

# Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic

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*M. le Président  
Excellencies,*

The war in Syria has entered its fifth year and shows no signs of abating. It has mutated into a multi-sided and highly fluid war of attrition where belligerents have repeatedly experienced surges and setbacks. This has served only to fuel the illusion that a military victory remains possible.

Civilians are the main victims of an ever-accelerating cycle of violence. Syrians continue to lose their lives, homes, and livelihoods in a conflict in which there is little, if any, attempt to adhere to international law. The warring parties' failure to protect civilians – as well as their seemingly deliberate decision to put civilians in harm's way – has led to unspeakable suffering.

In a paper released today, the Commission examines the impact on civilians of the conduct of the warring parties and lack of humanitarian access. Recently documented incidents have reinforced our earlier findings that the main cause of civilian casualties, arbitrary displacement, and destruction is the deliberate targeting of civilians, indiscriminate and disproportionate attacks, attacks on civilian and protected objects, and the punitive imposition of sieges and blockades.

With each passing day there are fewer safe places in Syria, as evidenced by the mass displacement of civilians within and out of the country. Indiscriminate attacks on civilian-inhabited areas are committed across the country by most, if not all, of the warring parties. Everyday decisions – whether to visit a neighbour, to go out to buy bread – have become, potentially, decisions about life and death. Large numbers of children have been killed in bombardments of their homes, schools, and playgrounds. The trauma experienced by civilians who live under indiscriminate fire, and who cannot predict when a deadly attack might arrive, cannot be underestimated. This is a suffering that knows no gender, ethnicity, or religion.

The Government, with its superior firepower and control of the skies, inflicts the most damage in its indiscriminate attacks on civilian-inhabited cities, towns, villages and makeshift IDP camps. Non-State armed groups continue to launch attacks on Government-held localities, usually from nearby ground positions, causing civilian deaths and injuries.

In no instance have the parties to the conflict shown any commitment to the paramount obligation under international law to distinguish between civilian and military objectives. Regardless of the belligerents involved, the majority of attacks are either not directed at a specific military objective or fail to employ a means of combat capable of being directed at such an objective.

In no instance have feasible precautions been taken to avoid or minimise incidental loss of civilian life, injury to civilians, and damage to civilian objects. Additionally both the Government forces – including paramilitary and other supporting militia – and multiple non-State armed groups continue to locate military objectives within or near densely populated civilian-inhabited areas.

The Government's campaign of shelling and aerial bombardment sits alongside the besieging of areas and the arrest and disappearance of predominantly fighting-age males from restive areas at its checkpoints. Their strategy appears to be one of making life unbearable for civilians who remain inside armed group controlled areas. The Government's relentless bombardment of areas held by armed groups has spread terror amongst the civilian population and prompted the arbitrary displacement of thousands. Those fleeing tend to be women and children, as men and boys above the age of 15 are more likely to be detained at checkpoints.

Shelling of civilian-inhabited areas by non-State armed groups – including but not limited to ISIS, Jabhat Al-Nusra, and Jaysh Al-Islam – have terrorised men, women and children living in localities held by the Government. Sending a message that they are a force to be reckoned with, these attacks also appear to be launched with the intention of punishing civilians for their perceived support of the Government. Where these attacks are launched on areas with minority communities, they create further divisions within Syrian society and risk inflaming sectarian tensions.

Government forces, anti-Government armed groups, and ISIS employ the use of sieges to devastating effect. The Government continues to besiege Yarmouk camp in Damascus as well eastern Ghouta and Zabadani in the Damascus countryside. These sieges have been on-going for more than two years and have resulted in civilians starving to death, or dying from chronic illness or injuries sustained in aerial bombardments for which there is little or no medical care available. It is estimated that 40% of the children in Yarmouk camp suffer from malnutrition. The denial and obstruction of food and other items indispensable to the survival of the civilian population aims to force restive areas into submission, as part of the Government's strategy of 'surrender or starve'.

Anti-Government armed groups have imposed sieges around the towns of Nubul and Zahra in Aleppo and, more recently, around Foua'a and Kafria in Idlib. The situation in these Idlib towns is reportedly dire – with little, if any, food or medicine available to civilians. In particular, milk for infants is desperately needed. Additionally, anti-Government armed groups have deliberately impaired the electricity and water supply to Government-held neighbourhoods of Dara'a and Aleppo cities, depriving civilians of access to potable water and sanitation.

The terrorist group ISIS is imposing a siege on Government-held areas of Dayr Az-Zawr city, home to a population of approximately 300,000 people, the majority of whom are civilians. In March 2015, ISIS called on civilians to leave the area. Those who attempted to leave were prevented from doing so by Government forces.

Sieges and the protracted denial of humanitarian aid, including food, have led to malnutrition and starvation. Rather than serving to weaken the military forces of the opposing side, it is civilians living in these areas who have suffered. Sieges and denial of aid have proved fatal for the most vulnerable. The elderly, infants and young children, those suffering from chronic illnesses, and those injured in shelling or bombardments are the most likely to perish. As sieges persist, the circle of casualties expands relentlessly. Trapped in an area without food and often under bombardment, a sense of desperation has gripped the civilian population. Severe psychological trauma exists in these besieged communities.

### *Excellencies,*

The continuing war represents a profound failure of diplomacy. Influential states have acted with equivocation in their efforts to extinguish the conflict in Syria. While upholding the need for a political solution, some have deepened their military involvement, accentuating the internationalisation of the conflict. Believing that military pressure is a prerequisite for any political process to succeed, external actors have flooded the warring parties they support with money, fighters, and weapons. This has only fed a brutal escalation of the armed violence that continues to take the lives of Syrian civilians.

Those who bear the greatest responsibility for the crimes, violations and abuses committed against Syrians fear no consequences. Over the last four years, the Commission has reported a litany of abuses, war crimes and crimes against humanity. Yet justice still seems well beyond our collective grasp. The absence of decisive action by the community of States, as a whole, has nourished a now deeply entrenched culture of impunity.

A war in which civilians are systematically killed, opponents are silenced, and communities are pitted against one another, requires more than compassion to resolve.

The Syrian people deserve an unambiguous commitment to helping them to return their country to peace. To create conditions amenable to negotiations is a shared responsibility. This cannot be achieved without the setting aside of the narrow national interests of a few

and the coming together of a community which holds within itself not only the ideals of human rights, but also a deepening realisation that, without peace and justice in Syria, all the world will suffer the consequences.

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