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## مجلس حقوق الإنسان

الدورة الثامنة عشرة

البند ٤ من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

### مذكرة شفوية مؤرخة ٤ تموز/يوليه ٢٠١١، موجهة من البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف إلى رئيس مجلس حقوق الإنسان

تهدي البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف تحياتها إلى رئيس مجلس حقوق الإنسان وتشرف بأن ترفق نسخة من المذكرة الشفوية التي أرسلت إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان في ٢٧ حزيران/يونيه ٢٠١١ بخصوص تقريرها التمهيدي عن حالة حقوق الإنسان في الجمهورية العربية السورية، على نحو ما طلبه مجلس حقوق الإنسان في قراره د-١٦/١.

وتبيّن المذكرة الشفوية بالتفصيل ما يتضمنه التقرير من تضليل إعلامي ومغالطات، ولا سيما اعتماده الشديد على تقارير صادرة عن وسائل إعلام وغير مثبتة بأدلة لإطلاق اتهامات خطيرة ضد سورية بارتكاب انتهاكات لحقوق الإنسان. وقد أثر التقرير تقييم الحالة تقييماً مغرضاً من جانب واحد، مغلقاً الباب أمام أي مصدر آخر للمعلومات. ولم يشير التقرير إلى الانتهاكات الجسيمة لحقوق الإنسان التي ترتكبها العصابات المسلحة ضد المدنيين الأبرياء وعناصر الأمن والجيش. كما أنه لم يشير إلى الخطوات الإصلاحية التي اتخذتها الحكومة؛ علماً بأننا لم نذكر هنا إلا بعضاً من النقاط الواردة في التقرير.

إن هذا النهج المتحيز الذي اتبعته المفوضة السامية يلقي ظلالاً قاتمة على موضوعيتها ونزاهتها في تناول الحالة في سورية.

وترجو بعثة الجمهورية العربية السورية من رئيس مجلس حقوق الإنسان أن يتفضل باعتبار هذه المذكرة الشفوية والمذكرة المرفقة بها\* وثيقة من وثائق الدورة الثامنة عشرة للمجلس المقبلة. وترجو البعثة أيضاً أن تترجم الوثيقة إلى جميع اللغات الرسمية للأمم المتحدة.

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\* مستنسخة في المرفق، كما وردت، وباللغة التي قُدمت بها فقط.

## Annex

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the High Commissioner for Human Rights, and with reference to the preliminary report issued by the High Commissioner on the 14th of June 2011 regarding the situation of Human Rights in the Syrian Arab Republic as mandated by the Human Rights Council resolution S-16/1 of 29/4/2011, has the honour to inform the High Commissioner of its shock at the unrealistic approach used by the High Commissioner towards the situation of human rights in Syria.

The report relied on media reports, as is evident from the footnotes of the report itself, and on unverified allegations, to make serious human rights accusations against Syria. The report was prepared with a premeditated goal. It is biased and unprofessional. Despite that, and since the Syrian Arab Republic is keen on clarifying all the facts, and since it wishes to continue the dialogue with the High Commissioner to promote and protect human rights in accordance with her mandate and with respect to the Syrian sovereignty, the Syrian Arab Republic would therefore kindly inform the High Commissioner of the following:

1- In his speech of 20/6/2011, H.E. the president of the Syrian Arab Republic clarified the comprehensive national plan for political, economic and administrative reform that is being conducted within a clearly defined and short timeframe. It seeks to meet all the demands of the Syrian people which became clear through the number of meetings H.E. the president had with different social groups over a 2 month period, including the trend to conduct substantial amendments to the constitution, or even replace it with a new constitution.

2- The right to peaceful assembly is enshrined in the Syrian Arab Republic in accordance with the constitution and the national and international commitments of Syria. Even though the High Commissioner was informed of the decree no: 54 of 21/4/2011 that regulated the right to peaceful assembly as a basic human right guaranteed by the constitution of the Syrian Arab Republic, yet she refrained from presenting it in her report, for reasons well known by now, and chose to present it as an 'intention'.

3- The citizens of the Syria called for a number of legitimate demands for reform. The government is working to implement them within the law and in a manner to respect the law and serve the interests of the people. The High Commissioner was officially informed, through a number of verbal notes, of the steps that were taken in this context such as: lifting the state of emergency, abolishing the state security court, issuing a new law for peaceful assembly, a first in Syria and is in accordance with the highest international standards. In addition to other measures to combat corruption, and meet the public demands in issues related to the every day life of citizens. Many more reforms are underway. Yet none of this found its way to this report.

4- The Syrian government has become certain that there are foreign regional and international forces, acting to destabilize security and stability in Syria through exploiting legitimate demonstrations and calls for reform. It also became evident that there are armed groups that do not want reform, but want to overthrow the regime and establish salafist emirates. And instead of retreating in the face of reform measures undertaken by the Syrian leadership, they answered by seeking sectarian rifts and by escalating attacks against innocent civilians and against army posts. They also answered with destroying security enforcing forces headquarters, killing their personnel and mutilating their corpses (as was the case of the brigadier- general Abdu Khidr Tilawi and his three children), forcing schools to shut their doors. Furthermore three mass graves dug by the armed groups and fundamentalist forces were discovered. Members of the diplomatic corps in Damascus, international Organizations, and the international media witnessed the last one.

5- In the city of Talbise in the governorate of Homs, for example, armed men cut off the international highway for long hours and attacked policemen who had strict instructions not to assault or harass the demonstrators. This led to a number of casualties, which in turn led to the intervention of the army. In Jisr al-Shughur the armed groups have gained control of the city and terrified the residents. This made them call for the military intervention to protect them from the armed groups.

6- The armed groups that raise havoc in Syria killed a large number of innocent civilians and security personnel. Security personnel have exercised maximum restraint while trying to control the situation. This led the armed groups to exploit the situation and increase their attacks on civilians (as per our verbal note to the High Commissioner no:213/11 dated 15/4/2011). However, the High Commissioner chose to ignore all this information and to ignore the horrific violations of human rights such as extrajudicial killings, abductions, torture and other crimes committed by those groups. She made no reference to these crimes in any way, and aligned herself with one side and established herself as its defender.

7- What happened in Syria lately, and what is still going on, is not related in any way to peaceful demonstration. Rather, we are up against acts of destruction, and terrorizing people. This has largely affected the markets, the national economy and tourism. It also affected the feeling of security by Syrians, a feeling Syria takes pride in.

8- The fundamentalist leadership outside Syria mainly guides the protests, in synchronization with issuing many 'fatwa's' outside Syria calling for resisting the authority through abusing Friday prayers to incite violence, to destroy, to kill, and extend the sphere of chaos. A number of phone calls of those who have incited violence have been intercepted. And even though they were aired on a number of the media channels (including some of which the High Commissioner cited in her report) the High Commissioner refrained from referring to these cases. Collaborators of that leadership inside Syria, and a number of Jihadi Salafist groups and paid men, attacked the army, the police and the security. What is going on now is a repetition of what Syria witnessed in the 1980s but with modern tools. At the time, Syria paid the price of terrorist activities dearly with its best scientist, intellectuals, and sons. For this reason, the state has to take measures to protect its citizens, the private and public establishments, and protect its economy from this haemorrhage. It is unacceptable for the state to stand by watching while the electricity stations, TV. buildings, land registries, schools and hospitals are burnt down, and ambulances, paramedics, telephone and telecommunication centres are targeted, as was the case in Jisr al-Shughur, where representatives of the foreign embassies and UN agencies made a first hand evaluation at the situation.

9- This was accompanied with an unprecedented incitement campaign against Syria in a number of media outlets. A number of satellite channels lately aired photos and videos of people injured or killed during the protests. It was later proved that they were clips from other countries or even totally fabricated. A number of satellite channels aired the way these clips were fabricated and produced to present events from outside Syria as happening in Syria. Reuters, other news agencies and television channels apologized for airing misinformation or information from events in other countries. Unfortunately, the High Commissioner chose not to mention this, neither did she refer to the information and videos sent to her by the Mission in the Verbal Note of 14/6/2011. She chose to close her ears to any neutral or objective voice.

10- The Syrian Laws, as in other countries, demand that journalists wishing to enter its territory, to do so in a legitimate and legal way, and not through presenting wrong information and invalid documents. It is surprising to single out the case of the Al Jazeera reporter as a proof to what the High Commissioner called 'deportation of foreign journalists'. This journalist entered Syria with an expired passport and irregular documents. This is illegal and no country in the world would accept it.

11- The High Commissioner refrained from mentioning 260 deaths from members of the security and the army. Some were killed while they were outside working hours. As for the injured from army and the security, they have reached 8.000 casualties.

12- In an effort to protect its borders, Syria discovered a large number of smuggled weapon shipments and arms supplies used by the armed groups to strike at security and order in Syria using foreign finance. No country in the world accepts this. It is a matter of national security. Those groups were tracked down, and a number of them were arrested, while others fled outside the country. The national TV aired their confessions, showing the foreign involvement in supporting them financially and logistically. They also confessed to the large amounts of money they received for the crimes they committed, and which cannot be justified under any human rights bill. It is worth noting that the weapons being used currently by the armed groups against the civilians, the security and army are advanced weapons. They range from machine guns to RBGs, bombs, other weapons and advanced communication systems that are not compatible with allegation of peaceful protest, and show a high level of training and prior preparations for acts of violence and killings.

13- In addition to all above, the report contained a number of fallacies. The Mission of the Syrian Arab Republic would like to hereby present some:

a- In paragraph 6 of the report the High Commissioner alleged that ‘helicopter machine guns were also said to have been used during a military assault on the town of Jisr al-Shughur’. This is not true. One helicopter was used in an exploratory mission to find out what was happening on the ground due to the siege imposed by the armed groups on security headquarters in the city. That helicopter never took part in any military activities.

b- The allegation in paragraph 7 that ‘while women and children were among those detained, human rights defenders, political activists, and journalists were particularly targeted’, is a reprehensible allegation that serves only to smear the image of Syria, a campaign that is being conducted by media outlets. It is a fact that there are many Syrians who express their different views through all media outlets, and from within Syria, without being harmed in any way.

c- The High Commissioner referred in paragraph 8 of her report to the case of Syrian Child Hamza alkhatab, as presented in the media. she ignored the ad hoc committee set up in Syria to investigate the death of the child and the affirmative conclusions it reached on the circumstances of his death, including the lack of traces of torture on his body. The High commissioner was informed of this in the Missions’ verbal note no: 311/11 dated 14/6/2011.

d- Paragraphs 9 and 10 of the report, claimed that the Syrian authorities violated the freedoms of assembly, expression and movement. There is no better proof of this fallacy than the declaration of the Syrian authorities, at the highest levels, that they respects peaceful assemblies and that they are making every effort to study and meet the demands of the protestors.

14- The Mission rejects the use of the term ‘Syrian Government claims 120 security personnel in attacks’ in the city of Jisr Alshugour. At the time when she did not use the term to refer to media and NGO reports. In fact she used terms such as ‘reliable sources’ while quoting those reports. This proves she intends to adopt a one sided approach and align herself with this side, refusing to deal in an impartial manner with all that is presented to her by the Syrian Government. This in turn sheds doubts on carrying out her mandate impartially and objectively.

15- Syria reiterate that it is proceeding in the road to reform as announced by H.E. the President, and its persistence in meeting the legitimate demands of its citizens and

protecting their lives and properties, and stresses that it will not allow terrorism and fundamentalism to claim the lives of Syrian citizens.

16- The Syrian Arab Republic expects the High Commissioner to carry out her work in an impartial and objective manner with the aim of protecting victims of human rights violations, and promote and protect human rights within her mandate and without politicization. The position taken by the High Commissioner, through relying on misinformation, does wrong to the Syrian people, and to the blood of the innocent casualties. This puts the High Commissioner in a position as if take part in the hatred campaign against Syria launched by other organizations, in order to undermine the Syrian peoples national interests.

Finally, the Syrian Arab Republic reiterates its readiness to cooperate with the High Commissioner for Human Rights and her office, to promote and protect human rights, in a framework of impartiality, objectivity, non-politicization and without adopting one point of view against another, and within the mandate of the High Commissioner, and within respect to the sovereignty of the Syrian Arab Republic and its freedom to make its political choices within its national and international human rights commitments.

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

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