, mutilation, forced and involuntarily disappearance, and the violation of the Right of Life committed by the armed groups against the Syrian citizens, including women, children,

and personnel of the army and the security forces, in addition to depriving the Syrian People from the right to “Freedom from Fear” as expressed in the preamble of the Universal Declaration of Human Rights. The Commission did not make reference to the killing and forced displacement of anyone who did not comply with the orders of the armed groups to participate in protests, strikes, civil disobedience or who do not subscribe to their terrorist agenda, which contradicts with the right of freedom of expression. Furthermore, the Commission did not refer to the killing and targeting of members of certain religious groups, and to the incitement of hatred against them which also violates the right of the Freedom of Religion and Beliefs. Thus, the Syrian Arab Republic is still waiting for the commission to correct its errors in this regard.

- 7- The Government of the Syrian Arab Republic, is still waiting for the Commission to clarify its position on the attacks that targeted oil pipelines, electricity stations fuel lines, bridges as well as the suicide attacks. Would the Commission ignore these facts in its report, while it waits for the Syrian Government to provide such information?
- 8- The Commission admitted in its letter the acts of violence committed by “demonstrators and defectors and government opponents”. However, the Commission merely called upon these groups to “assure their commitment to respect Human Rights”, which indicates that the Commission is convinced that these groups commit themselves to International Human Rights Law, and it only asks these groups to reiterate their commitment to it, which means that the Commission does not admit the violations committed by these groups.
- 9- The recommendations of the Commission’s report did not include any suggestions to hold these groups accountable for the terrorist acts they executed, and did not indicate the crimes against humanity they

committed. The Commission did not call for the accountability of the armed groups, even though it admitted their presence, which reflects the Commission's selectivity when it limited its accusations to the Syrian Authorities. This also proves that the report is merely based on the Commission's pre-assumptions.

- 10- In this regard, we would like to refer to the various public statements made by high officials in certain countries which certifies the existence of armed groups in Syria. These statements called upon these groups to lay down their arms and engage in the dialogue called for by the Syrian Government to stop the bloodshed of all Syrians. However, all these calls did not find their way to the Commission's report, despite the fact that such statements were made during the preparation period of the report. Furthermore, the Commission did not include in its report any recommendation that calls for stopping the incitement against the Syrian Arab Republic, which reconfirm the Commission's selectivity.
- 11- The Government of the Syrian Arab Republic is deeply concerned by the Commission's lack of professionalism, and is also concerned about the methodology adopted by the commission in its investigations, which led it to claim its ignorance of the attacks, kidnapping, torture, killings, mutilations and destructions carried out by the terrorist groups against the Syrian law enforcement personnel, their families and their homes. The Commission instead made serious accusations against these personnel in a non-objective and unprofessional manner. The Syrian Arab Republic considers these accusations to be totally false, and fully rejects them, for the Syrian Arab Army and the security forces are fulfilling their duty by protecting the Syrian People from the armed groups' terrorism and their violations of Human Rights.
- 12- Another evidence on the politicization and selectivity of the report is the Commission's use of false information in its report under the title

“Political Background”, and its listing of indications that seek to divide the Syrian society on a confessional basis, whereas it refrained from exposing related information and facts, such as Syria being a secular state enjoying a unique reality of coexistence and tolerance between all components of the Syrian society, especially that these political facts are essential in reflecting the dangerous agenda of the terrorist groups which aim to destroy the civil peace and social structure in the Syrian Arab republic. The approach adopted by the Commission works in favour of those who seek to trigger a Civil War in Syria, by exonerating them from rejected and condemned acts of confessional incitement.

13- The Commission claims that it did not call for any international intervention in the Syrian Arab Republic. However, its recommendations reflect the opposite: the Commission had recommended immediate steps through the Security Council to implement its recommendations. The important question raised here is: what was the aim of the Commission when it called for the transmission of its report to the Security Council had it not been the foreign military intervention as was the outcome of the transmission of other countries’ files to the Security Council - leading to the killing of more than 50.000 Libyan Citizens. Furthermore, the call of the Commission to support “efforts to protect the population of the Syrian Arab Republic” without specifying such efforts leaves the door open for the military intervention under the pretext of “protecting the civilians”.

14- In this context, and considering that the Commission claims that its will is to protect the Syrian People, why did it not recommend the call for national dialogue - as it is the optimum solution to solve all issues in accordance with the Charter of the United Nations - and chose instead to support efforts to punish the Syrian People, and efforts for foreign intervention?

- 15- The Syrian Arab Republic had wished that the report's recommendations would have included the support of the reforms undertaken by the Syrian Government to fulfil its people's demands, and the call for the international community to offer all the support to these reforms, instead of portraying them as allegations, despite the fact that these reforms will promote the political, economic, social and cultural Rights of the Syrian People.
- 16- The Syrian Arab Republic also asks the Commission whether its call to support the efforts of the League of Arab States includes the boycott of Syria and the siege and the starvation of the Syrian People? Does this conform with the Commission's claim that its aim is the protection of the Syrian People?
- 17- The Syrian Arab Republic regrets once again the Commission's neglect of all information provided by Syria in response to the questions previously sent by the Commission, and that the Commission presented part of this information as "allegations", while it presented the allegations and fabrications of other parties against the Syrian Arab Republic as facts, which proves that the report of the Commission is non-credible.

Annex XII

Note verbale dated 2 February 2012 from the commission addressed to the Permanent Representative of the Syrian Arab Republic



Tel: 41-22-9179101

Independent International Commission of Inquiry pursuant to resolution A/HRC/S-17/1

2 February 2012

The Independent International Commission of Inquiry established pursuant to resolution S-17/1 of the Human Rights Council presents its compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations in Geneva and has the honour to acknowledge receipt of your note verbale dated 23 January 2012.

With respect to the criticisms of the Commission's first report contained in your note, the Commission wishes to assure your Government that we remain very firmly committed to reflecting violations and abuses on all sides, including acts committed by armed groups to which you refer.

We recall in this regard our requests for information on abuses by non-state armed groups mentioned in our communications to you of 27 October 2011, 28 December 2011 and 18 January 2012, and we would appreciate your undertaking to keep us informed about such violations. As indicated earlier, the Commission would be grateful to receive information on specific cases involving such violations and their victims, as well as available information on the alleged perpetrators and any legal action taken against them.

To reach our crucial objective of reflecting all violations and abuses, we respectfully reaffirm that only detailed information on specific cases will enable us to include the issues your Government would like to see reflected in our forthcoming report due for submission mid-February in preparation for presentation at the Human Rights Council in March.

The Commission recalls that we have received a one page table from you on 27 December 2011, but there is no description of the methodology used or of the events underlying the figures. We regret we have not yet received from your Government detailed information or data that can be followed up or used in our report.

The Commission takes note that the National Independent Legal commission is investigating more the 4,070 cases. This is the only specific item conveyed in your note verbale. We reiterate our deep interest in receiving more information about the mandate, composition and achievements of the NILC. In particular, we would like to be informed of which investigations carried out so far have led to arrests and indictments of those responsible for the violations.

The Commission would be grateful for a response at your earliest convenience to ensure that the information provided can be reflected in our report, to be finalized, as mentioned above, mid-February 2012.

The Commission takes this occasion to recall our request to visit the Syrian Arab Republic, so that we may obtain a first-hand impression of the situation on the ground and interview victims of abuses on all sides. Meanwhile, we remain open to engage in a direct, constructive dialogue with any representative(s) your Government chooses to designate.

We assure you that such a visit will have an essential impact, particularly at this present juncture, on our report, since nothing can substitute for direct and effective contact with your Government and the Syrian communities. The Commission does not take sides, and we assure you that we are concerned both by the consequences of the intensification of violence experienced recently by civilians and by members of the armed and security forces.

The main objective of the Commission is the wellbeing of all Syrians. Direct access to these communities will allow them to express their views and perceptions, and to describe their hardships and needs. A direct dialogue with members of your Government and its institutions would help clarify any questions or assessments that have arisen over the course of our inquiry. We are eager to share with your Government our methodology in full transparency. We are ready to discuss the terms of reference for such a visit with your representative in Geneva.

We understand that independent non-government organizations have recently had free access to your country, while we have not been able to visit. We assure you and your Government of the independence of our Commission and of its impartial and objective engagement with the subject matter of our inquiry. If our Commission is given the opportunity to come to your country, we will be open to discuss all aspects of our first report tabled at the Human Rights Council on 2 December 2011. We can only repeat our insistence that a direct exchange would contribute significantly to the preparation of our second report.

The Commission avails itself of the opportunity to extend the assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic. DC



Annex XIII

Detention locations for which the commission documented cases of torture and ill-treatment (since March 2011)

<i>City</i>	<i>Type</i>	<i>Detention center</i>
Aleppo	Security Forces	Political Security Branch
Banias	Security Forces	Military Security Branch
	Security Forces	Political Security Branch
Damascus	Military Prison	Sednaya Military Prison
	Police	Criminal Security Branch
	Prison	Adra Central Prison
	Security Forces	Air Force Intelligence Branch in Bab Tuma
	Security Forces	Air Force Intelligence Branch in Harastah
	Security Forces	Palestine Branch
	Security Forces	State Security Branch in Kafar Sussa
	Security Forces	State Security Branch in Duma
Dar'a	Police	Criminal Security Branch
	Prison	Gharez Central Prison
	Security Forces	Air Force Intelligence Branch
	Security Forces	Military Security Branch
	Security Forces	Political Security Branch
	Security Forces	State Security Branch
Hama	Security Forces	State Security Branch
Homs	Prison	Central Prison
	Security Forces	Air Force Intelligence Branch
	Security Forces	State Hospital
Idlib	Prison	Central Prison
	Security Forces	Detention facility
	Security Forces	Military Security Branch
Jisr Al Shughour	Security Forces	Military Security Branch
	Security Forces	Political Security Branch
Al Ladhiqiyah	Security Forces	Military Security Branch

<i>City</i>	<i>Type</i>	<i>Detention center</i>
	Security Forces	Political Security Branch
	Security Forces	State Hospital
Rif Dimashq	Security Forces	Air Force Intelligence Branch
	Security Forces	Military Security Branch
	Security Forces	Military Security Branch
	Security Forces	State Security Branch
Tadmur	Military Prison	Tadmur Military Prison
Tartus	Security Forces	Intelligence detention centre
	Security Forces	Military Security Branch
	Security Forces	Political Security Branch
	Security Forces	State security branch

Annex XIV

Map of the Syrian Arab Republic



Map No. 4204 Rev. 2 UNITED NATIONS
May 2008

Department of Field Support
Cartographic Section