

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

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[Back](#)

17 March 2015

United Nations Human Rights Council

Geneva, 17 March 2015

*M. le Président
Excellences,*

As the violence in Syria has mutated from civil unrest into civil war, it has grown ever more brutal. The public squares where people gathered in March 2011 – exactly four years ago – now serve as monuments to destruction, the remnants of a once vibrant society. The neighbourhoods where Syrians dared to demonstrate and call for their civil rights have been reduced to rubble. World heritage sites have been turned into battlefields and archaeological sites, looted. With the violence in Syria now entering its fifth year, the country has been plunged into darkness.

Civilians have always been the primary victims of violence in Syria. Women and children, men and boys, the elderly, persons with disabilities, are treated as legitimate targets by Government forces, anti-Government armed groups, extremists and terrorist organizations. Children have been indoctrinated and instrumentalised on a massive scale. The men and women who aid those wounded or in need of humanitarian assistance are systematically arrested, detained, tortured and killed. The symbol of the Red Crescent has ceased to be a shield of protection.

The country's social base has been deliberately targeted. Lawyers, journalists and human rights defenders have been consistently abducted and silenced. Members of the National Coordination Body for Democratic Change, including Abdul Aziz Al-Khair, have been disappeared, as have Razan Zeitouneh and three of her fellow human rights defenders. Despite a 2013 UN General Assembly resolution calling for their release, this is the third year in detention for Mazen Darwish, Hari Zaitani and Hussein Ghorer from the Syrian Center for Media and Freedom of Expression. The Commission is concerned for the safety of these activists and joins the call for their release.

An alarming number of cases of sexual violence are still being committed inside Syria. Yazidi women and girls, abducted by ISIS in Iraq, are being sold and re-sold inside Syria, where they are held in sexual slavery. This terrorist group has brutally executed men

accused of homosexuality by throwing them off tall buildings. Both ISIS and Jabhat al-Nusra have stoned women to death on charges of “adultery”. Men, boys, women and girls have been subjected to rape and sexual assault in Government detention facilities, in particular in the investigation branches of the Military Intelligence Directorate and prisons administered by the General Security Directorate in Damascus.

Those who survive describe these detention facilities as multi-level underground cells, overcrowded and filthy. In these squalid conditions, diseases run rampant. Innocent men, women and children are brutally tortured and often left to die with no medical treatment for their wounds.

Aerial and ground weapons, both conventional and improvised, including bombs, rockets and missiles, have been used indiscriminately and disproportionately, killing tens of thousands of civilians. In February, Aleppo continued to be hit with barrel bombs. One victim, in intensive care in a hospital outside of Syria, described how over 90% of his neighbourhood had fled or been killed by indiscriminate bombardment. On 5 March, a Government fighter plane fired two missiles at a primary school in Idlib governorate, killing children. Armed groups have also directed their military capabilities against civilians. An armed group, Jaysh Al-Islam, targeted a hospital in Damascus in early February. ISIS has indiscriminately shelled civilian areas in its military assault on Ayn Al-Arab/ Kobane, killing Kurdish civilians as they fled.

The way this war has been fought, in urban areas with devastating explosive weapons, raises many questions. Even conventional explosive weapons are designed for open battlefields, rather than urban areas. There is an urgent need to curb the proliferation of small arms and the use of highly destructive explosive weapons that have devastated Syria’s towns and cities.

It is imperative that the flow of aerial bombs, mortars, artillery shells and ballistic missiles into Syria be stopped. Similarly, funds flowing into Syria that are used to support belligerents, including groups defined as terrorist organisations under Security Council Resolution 2170 should be cut off. The international community agrees that there is no military solution to this conflict. Yet, the arming and funding of the warring parties, compounded by the flow of foreign fighters, fuel the illusion that military victory is possible. Impunity emboldens perpetrators of atrocities and weapons empower them.

A culture of impunity has flourished inside Syria. For those who continue to commit violations of international law, there appears to be no fear of future accountability for their actions. Victims have a right to truth. As the High Commissioner stated last week, even if perpetrators are not held accountable immediately, “justice will be done,” and must be done in order to “honour the victims” and their kin. While the conflict rages on, the Commission is dedicated to not only bringing forth the voice of victims but also to finding a path to justice for them.

A coordinated accountability strategy and the will to implement it effectively are desperately needed. As we stated in our most recent report, we interpret our mandate in a way that is most conducive to the protection of the victims of the conflict.

Our aim has always been to advocate for and to support an effective remedy for victims. Essential to this is the holding of alleged perpetrators to account. We will not be releasing the list of names publicly now. We can best aid the pursuit of justice at this time through targeted disclosure. We will share names and information about specific alleged perpetrators with State prosecution authorities that are preparing cases to be heard before a competent and impartial judiciary. This will be a process that respects human rights, the fair trial rights of the accused, and the right to truth of the victims.

We will continue to provide prosecutorial and judicial authorities of such States with information from our extensive database to aid their domestic investigations and prosecutions, where interviewees have consented to that information being released. We encourage these authorities to contact us with requests for information.

We continue to advocate for a Security Council referral to the International Criminal Court or an ad hoc tribunal. In addition to ensuring that perpetrators of atrocities see their day in court, the Security Council should also adopt targeted measures. It is essential to curb the flow of arms and to hold entities – armed groups as well as military and security forces – named in our reports as bearing responsibility for gross violations of human rights – accountable.

Excellences,

It is now over 1400 days since the unrest in Syria began, and it is apparent that violations against civilians and *hors de combat* fighters by all sides continue with little regard to law or to human dignity.

Almost 3.9 million Syrians now live as refugees, mainly in countries bordering Syria. The host countries – amidst concerns about the impact on their population and their internal stability – have each taken in hundreds of thousands of Syrians and are generously providing for them as best they can. However, many Syrians are now stranded at the borders, prevented from accessing the relative safety of the refugee camps. Others, having fled war, are now drowning in the Mediterranean Sea in ill-fated attempts to reach Europe. Countries other than those neighbouring Syria must do more to shoulder the responsibility toward Syrian refugees.

UN agencies and NGOs are doing remarkable work providing food, healthcare, training and education to those in need. The movement of cross-border aid, authorised under Resolution 2191, has extended a lifeline to those still inside Syria. Unfortunately, efforts to provide cross-line aid have been less successful. Member States have pledged funds to cover the growing humanitarian needs. Only half of these pledges have been realised. The Commission supports the efforts of Special Envoy Staffan de Mistura to restart the political process. Other efforts, such as the Moscow and Cairo initiatives which seek to bring various parties together for dialogue, deserve support and time to develop.

This war is a chronicle of missed opportunities on the part of states with political influence and the broader international community. It is time to find solutions to the obstacles that have remained constant while the death toll has climbed. There is an

obligation to bring this war to a close. This Human Rights Council must demand that the international community unite to bring about an urgent diplomatic solution capable of ending the violence and delivering perpetrators to justice.

Thank you.

[Back](#)