

The United Nations Accuses Syria of “Crimes against Humanity”

The standard of proof is one of ‘reasonable suspicion’.

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The latest report on Syria published by the UN Human Rights Council Commission of Inquiry was the object of “an urgent debate” on the issue on February 28.

According to a UN press release:

Nassir Abdulaziz Al-Nasser, President of the United Nations General Assembly, said the report on Syria published by the Commission of Inquiry provided a dire image of the situation on the ground. The Syrian Government had **manifestly failed in its duty to protect its people**. Its forces had committed **gross human rights violations**. (Human Rights Council, [Human Rights Council holds urgent debate on Human Rights and humanitarian situation in Syria](#), February 28, 2012)

However, the Commission of Inquiry’s assessment of the situation in Syria is for the most part based on testimonies of people in the opposition and gathered outside the country. The report is also contradictory. It claims that the violations committed by the Syrian forces are far greater in scale than those committed by “Anti-Government groups”, while admitting that the “lack of access to the country [...] posed challenges for the documentation of abuses committed by anti-Government armed groups and opposition actors [...]”

The Government has manifestly failed in its responsibility to protect its people. Since November 2011, its **forces have committed more widespread, systematic and gross human rights violations. Anti-Government groups have also committed abuses, although not comparable in scale and organization to those carried out by the State**. (Human Rights Council, [Report of the independent international commission of inquiry on the Syrian Arab Republic](#), February 22, 2012, p.1)

The commission endeavoured to reflect violations and abuses on all sides. **The lack of access to the country, however, posed particular challenges for the documentation of abuses committed by anti-Government armed groups and opposition actors**, given that **most victims and witnesses of such abuses have remained in the country and the Government had not facilitated interviews with victims of armed group violence** during the period under review. (*Ibid.*, p.5)

After its first report, the commission interviewed additional victims and witnesses of violations, defectors and other individuals with relevant inside knowledge. From 9 to 25 January 2012, the commission travelled to several countries to gather first-hand testimony

from people who had recently fled the Syrian Arab Republic. (*Ibid.*, p.6)

Regarding the body of evidence gathered by the commission, the report states “the commission applied the standard of proof used in its first report”. The standard of proof is described as “[one of ‘reasonable suspicion’](#).”

Most importantly, the report further states:

In order to fulfil the second component of the mandate (“**to identify those responsible**”), **the commission understood that it had to collect a reliable body of material** to indicate which individuals might be responsible for human rights violations. The commission **received information on the alleged responsibility** of a number of individuals for **violations committed in the Syrian Arab Republic** from March 2011 to the time of drafting of the present report.

The commission did not apply international humanitarian law for the purposes of the report and the period covered. International humanitarian law is applicable if the **situation can be qualified as an armed conflict, which depends on the intensity of the violence and the level of organization of participating parties**. While the commission is gravely concerned that the violence in certain areas may have reached the requisite level of intensity, it **was unable to verify that the Free Syrian Army (FSA), local groups identifying themselves as such or other anti-Government armed groups had reached the necessary level of organization**. (*Ibid.*)

This UN report accuses the Syrian government of having committed more violations than the armed groups and/or the Free Syrian Army (FSA), while admitting a “lack of access to the country”, being unable to evaluate the importance of the FSA and having little access to their victims’ testimonies. If they were unable to evaluate the violations of the FSA, how can they claim those of the government were far greater in scale?

The report claims to have taken into account the report of the League of Arab States of 22 January 2012. The mission observers, who did have access to the country, noted the following:

In Homs and Dera’a, the Mission observed **armed groups committing acts of violence against Government forces, resulting in death and injury among their ranks**. In certain situations, Government forces responded to attacks against their personnel with force.

In Homs, Idlib and Hama, the Observer Mission witnessed acts of **violence being committed against Government forces and civilians** that resulted in several deaths and injuries. Examples of those acts include the **bombing of a civilian bus**, killing eight persons and injuring others, **including women and children**, and the bombing of a train carrying diesel oil. In another incident in Homs, a police bus was blown up, killing two police officers. A fuel pipeline and some small bridges were also bombed.

The Mission also noted that, **according to its teams in the field, the media exaggerated the nature of the incidents and the number of persons killed in incidents and protests** in certain towns. (League of Arab States Observer Mission to Syria, [Report of the Head of the League of Arab States Observer Mission to Syria for the period from 24 December 2011 to 18 January 2012](#), January 27, 2012.)

However, these observations are not part of the UN and the media narrative on Syria. The UN officials and the mainstream media either downplay or ignore the role of the armed groups and the Free Syrian Army, not to mention the foreign powers which are supporting them.

A Haaretz report shows that even though armed groups have committed human rights violations, those are not mentioned:

[United Nations High Commissioner for Human Rights Navi] Pillay, said the **international community has to take action to prevent Syrian security forces from continuing their attacks against civilians**, which she said had resulted in “countless atrocities.” [...]

Pillay cited the report of a U.N. expert panel last week, which concluded that **Syrian government officials were responsible for “crimes against humanity” committed by security forces** against opposition members. **The crimes included shelling civilians, executing deserters and torturing detainees. Some opposition groups, too, had committed gross abuses**, it said. [...]

Pillay reiterated her call for Syria to be referred to the International Criminal Court “in the face of the unspeakable violations that take place every moment.” (Reuters, [The Associated Press and DPA UN human rights chief: Some 500 children killed in Syria violence](#), Haaretz, February 28, 2012.)

During the February 28 debate, the United States called for a military intervention and “regime change” using a humanitarian pretext, blaming “Assad and his murderous cohort”:

United States demanded an end to the **Assad Government’s outrageous crimes** against the people of Syria, **withdrawal of all security forces**, and immediate **humanitarian access** [...] **Bashar al-Assad must go**. (Human Rights Council, [Human Rights Council holds urgent debate on Human Rights and humanitarian situation in Syria](#), February 28, 2012)

It should be noted that the Iraqi deaths resulting from the illegal U.S. invasion of Iraq are close to [1.5 million](#), and thus the U.S. crimes are “far greater in scale” than those allegedly committed by “Assad’s murderous cohort”. Yet, for the past 9 years, the UN remained silent on these “countless atrocities” and documented crimes against humanity.

While the UN report relies on testimonies from opponents mostly collected outside Syria and does not provide accurate figures, the Syrian government has provided a detailed account of casualties. Again, this information is downplayed even though it is more precise than the UN testimonies and rough estimates.

The Syrian Government had provided the Office of the High Commissioner for Human Rights with its own figures of 2,493 civilians and **1,345 soldiers and police officers killed** between 15 March 2011 and 18 January 2012 (a total of 3,838 casualties). The actual **numbers of casualties may far exceed those figures**. While the **protests had remained largely peaceful**, reports of armed attacks by anti-government fighters against Syrian forces had increased, also with further consequences on civilians. (*Ibid.*)

The UN and media reports accuse the Syrian authorities of crimes against humanity without much factual evidence. They grant more credibility to unverifiable accounts from the opposition than detailed figures from the authorities, minimize the role of armed groups in

the killing of civilians, and persist on calling the protests peaceful. Furthermore, the UN says the Syrian Government “manifestly failed in its duty to protect its people”, but fails to properly address the issue of armed groups supported and financed by foreign countries calling for Assad to step down.

As it did with the Libyan opposition, the U.S. is showing its double standards on the “war on terror”. While demanding Assad’s resignation, the [U.S. admits the opposition is supported by terrorist organizations such as Al Qaeda](#), and is oblivious to their crimes against the Syrian people.

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