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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights situations that require the Council's attention

Report of the Secretary-General on the implementation of Human Rights Council resolution S-18/1**

Summary

The present report contains a review of the key paragraphs of Human Rights Council resolution S-18/1 and their status of implementation.

* Reissued for technical reasons on 12 March 2012.

** Late submission.

I. Introduction

1. In its resolution S-18/1, the Human Rights Council condemned the continued widespread, systematic and gross violations of human rights and fundamental freedoms by the Syrian authorities and urged the Government of the Syrian Arab Republic to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks against civilians and to comply fully with its obligations under international human rights law. The Council also requested the Secretary-General to present a report on the implementation of resolution S-18/1 to the Council at its nineteenth session. The present report is submitted pursuant to that request. It contains information on the actions of the Government of the Syrian Arab Republic taken to implement the relevant provisions of resolution S-18/1 as informed by the Government, particularly through notes verbales sent on 24 January and 10 February 2012 (A/HRC/19/G/4), and on relevant actions taken by the international community.

II. Implementation of Human Rights Council resolution S-18/1

A. Actions by the Government of the Syrian Arab Republic

2. On 11 January 2012, members of the Office of the United Nations High Commissioner for Human Rights (OHCHR) met with representatives of the Permanent Mission of the Syrian Arab Republic in Geneva to enquire about the status of implementation of Human Rights Council resolution S-18/1. OHCHR enquired in particular about the status of implementation of paragraph 9 of the resolution, in which the Council called upon the Syrian authorities to cooperate fully with OHCHR, including through the establishment of a field presence in the Syrian Arab Republic. The Ambassador of the Syrian Arab Republic informed OHCHR that, for the time being, his Government was not yet ready to cooperate with OHCHR.

3. On 16 January 2012, OHCHR, on behalf of the Secretary-General, addressed a note verbale to the Permanent Mission of the Syrian Arab Republic referring to Human Rights Council resolution S-18/1, in particular paragraphs 3, 4, 6, 7, 9, 13, 15 and 16 thereof, in which the Council requested actions from the Government of the Syrian Arab Republic. In the note verbale, OHCHR requested information on any steps taken or envisaged by the Government of the Syrian Arab Republic on the implementation of the said actions.

4. On 24 January and 10 February 2012, the Permanent Mission of the Syrian Arab Republic addressed two separate notes verbales to OHCHR.¹ OHCHR is not in a position to verify the accuracy of the information submitted by the Government of the Syrian Arab Republic.

5. In its note verbale of 10 February 2012, the Government of the Syrian Arab Republic reiterated its position, namely, that a campaign of deception and exaggeration had

¹ In addition to the notes verbales, the Government of the Syrian Arab Republic, between 14 and 20 February 2012, shared with OHCHR several other reports and documents containing statistics and tables on armed attacks on health facilities, educational institutions and transport infrastructure, as well as casualty figures in the Syrian military, police and law enforcement bodies as a result of acts of alleged terrorist armed groups. OHCHR is unable to attest to the factual accuracy of the information provided. The same material was also shared with the commission of inquiry on the Syrian Arab Republic.

accompanied the current crisis in the country. According to the Government, the purpose of the campaign was to prolong the crisis, as part of a particular political agenda. The Government also stated that the campaign was supported by generous financial contributions from Arab and Western countries for the purpose of arming groups whose main objective was “to exploit Syrian blood”. The Government referred to paragraph 29 of the report of the League of Arab States observer mission, which had confirmed the “presence of media exaggerations in the reporting on the nature of incidents, the number of the dead and injured in events and the demonstrations taking place in some cities”. Furthermore, paragraph 28 of the same report referred to “the release of false reports from several entities regarding bombings and violence in some areas” and that “when the observers were deployed to those areas to verify those reports, they discovered that they were unfounded.”

6. With regard to paragraph 3 of the resolution, in which the Human Rights Council urged the Government of the Syrian Arab Republic to meet its responsibility to protect its population, the Government affirmed that it fully realized its responsibility towards its people and reaffirmed its efforts to respond to the people’s legitimate demands for reform in accordance with the Constitution and the State’s obligations under human rights law. The Government claimed, however, that armed terrorist groups disguised under different names had perpetrated crimes against Syrians, and that these groups had attempted to have these crimes blamed on the Government instead. The Government pointed out that it was constantly working to stop the attacks carried out by armed terrorist groups funded from abroad. In that context, the Government urged the international community to support its efforts by requesting that those who funded the terrorist groups stop their blatant interference in Syrian affairs.

7. With regard to paragraph 4 (a) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to release immediately all prisoners of conscience and arbitrarily detained persons, and to grant access for independent international monitors to all places of detention, the Government, in its note verbale of 10 February 2012, explained that four amnesty decrees had been issued, resulting in the release of thousands of individuals detained in the context of recent events in the country and who did not have Syrian blood on their hands. The Government also pointed out that it had released individuals who had been sentenced for charges relating to disrespect for the authority of the State or for belonging to parties banned for criminal activities. The Government pointed out that it had allowed the International Committee of the Red Cross and the League of Arab States observer mission access to Syrian prisons. OHCHR notes that, in a separate note verbale dated 24 January 2012 and addressed to OHCHR, the Government maintained that 553 detainees had been released on 5 November 2011, 1,180 on 15 November, 912 on 30 November, 755 on 28 December and 552 on 5 January 2012.

8. With regard to paragraph 4 (b) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to initiate prompt, independent and impartial investigations in accordance with international standards to end impunity, ensure accountability and bring perpetrators to justice, the Government claimed in its note verbale of 10 February 2012 that the President of the Syrian Arab Republic, in his speech of 10 January 2012, had given assurances that there would not be any impunity for anyone and that a small number of individuals who had been arrested for murder and other crimes were being investigated. The Government also stated that it had formed a national investigative commission, which to date had received 4,073 complaints. The commission, the Government maintained, was working seriously to prepare objective and accurate reports to redress the victims of injustice, while avoiding jumping to conclusions based on fabricated and inaccurate information. The Government again referred to the speech of the President of 10 January 2012, during which he stated that “there are no orders from any level of the State to open fire on any citizen” and that “the use of live fire is not permitted unless in

self-defence and in the defence of citizens”. The Government explained that the observer mission of the League of Arab States had confirmed that, in many cases, the Syrian forces had been provoked and forced to shoot in self-defence. The Government added that, in paragraph 26 of its report, the observer mission mentioned that the use of force by armed groups against the Government forces had resulted in the killing and injuring of a number of Syrian forces. The Government further maintained that it had suffered from the enforced disappearance of civilians and members of military and security forces in the context of the current events, stating that, between 19 December 2011 and 18 January 2012, 178 cases of kidnapping by armed groups had been reported (136 civilians, 15 military personnel and 27 from the authorities). According to the Government, those kidnapped were subjected to torture, including electrocution, beating, burning, psychological and physical abuse, and rape. The kidnappings had, in several cases, resulted in the killing of those kidnapped, whose bodies were then dumped. Armed groups claiming to be carrying arms to defend the Syrian people had actually demanded ransom for the release of some 54 people.

9. With regard to paragraph 4 (e) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to allow unhindered access to medical care without any discrimination or control, and not to intervene in hospitals to arrest or abduct any wounded protestors, the Government reiterated its commitment to respect the right of everyone to the enjoyment of the highest standard of physical and mental health. The Government pointed out that, according to the Ministry of Health, the majority of those admitted by Syrian hospitals had been wounded as a result of gunfire to the back of the head or were dead bodies that had been subjected to abuse and had their hands and legs severed by armed gangs.² According to the Government, many of the bodies could not be identified because they were severely disfigured. It also stated that medical workers had been threatened, kidnapped, raped and murdered. Many of the hospitals, such as the national hospital in Homs, had been subjected to terrorist attacks and shelled with rocket-propelled grenades. The Government added that armed gangs had killed the deputy head of the Syrian Red Crescent on his way to the city of Idlib. It explained that there were cases where the terrorists had been given medical treatment by ambulance crews, but once the armed groups were informed thereof, they would break into hospitals and humiliate doctors and nurses and forcibly take the injured to field hospitals, mosques and private homes. In this regard, in its note verbale of 10 February 2012, the Government categorically rejected the allegations pertaining to the arrest by the authorities of injured persons in hospitals, and described them as fabrications of the media. It also claimed that security forces had not impeded any medical or ambulance crew transporting injured persons or the provision of ambulance services; on the contrary, the security forces had provided ambulances with assistance and protection from terrorist armed groups. The Government further stated that the security forces had not arrested nor interrogated the patients receiving medical treatment in hospitals. Moreover, none of the medical employees or crews had been harassed, threatened or arrested by the army or security forces.

10. With regard to paragraph 4 (f) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to allow independent and international media to operate in the Syrian Arab Republic without undue restrictions, harassment or intimidation, to allow access to the Internet and the telecommunications network, and to lift censorship on reporting, the Government explained that the Ministry of Information had granted 147 permits to Arab and international media in the period from 12 and 15 January 2012 to give them an opportunity to witness the reality in the country. It also explained that the Ministry had done its utmost to facilitate their travel, operation and

² A comprehensive report from the Syrian Ministry of Health was shared with OHCHR on 13 February 2012.

protection throughout the Syrian Arab Republic. The Government regretted the fact that, despite its efforts, some journalists had been attacked by terrorist armed groups, such as in the case of a French journalist and the injuring of his colleague on 12 January 2012, in addition to the injury of eight Syrians in the same attack. The Government added that it had immediately launched an investigation into this incident, providing a list of existing media outlets in the Syrian Arab Republic in an annex to its note verbale of 10 February 2012. In that note verbale, the Government also pointed out that other journalists had been harassed, threatened and attacked by armed groups in order to force them to broadcast false news, such as the killing of journalist Shukri Abu Al Burghol by terrorist groups in Daria (suburb of Damascus), the burning of the house owned by Nedal Hmeedy, correspondent of the Lebanese satellite television station Al Jadeed, after he was threatened, and also the complete razing of the house owned by media personality Ali Jamalo and that of the journalist Mustafa Al Meqdad. The Government stated that everyone had been granted free access to Internet services, including social networks.

11. With regard to paragraph 4 (*g*) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to respect human rights defenders and ensure that there were no reprisals against persons who had cooperated with the commission of inquiry, the Government stressed its commitment to respect the rights of genuine human rights defenders. In its note verbale of 10 February 2012, the Government stated that the Syrian Arab Republic had enacted a new law in 2011 to allow new political parties.

12. With regard to paragraph 4 (*h*) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to ensure timely, safe and unhindered access for humanitarian actors and the safe passage of humanitarian and medical supplies into the country, the Government pointed out that armed groups had tried to prevent the arrival of food to the Syrian people by bombing energy supply infrastructure, including oil and gas facilities, and by killing drivers transporting food, medicine and gasoline. The Government maintained that terrorist groups had made these attacks to create the impression that there was a humanitarian crisis in the Syrian Arab Republic, and thus to justify what they called a safe humanitarian passage for the transportation of humanitarian and medical aid to the Syrian people. In its note verbale of 10 February 2012, the Syrian Arab Republic rejected these attempts as aimed merely at justifying foreign intervention in the country.

13. With regard to paragraph 4 (*i*) of the resolution, in which the Human Rights Council called on the Government of the Syrian Arab Republic to facilitate the voluntary return of Syrian refugees and internally displaced persons, the Government reiterated its commitment to protect the rights of refugees. It stated, however, that, in the current context, terrorist groups were the ones terrorizing populations in specific areas and who had deliberately attempted to create sectarian internal displacement, and forced those living in border areas to cross into other countries. In some parts of the Syrian Arab Republic, armed terrorist groups had cleansed cities and neighbourhoods of specific minority groups who had long lived in those areas. The Government also maintained that terrorist groups had also targeted mosques and monasteries.

14. With regard to paragraph 6 of the resolution, in which the Human Rights Council urged the Syrian authorities to respect the popular will, aspirations and demands of its people, the Government of the Syrian Arab Republic claimed that it had taken steps to reinforce frameworks aimed at encouraging the expression of the political will of the people in accordance with the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The Government stated that it had established a committee to redraft the Constitution, which had finalized its work. The newly drafted Constitution, which would provide for the establishment of a multiparty system,

human rights and the peaceful transition of power through elections, would be put to a referendum in a few weeks. It reported that legislative elections would follow in the summer. The Government also stated that additional steps had been taken, including the adoption of a local election law in early 2011, which was followed by the election of the local council in a democratic and transparent fashion.

15. With regard to paragraph 7 of the resolution, in which the Human Rights Council urged the Syrian authorities to take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, in particular of diplomatic staff, as well as the protection of their property, the Government reaffirmed its commitment to its obligations in that regard. It added that it was unfortunate that some of the embassies had been subject to attacks by angry citizens in disagreement with the position of these countries towards the Syrian Arab Republic. Nonetheless, the authorities had taken immediate steps to stop these attacks and to prevent any further ones on foreign embassies. In the note verbale of 10 February 2012, the Ministry of Foreign Affairs made its apologies for what had happened and stated that it had formed a committee that was collaborating closely with the concerned embassies to assess damage and offer compensation.

16. With regard to paragraph 9, in which the Human Rights Council called upon the Syrian authorities to cooperate fully with OHCHR, including through the establishment of a field presence in the Syrian Arab Republic, the Government stated that it was ready to cooperate with various human rights mechanisms within the parameters of their mandates, the State's international obligations and respect for Syrian sovereignty. The Government also stated that it had demonstrated its readiness to cooperate by sharing information and material with OHCHR, in the hope that OHCHR could grasp the reality of the situation in the Syrian Arab Republic.

17. With regard to paragraph 13 of the resolution, in which the Human Rights Council called upon the Syrian authorities to implement the Plan of Action of the League of Arab States in its entirety, without further delay, and urged the Syrian Arab Republic to sign a draft protocol on the mission of the League's observers to the Syrian Arab Republic, the Government stated that it had cooperated with the League to the fullest extent possible, including the work plan that had been agreed upon in Doha by the Government of the Syrian Arab Republic and the follow-up committee of the League. Moreover, it had signed the League's protocol in December 2011, after which the observer mission started its work. The Government had facilitated the work of the observer mission, which itself had acknowledged this cooperation. Specifically, the observer mission noted in paragraph 73 of its report the "responsiveness of the Government to ensure the success of the mission and to remove obstacles that the mission might face. The Government side has facilitated the proceedings of meetings and interviews with any party, and has not imposed any restrictions on the movements of the mission or on its meetings with the Syrian citizens, either from the opposition or from supporters." The Government added that it had accepted to extend the work of the observers for a month, until 24 February 2012; the League decided, however, to suspend the work of the mission.

18. With regard to paragraph 15 of the resolution, in which the Human Rights Council urged the Syrian Arab Republic to cooperate with all relevant thematic special procedures mandate holders, including by allowing country visits, the Government reaffirmed its commitment to work with the special procedures mandate holders and had continued to provide them with necessary information. The Government regretted the fact that the mandate holders had issued predetermined positions against the Government and had joined the unfair campaign of propaganda against the Syrian Arab Republic led by armed groups and unfriendly countries.

B. Actions by the international community

19. In paragraph 10 of its resolution S-18/1, the Human Rights Council decided to establish the mandate of Special Rapporteur on the situation of human rights in the Syrian Arab Republic once the mandate of the commission of inquiry ended, to monitor the situation of human rights in the Syrian Arab Republic as well as the implementation of the recommendations made by the commission of inquiry addressed to the authorities of the Syrian Arab Republic and of the resolutions of the Council on the situation of human rights in the Syrian Arab Republic. In response to this decision, the consultative group to the President of the Council reviewed all applicants for the post of Special Rapporteur, and submitted its recommendations to the President on 13 February 2012. The President will appoint the candidate at the nineteenth session of the Council. The Special Rapporteur will assume his/her functions upon the conclusion of the mandate of the independent commission of inquiry on the Syrian Arab Republic. Once appointed, OHCHR will provide the mandate holder with the support of a secretariat.

20. With regard to paragraph 16 of the resolution, in which the Human Rights Council called upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it access to the country, it should be noted that, to date, the commission has not been allowed access to the Syrian Arab Republic.

21. With regard to paragraph 19 of the resolution, in which the Human Rights Council decided to transmit the report of the commission of inquiry to the Secretary-General for appropriate action and transmission to all relevant United Nations bodies, the Secretary-General transmitted the commission's report to the Security Council on 14 December 2011.
