

Check against delivery

**United Nations Human Rights Council
24th Session**

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

Geneva, 16 September 2013

*M. le Président,
Excellencies,*

In Syria, fighting rages on. Civilians across the country face daily indiscriminate shelling and bombardment by Government forces. Many towns and villages remain besieged, while torture is systematically employed in Government detention centres. Extremist anti-Government armed groups have targeted civilians in attacks across the northern governorates. The methods of warfare used spread terror among the civilian population. Tens of thousands of lives have been lost.

The vast majority of the conflict's casualties result from unlawful attacks using conventional weapons such as guns and mortars. Nevertheless, the debate over what international action to take, if any, assumed new urgency following the alleged use of chemical weapons on 21 August.

The use of chemical weapons is a war crime. It is proscribed by international customary law and numerous international Conventions. These include the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. This Convention will enter into force for the Syrian Arab Republic on 14 October 2013 following the deposit of the instrument of accession on 14 September.

The Commission, while awaiting the report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons, is continuing its investigations regarding the perpetrator of the attacks and will report to this Council according to our mandate.

Today I am providing an update on developments in Syria, including violations committed since 15 July. Over six million people are refugees or internally displaced persons (IDPs). More than two million have crossed the borders, seeking safety in Turkey, Jordan, Lebanon, Iraq and elsewhere. Millions more have left their homes, braving shelling and the dangers of the ever-present checkpoints, to seek shelter inside Syria. Recent financial pledges for humanitarian purposes, while representing a step in the right direction, have fallen short of covering the enormous and growing needs of Syrians, the agencies supporting them and the generous host countries.

The Government has continued its relentless campaign of air bombardment and artillery shelling across the country. We have documented unlawful attacks in 12 of the 14 governorates. Shelling has been particularly intense in the cities of Damascus, Homs and Aleppo as well as their countrysides. Cluster munitions continue to be dropped on civilian areas, notably in Idlib governorate.

Survivors of an attack on a school in Awram al-Koubra, Aleppo countryside on 26 August detail an incendiary bomb being dropped from a Government fighter jet. In the ensuing blaze, eight students died immediately. Fifty others, between 14-17 years old, suffered horrific burns over up to 80% of their bodies. Many are not expected to survive. There is no evidence of any opposition fighters or lawful targets near the school.

Government forces continue to employ sieges as a method of warfare. As the Government encircles eastern Al Ghouta in Damascus, and Nawa in Dara'a, army checkpoints prevent the flow of food, water, fuel and medicine into these areas, with devastating consequences for civilians inside. Sieges violate the fundamental and non-derogable rights to health, life, food and human dignity of the entrapped populations.

Internally displaced persons fleeing restive areas, such as Homs, are particularly vulnerable. Stalked by shelling, they are also at risk of being arbitrarily arrested and unlawfully detained at Government checkpoints. In the southern governorates, there has been an increase in attacks – including unlawful killings – on the Bedouin communities, perceived to be supporting the armed opposition.

Children make up a large proportion of civilian casualties. They have been arbitrarily arrested and tortured. Children have been unlawfully detained in cells with adult detainees. The Government should take steps to release children from detention or to transfer them to a juvenile justice system consistent with both fair trial and children's rights.

Government forces continue to launch attacks on medical personnel and hospitals. As detailed in our conference room paper, "Assault of Medical Care in Syria", the discriminatory denial of the right to health as a weapon of war has been a chilling feature of this conflict. Attacks on hospitals have occurred as recently as 12 September, when Government planes attacked a field hospital near Aleppo city, reportedly killing 11 people, and wounding dozens more.

Anti-Government armed groups have also launched attacks on medical personnel and hospitals. On 16 August, fighters affiliated to Jabhat Al Nusra and Islamic State of Iraq and Al-Sham attacked a Kurdish Red Crescent ambulance in Aleppo governorate. The driver, a patient and a paramedic were killed. Such incidents, where the sanctity of medical care is disrespected and the sick and wounded are targeted, have become an agonizing reality.

Syria has become an increasingly dangerous place for journalists to work. A disturbing pattern of harassment, arrest and detention of journalists, especially foreigners, has emerged. In the last six weeks, reports have been received of journalists kidnapped by extremist anti-Government armed groups.

Across northern Syria, there has been an upsurge in crimes and abuses committed by extremist anti-Government armed groups along with an influx of foreign fighters. Entire brigades are now made up from fighters who have crossed into Syria, with Al Muhajireen being one of the most active.

A number of unlawful killings have been reported, including accounts of an execution of captured Government soldiers in Khan Al-Asal and the killing of Kurdish civilians in Tel Arab, Tel Hasel and Tel Abyad, all reportedly occurring in late July. In early August, reports emerged of mass killing in Alawite villages in northern Latakia. These incidents are under investigation. Al Hasakah governorate has been gripped by a wave of car bombs. Such attacks have killed not only members of the Kurdish People's Protection Units (YPG), but also many civilians.

Hundreds of Kurdish civilians in northern Aleppo, Al Raqqah and Al Hasakah have been taken hostage by extremist anti-Government armed groups in order to effect prisoner exchanges. In late July in Tel Abyad, a town in northern Al Raqqah, Kurdish civilians were taken hostage by the Islamic State of Iraq and Al-Sham.

Thousands of Syrian Kurds have crossed into northern Iraq and southern Turkey in the last two months. They are fleeing not only the fighting but also the deteriorating humanitarian conditions inside the Syrian Kurdish areas. The impact of hostilities on the socio-economic rights of Syrians has become a driving force of displacement.

Failure to bring about a settlement has allowed the conflict not only to deepen in its intransigence but also to widen – expanding to new actors and to unimaginable crimes. Neither law nor decency has restrained the behaviour of the parties.

Influential states have an obligation to ensure that the parties to the conflict comply with the laws of war. Supplies of weapons to all sides have enabled escalation of the conflict, and with it, jeopardised the protection of civilians. Arms transfers should not occur where there is a real risk that they will be used in the commission of crimes against humanity, violations of international humanitarian law, or war crimes. In Syria, this is a tragic reality.

The latest diplomatic efforts in Geneva promise a framework to remove chemical weapons from the arsenal of an increasingly unpredictable war. Beyond this, we glimpse a more distant window of opportunity: that such dialogue may – *may* – form the bedrock of a broader negotiation leading to a political settlement of the conflict.

Thank you.