

Open Letter to UN Security Council Ambassadors

July 11, 2012

Dear Ambassador

Strengthening the Mandate of the UN Mission in Syria

We write to urge you to renew the United Nations Supervision Mission in Syria (UNSMIS) and to ensure that it retains a strong human rights mandate when the Security Council discusses the future of the mission on July 18, 2012.

Sixteen months into a crisis that, according to the Violations Documentation Center (VDC), a Syrian monitoring group, has so far left more than 14,000 people dead, the situation is as urgent as ever. The Syrian government continues to commit human rights violations across the country as part of a widespread, and systematic, attack on its civilian population accompanied by arbitrary detention and torture. As well as crimes against humanity, government forces are also responsible for violations of international humanitarian law, including possible war crimes. Meanwhile, human rights abuses, including possible war crimes, by the armed opposition are also on the rise, despite diplomatic initiatives to stop the violence.

We believe that in large part the human rights situation has continued to deteriorate because the perpetrators of violations believe that they can act with impunity, as there has been limited international capacity to monitor developments and independently investigate events or verify claims. Indeed, under its current configuration, it has been difficult for UNSMIS to even monitor the distinct human rights elements of the six-point plan. A scaled-up human rights component would not only give the required attention to all human rights issues underpinning the six point plan, it would help provide a measure of protection for Syria's civilian population by acting as the impartial "eyes and ears" of the international community. As outlined in Ban Ki-moon's recent report on UNSMIS, the mission "can play a valuable role in supporting political dialogue and local confidence-building, in establishing facts on the ground, and reporting clearly and objectively to the international community".

In the Syrian situation, where each party to the conflict is increasingly accusing the other of human rights violations and using these accusations as justification for further violence, an independent observer force such as UNSMIS is crucial for diffusing tension and countering the dissemination of false information. The potential of UNSMIS's role in this context was seen in the aftermath of the massacre in Al-Houla, when UNSMIS's observations served as a credible source of information for the international community, bypassing contradictory reports and escalating accusations from either party of the conflict. Nevertheless, UNSMIS faced considerable difficulty in accessing the Al-Houla massacre site and unfortunately did not fully report its findings.

Of course, a call for a stronger human rights presence requires that the Security Council demand that all parties provide it with their full cooperation, while making it clear that failure to do so – including by carrying out reprisals against witnesses or victims – will not be tolerated.

We therefore strongly urge Security Council members to strengthen the human rights monitoring capabilities of UNSMIS under the new configuration which, according to the report UN Secretary General Ban Ki-moon sent to the Council on July 6, should "enhance attention to the political track and rights issues". As the Secretary-General explained, "continued efforts on detention and rights issues would complement and benefit from the Mission's primary political engagement functions"

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In particular, we recommend the following measures:

- The resolution renewing UNSMIS should explicitly include a strong and adequately staffed human rights component, providing the mission with sufficient expertise, including gender and children's rights experts, and equipment to document and report on crimes against humanity, war crimes and other grave human rights abuses committed by all sides. UN human rights monitors should have a rapid reaction capability to investigate specific incidents and a permanent presence in a few cities outside Damascus. Moreover, such staff need adequate protection and support – both internationally and locally - in order to pursue their work effectively;
- The Security Council should demand that Syria grant full access to UNSMIS monitors and members of the Independent International Commission of Inquiry mandated by the UN Human Rights Council;
- The Security Council should demand in particular full and without notice access for UNSMIS to all detention centers, acknowledged and unacknowledged, which are often also torture centers, as well as unconditional access to political prisoners at all times; according to Ban's report, "as of 25 June, UNSMIS had received and cross-checked information on 2,185 detainees and 97 places of detention countrywide. The Mission has, to date, obtained access on one occasion to a detention centre in Dera'a";
- The Security Council should require UNSMIS to regularly and publicly publish its findings on human rights violations and provide the human rights component with the necessary capacity to do so.

In order to stop the serious abuses of international human rights and humanitarian law in Syria the international community must also demand strong measures to ensure justice, truth and full reparation for victims. We therefore reiterate our long-standing call for the UN Security Council to refer the situation of Syria to the International Criminal Court (ICC).

Upholding human rights and working to protect civilians in Syria is an imperative that goes beyond the political differences of members of the Security Council. We call on the Security Council to fulfill this shared responsibility to Syrian civilians.

Sincerely,

Amnesty International, Cairo Institute for Human Rights Studies, International Federation for Human Rights (FIDH), Human Rights Watch

