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**“The Human Rights Crisis in Syria”**



Mr. Chairmen, Commission members:

Thank you for organizing this hearing to address the human rights crisis in Syria. Since peaceful protests began over a year ago, the Syrian government has been engaged in a vicious crackdown against its citizens that has only escalated in the last few months, starting with security force shootings of demonstrators and now turning into a massive military assault including the shelling of major cities. The crisis shows no sign of letting up in the near future, as the government seems determined to finish off its opponents, no matter what crimes it must commit to do so, while the opposition seems equally determined to continue, no matter the price it must pay. Right now, the outcome is far from inevitable. We cannot assume that the Assad government will fall, as has happened in other countries in the Arab region. Government forces could simply continue their killing until no opposition is left—such tactics have been employed by other governments, like that of Sri Lanka, in the recent past, at a horrifying cost in human lives.

Both the UN High Commissioner for Human Rights and the Commission of Inquiry (COI) established by the UN Human Rights Council have asserted that crimes against humanity are occurring in Syria. Human Rights Watch's own investigations into human rights violations in Syria, including evidence from hundreds of victims and witnesses, support the COI's conclusion that the Syrian government's "forces have committed widespread, systematic and gross human rights violations, amounting to crimes against humanity, with the apparent knowledge and consent of the highest levels of the State." Violations include the use of snipers to target civilians, enforced disappearances, rampant use of torture, and mass arbitrary detentions. The government's intense shelling of Syrian cities, including Homs and Idlib, and the devastation wrought on civilians in those cities, have taken these violations to a new level. The crisis has also resulted in massive displacement of civilians who have fled their homes and in many cases sought refuge in neighboring countries.

The situation urgently requires a coordinated international response including unity in the Security Council; pressure from regional actors in the Arab League and neighboring countries that have already agreed in principle to a number of steps; the engagement of the United Nations; and, if a political settlement were achieved, significant international assistance. The United States needs to work with other countries on this issue, but strong US leadership is also crucial to ensure a meaningful response.

## **Escalating Abuses by the Syrian Government**

The human rights crisis in Syria began over a year ago, after protests broke out on March 18 in the southern city of Daraa, in response to the arrest and torture of fifteen school children by the Political Security Directorate, one of Syria's intelligence agencies. Attempting to suppress the demonstrations, security forces opened fire on the protesters, killing at least four. Within days the protests grew into rallies that gathered thousands of people and quickly spread to the rest of the country in a show of sympathy with the Daraa protesters. Over the following months, security forces responded by killing and arbitrarily detaining thousands, including children, holding most of them incommunicado, and subjecting many to torture.

The security forces also launched large-scale military operations in restive towns nationwide, resulting in mass killings, arrests, detentions, looting, destruction of property, and massive displacement as well as the use of torture by security forces and armed members of pro-government groups, called *shabeeha*. In July of 2011 security forces stormed Hama, which had witnessed the largest anti-government protests in Syria until that date, killing at least 200 residents in four days, according to local activists. Security forces also stormed the neighborhoods of Bab Sba`, Baba Amr, and Bayyada in Homs on multiple occasions between May and September of last year.

Syrian authorities repeatedly claimed that security forces were responding to armed attacks by terrorist gangs. But in most cases that Human Rights Watch documented, witnesses insisted that those killed and injured were unarmed and posed no lethal threat. Our findings reflect that the protest movement in Syria was overwhelmingly peaceful until September 2011. Instances where protesters used lethal force against Syrian security forces were limited, and often came in response to lethal force by security forces.

Since then a growing number of military defectors and local residents have decided to resort to arms, saying they are defending themselves against security forces' raids or attacking checkpoints and security facilities in their cities.

Starting in early February of this year, the government significantly escalated its abuses in many areas of the country.

I want to stress that Human Rights Watch has no direct access to Syria today. And while earlier in the crisis we were able to at least be in regular contact with activists and journalists on the ground, even that type of communication has become much more difficult, as phone access has been blocked and violence has made the situation even more fluid and unpredictable. Journalists have largely been forced to stay out of the country due to the high risks they would face—as the deaths by shelling of Marie Colvin, Remi Ochlik, Gilles Jacquier and others made clear.

As a result, collecting information about what is happening in Syria today is extremely difficult. The situation we have been able to document is extremely disturbing, but we are just as concerned by what we do not know and have been unable to confirm as by what we do know.

We have encouraged the United States to publish satellite imagery of Syria as a way to make clear to the Syrian authorities that even if they limit access and throw out all the journalists, there are still ways of recording some of what they are doing.

What we have been able to confirm is that since February the Syrian Army has been engaged in a campaign of indiscriminate shelling in several towns and cities across the country, leading to high rates of civilian deaths. We have also recently documented Syrian government forces' use of antipersonnel landmines, as well their use of local residents as human shields, by forcing them to march in front of the army during recent arrest operations, troop movements, and attacks on towns and villages in northern Syria.

But we are equally concerned about what is happening after the shelling is over and Syrian forces move into cities or neighborhoods that were opposition strongholds. In the past year the Syrian forces have engaged in a clear pattern of mass detentions and widespread use of torture, which give us grave reasons for concern about what may be happening to people once they are in Syrian custody. We also know, through witnesses who escaped to Turkey, that government forces executed captured and wounded opposition fighters in Idlib on March 10-11 and in Kherbet al-Jawz near the Turkish border on March 18, and we are actively working to investigate many other similar and deeply disturbing reports that we have received of executions of fighters and civilians.

#### *Indiscriminate Shelling of Homs, Idlib, and Al-Qusayr*

Local sources have reported that approximately 700 civilians were killed and thousands wounded in the month after the military bombardment of Homs began on February 3. Video footage from Homs reviewed by Human Rights Watch indicates that the army has used Russian-made 240mm mortar systems there. These systems fire the world's

largest high explosive mortar bomb, designed to “demolish fortifications and fieldworks” according to a Russian arms merchandizing catalogue. We do not know when the Syrians acquired these weapons.

Marie Colvin, one of two Western journalists killed in Baba Amr on February 22 by Syrian army shelling, had reported the previous day that she had witnessed 14 shells fall on the neighborhood in the span of 30 seconds and had watched a baby die of shrapnel wounds for lack of proper medical care. Another Western journalist who was in Baba Amr from February 15 to 17 told Human Rights Watch that “on a good day, a shell hit the neighborhood every 4 to 5 minutes while on a bad day, they heard 55 shells in 15 minutes.”

In the weeks following the large scale military operation in Homs, similar operations have begun in other cities, including Idlib city and al-Qusayr, a city of approximately 40,000 in Homs governorate near the Lebanese border.

In Idlib, one of the latest opposition strongholds to come under attack by Syrian security forces, Syrian activists compiled a list of 114 civilians killed in the first five days of the military assault that began there on March 10, 2012. Five witnesses, including three foreign correspondents, gave separate accounts to Human Rights Watch that government forces used large-caliber machine-guns, tanks and mortars to fire indiscriminately at buildings and people in the street. After they entered Idlib, government forces detained people in house-to-house searches, looted buildings, and burned down houses, the witnesses said.

Government forces also detained scores of people during the offensive, both in Idlib and in surrounding towns. Some were released, while others are still in detention.

Witnesses from the towns of al-Janoudyah, Kafr Nabl, Kafr Rouma, and Ayn Larouz in the Idlib governorate told Human Rights Watch that they saw the army and pro-government armed men use civilians as human shields, by forcing people to march in front of the advancing army during the March offensive to retake control of areas that had fallen into the hands of the opposition. From the circumstances of these incidents, it was clear to the witnesses that the purpose of these actions was to protect the army from attack.

The witnesses interviewed by Human Rights Watch said that it is very difficult for people to leave the city, as the Syrian army controls the highway that encircles Idlib, forming a belt around the city. Landmines planted by government forces along the border with

Turkey have made it even more difficult for people to flee the government's onslaught. One witness estimated that 85 percent of Idlib's population is still in the city.

In al-Qusayr, witnesses who spoke to Human Rights Watch described similarly dire conditions, including the heavy shelling of residential neighborhoods, snipers shooting residents on the streets, and attacks on fleeing residents, including children. Since at least the end of February, witnesses, many of whom were injured in the attacks, said the army has been launching dozens of 81-mm and 121-mm shells into the town on a daily basis. Some reports indicate that following withdrawal of the opposition Free Syrian Army from the Baba Amr neighborhood of Homs on March 1, fighters retreating from Homs moved on to al-Qusayr.

### *Humanitarian Access, Plight of Refugees*

The assault on Homs, Idlib, and other cities has also contributed to a dire humanitarian situation, as hospitals have quickly become overwhelmed.

Syrian authorities have allowed little humanitarian access into Syria. The International Committee of the Red Cross (ICRC) reported on March 19 that it was able to send 12 truckloads of supplies to Aleppo and Homs provinces but that its request for a daily two hour humanitarian pause to deliver assistance has gone unmet despite indications of support from the Russian minister of foreign affairs. Witnesses also told Human Rights Watch that food and water are scarce, communications have been cut, and medical assistance is virtually non-existent, contributing to the rising death toll as doctors are unable to treat the wounded. A nurse from al-Qusayr told Human Rights Watch that the hospital in al-Qusayr where she used to work closed six months ago and was taken over by the military. Other witnesses corroborated this evidence.

In a March 15 statement, Valerie Amos, the Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, renewed OCHA's call for unhindered access for humanitarian organizations in Syria to assess needs and provide assistance. A government-led assessment of humanitarian needs in Homs, Hama, Tartous, Lattakia, Aleppo, Deir el Zour, the Damascus countryside, and Dara'a was reported to be underway as of March 19.

The violence has caused a large exodus of Syrian refugees. The UN High Commissioner for Refugees is still assessing the exact number of refugees, but its latest reports indicate that there may be more than 40,000 in Turkey, Lebanon, Jordan, and Iraq. A significant number of Syrians are internally displaced. We have unfortunately also documented Syrian forces' use of antipersonnel landmines along the borders with Turkey and

Lebanon—another blatant example of disregard for human life that has already caused civilian casualties.

### **Armed Opposition Group Abuses**

Human Rights Watch has documented abuses by some armed opposition elements, including kidnapping, detention, and torture of security force members, government supporters, and people identified as armed members of pro-government groups, called *shabeeha*. We have also received reports of executions by armed opposition groups of security force members and civilians. Some of the statements collected suggest that certain armed attacks by opposition groups were motivated by anti-Shia or anti-Alawite sentiments arising from the association of these communities with government policies.

Many of the antigovernment groups reported to be carrying out abuses do not appear to belong to an organized command structure or to be following Syrian National Council (SNC) orders. But Syria's opposition leadership has a responsibility to speak out and condemn such abuses. On March 1 the SNC created a military bureau to liaise with, unify, and supervise armed opposition groups, including the Free Syrian Army (FSA). Human Rights Watch has called on members of the Syrian opposition, including the SNC and the FSA, to pledge to respect the human rights of people in areas where they may have control and to condemn any human rights abuses for which armed groups may be responsible, particularly attacks targeting members of minority communities. Members of the Syrian opposition should make clear that they envision a Syria that welcomes all without discrimination.

Human Rights Watch welcomes reports from March 22 indicating that the SNC is developing a code of conduct for armed opposition groups and that it condemns human rights abuses by armed opposition groups in Syria.

These abuses by opposition forces are serious and it is critical that international community not turn a blind eye to them. At the same time, it is important to recognize that the evidence available suggests that they do not appear to be systematic. Violations committed by armed members of the opposition do not in any way justify the brutality of the government.

Accordingly, the international community should not treat opposition force abuses as an excuse for inaction, but rather as a reason to call on opposition forces to address them, and a cause for concern about the risks of not addressing the ongoing human rights abuses in Syria.

## **International Action**

Many in the international community and the United States have been debating the proper response to what is happening in Syria. Some of the options under discussion include the use of military force. Human Rights Watch is limited in its ability to advise on whether any of the options involving use of military force in this case would make the situation in Syria better or worse.

We can, however, point to some other measures, that might prove to be helpful. It is impossible to predict whether these measures alone would succeed in ending the human rights crisis. But everyone, no matter their view on the wisdom of more direct intervention, should work as hard as possible to maximize the effectiveness of sanctions, diplomacy, and other steps that the international community has embraced in principle but not fully implemented in practice.

On March 21, through a presidential statement, the United Nations Security Council unanimously gave its backing for a diplomatic mission being led by Special Envoy Kofi Annan. It also requested that the Syrian government immediately “end the use of heavy weapons in population centers” and “ensure timely provision of humanitarian assistance to all areas affected by the fighting.” The Council also asked the Syrian government to “intensify the pace and scale of release of arbitrarily detained persons” and “ensure freedom of movement throughout the country for journalists.” This is a good first step, and it is significant that Russia has supported this statement. But it is a non-binding statement and it is not at all clear if this will be enough to convince the Assad government to cease its abuses, which continued even during Annan’s meeting with Assad.

Human Rights Watch urges the UN Security Council to go further and to pass a resolution to:

- Impose targeted sanctions, including travel bans and asset freezes, on those responsible for the ongoing violations;
- Demand access for humanitarian workers, journalists, and human rights monitors;
- Demand cooperation with the Commission of Inquiry established by the UN Human Rights Council;
- Refer the situation in Syria to the International Criminal Court.

Unfortunately, Russia and China have repeatedly blocked international action at the UN Security Council, by twice vetoing very basic resolutions condemning the abuses in Syria. Their support for the recent presidential statement is an improvement over their



previous intransigence, but its significance remains unclear. One key task for the United States and other actors is to seek ways to increase the pressure on these two countries to support meaningful international action.

Also, regardless of what action is taken at the Security Council, all countries should be working in a coordinated way to pursue the goals described above. In particular, the League of Arab States, which has already announced sanctions on Syria, should ensure that all its member states are in fact enforcing those sanctions. Also, member states of the Security Council and of the League of Arab States should publicly support referral to the ICC as the forum most capable of effectively investigating and prosecuting those bearing the greatest responsibility for abuses in Syria. France has already done so through a statement by its foreign minister on February 27, but the United States has not yet.

All countries should take immediate measures to provide at least temporary protection to Syrian civilians and habitual residents of Syria (e.g. Palestinians who reside there) who are fleeing conflict and in some cases persecution. The United States took a positive step in this regard by designating Syrian nationals currently in the United States for Temporary Protected Status, which grants them the right to remain in the US until the authorities decide that the security situation in Syria has improved.

The need to effectively protect those fleeing the turmoil in Syria is particularly significant for members of the League of Arab States. While Syria's neighbors, so far, have kept their borders open to Syrians, we are particularly concerned that the United Arab Emirates has cancelled residency permits of Syrian nationals in its territory because they engaged in nonviolent protests against the Syrian government in Dubai. We are also concerned by a report that Jordan has refused entry to a Syrian national seeking safety at its airport and has charged another Syrian in Jordan at the State Security Court with illegal entry. In addition, Lebanon has arrested some Syrians who escaped to Lebanon solely on the basis of illegal entry. While most were subsequently released, at least one Syrian refugee remains in detention solely for his illegal entry into the country. International law forbids the penalization of asylum seekers and refugees for the way in which they entered the country of refuge.

The United States and other concerned countries should also take steps to ensure that the arms supply to the Syrian government is cut off. Public information sources indicate that Syria's main weapons supplier is Russia's state-owned arms trading company, Rosoboronexport. Human Rights Watch is in the process of writing to Rosoboronexport, calling on it to cease its dealings with Syria and warning that in light of the compelling evidence that crimes against humanity are being committed in Syria, its continued

dealings with the Syrian government place it at risk of complicity in such crimes. Given the context of crimes against humanity, governments and companies around the world should announce that they will not to enter into any new commercial contracts with companies such as Rosoboronexport until the arms suppliers verifiably cease providing weapons to Syria. Companies and governments should also consider suspending any current dealings with such companies until they conduct a full review of the suppliers' role in providing support and assistance, direct or indirect, to the Syrian Army's abuses, and their risk of complicity. This could include any commercial contracts such as weapons deals, planned appearances in arms trade shows, and advertising in industry publications.

Finally, it is worth remembering, as the United States considers the various options available to it, that it cannot avoid making a decision about how to address the crisis in Syria. This is an extremely complicated situation and reasonable people who care deeply about the plight of the Syrian people will disagree about the right approach. But to avoid a decision on what action to take amounts to the same thing as deciding to take no action. It is crucial, therefore, that the United States refrain from engaging in wishful thinking or backing into a position that it has not thought out well. Rather, it should consciously weigh the costs and risks of different courses of action, settle on a strategy that will address the human rights abuses, and pursue it vigorously.