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INQUIRY

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## P R O C E E D I N G S

MR. PICCONE: Good afternoon and welcome to Brookings. My name is Ted Piccone. I'm a senior fellow and deputy director of the Foreign Policy Program here at Brookings. And we're here together to talk about a very hot topic, which I'm sure you're following very closely in the newspapers and TV: the question of the conflict in Syria. And to help us examine that in some detail, we have -- hot off the presses -- a report from the U.N. Independent International Commission of Inquiry looking at the human rights crisis in Syria, and I will introduce our panelists in a moment.

We're organizing ourselves as part of Brookings with the Managing Global Order Project, which looks at questions of global governance and, among those things, the role of the U.N. human rights institutions, and the Saban Center for Middle East Policy Studies as a co-host.

Lots happening on the Syria front, including some breaking news this afternoon that Russia may be moving a little closer to joining some kind of consensus statement, a presidential statement, out of the U.N. Security Council that would endorse former U.N. Secretary-General Kofi Annan's mission, which is also a mission of the Arab League, to try to find some kind of political settlement of the internal dispute in Syria. And, of course, it's happening within a very complex international environment.

We spent some time here yesterday at Brookings looking in particular at some of the more coercive steps that the international community could take in response to the crisis, which really starts -- the starting point being, how do you move President Assad off from the leadership role onto something different? And what role coercive diplomacy and other forms of force could work? And as my colleagues Tamara Wittes put it, kind of now having looked over the abyss at what those options are, there's a

paper out in the hallway for you to look at explaining what those options are.

We're now going to pull back a little bit with this discussion and look at some of the diplomatic steps that could be taken, that are already underway, and really trying to address how do you resolve the immediate crisis of conflict and then how get to a more permanent settlement of the dispute?

So let me go ahead and introduce our panelists. Paulo Sergio Pinheiro is the chair of the Commission of Inquiry and has long, long experience in the U.N. human rights system as well as the American system for human rights. He is research coordinator at the Center for the Study of Violence and professor of political science at the University of San Paulo in Brazil. And among other U.N. human rights positions, he's been the special rapporteur/independent expert for countries like Burundi, Myanmar, Commissioner of Inquiry on Timor-Leste, work on Togo. He also was the secretary of state for human rights under President Cardoso in Brazil, and has been involved in helping to create a new Truth Commission in Brazil, looking at the crimes from the military dictatorship in that country. He will comment on the report's main conclusions and recommendations.

We'll then turn to Karen AbuZayd. Karen is also a commissioner on the Syria Commission of Inquiry. For many, many years she served as the under secretary-general and commissioner general of the U.N. Relief and Works Agency, which is the main U.N. agency responsible for delivering a range of public services to Palestinians, not only in the Palestinian Territory, but in Syria, Jordan, and Lebanon, for millions of Palestinians and has had a long career in U.N. Office for -- high commissioner for refugees, including in Liberia and Sarajevo. Karen will focus on the humanitarian aspects of the conflict.

We'll then turn to Yakin Erturk. Ms. Erturk serves as the third commissioner on the panel. For 24 years she was a professor of sociology at the Middle East Technical University in Ankara, in Turkey. She was also director of the International Research and Training Institute for the Advancement of Women, and played a key role in the U.N. Headquarters in New York as head of the Division for the Advancement of Women. She also served as U.N. special rapporteur on violence against women. She was the first holder of that mandate, if I remember correctly -- second, excuse me, and in that capacity took on fact-finding missions to some 17 countries. She also served on the Commission of Inquiry in the events in Kyrgyzstan.

So these are people with many, many years of experience in the business of fact-finding, in monitoring in human rights, and humanitarian affairs, we're very lucky to have them. Ms. Erturk will comment on the commissioner's methodology and issues concerning accountability of the violations that the report helps document. And after their comments, we'll engage in some Q&A up on the panel and then we'll open it up to you all.

So I think they're going to speak from their seats and I'm going to ask Paulo to go first.

MR. PINHEIRO: Thank you, Ted. Thank you. I'm very glad to return to the Brookings for this debate. I would like, also, to say that with us is the director of our team -- without this team there would be no report -- Dimiter Chalev. And because the Office of the High Commission for Human Rights provided formidable assistance during all of these six months now, I think.

I agreed with Ted that I will try to give a general introduction for our work, that is we have published two reports until now: one in December and the other that was

circulated in February, but it was introduced at the Human Rights Council on the 12th and 13th of March.

Perhaps you know that these commissions of inquiry are becoming a sort of mechanism of the Office of the High Commission for Human Rights. Perhaps in the new future edition of the book of Ted, besides the special rapporteur, he'll be compelled to deal with the Commission's inquiry. Of course, the tradition of commissions of inquiry at the Security Council is very old. It's not recent, but now you have already numerous Commissions of Inquiry in the framework of the Commission or the Human Rights Council.

Our Commission has one difficulty, that is it's a commission about an ongoing crisis, not about ex-post situation as some commissions of inquiry on the Côte d'Ivoire, on Guinea Conakry, the Goldstone Commission, and the Commission on Libya, and two that I have been involved with, that's (inaudible 0:07:47) Togo and Timor-Leste.

The other commission that was also about ongoing crisis was the Darfur Commission, but with the advantage that they were able to come to Darfur. We had not - - unhappily, until now we had not access to Syria, but as a mantra that we are repeating, to not have access to the country does not mean that we don't have access to information in the country or from the country. Because -- today I said, in the morning in another meeting, something that perhaps was a little pedantic, but I said that perhaps if we had had access, the reports will not be tremendously different because the kind of information that we have, perhaps we could have more cases, but I don't think that the patterns that we have identified in the two reports would be dramatically different. Perhaps in narrative of the state, I'm always telling this to every representative of Syria that we meet that the narrative of the government will be much more complete and

complex if we had access to the country.

The first report was basically about human rights violations and, of course, the centrality of our work is concentrated in the victims, that is the situation of the victims of the unrest in Syria. We have as a mission to show the pain or how is life behind the videos, the hundreds of videos that are on YouTube and in many networks. We wanted also to demonstrate the daily life, the sufferings, the hard work of the day-to-day life of Syrians in their position or neutral or sympathetic to the government because the affected are -- the lives of all Syrians are affected by the unrest.

In the second report we have developed, first, more complete analysis of the armed forces, the security forces, and the militia -- the so-called Shabiha -- that now we know much more than six months ago. And it was very important to demonstrate that the Syrian armed forces are a very, very well organized force. I need to say to you that after one year of unrest, the chain of command continues intact. There were very few defections. One or two generals, one lieutenant general, a few captains, and soldiers -- rank and file -- there were no -- but the high levels of the chain of command are completely intact. There is a great loyalty of this chain of command.

Because we think that's very important not to underestimate how the armed forces operate in Syria. And we're able to describe the operations with a lot of details: the difference of operations in different cities and governorates, the reputation and configuration of this operation. On the other side, we also -- it was necessary to have a concrete assessment of what is the Free Syrian Army and the armed groups.

The Free Syrian Army has not a chain of command. The coordination of the activities is very, very loose and very difficult in the different points of the frontier where these effectives are. And the armed groups, they are common citizens protecting

their neighborhoods. They are not combatants. There is no articulation from one city to the other.

Then, in the second report we demonstrated a terrible disparity between the armed forces and the armed groups and the Free Syrian Army that the government consider terrorists or bands of thugs. The disparity is enormous. And I think as we -- then, to speak about the ceasefire, it's not a very accurate expression because ceasefire remains that you have sort of two forces in a certain balance and that is not the case.

We have also developed the team of the responsibility of individuals for the gross human rights violations and we identify some evidence that can indicate crimes against humanity. But my dear colleague, Yakin, will develop that and I just mention what is in the report.

In terms of the conclusion and observations, I think that the two reports, they have inside three different tracks because one track is precisely gross human rights violations, crimes against humanity and accountability. There is a second track that is the humanitarian situation: the displaced people, the people leaving Syria, the refugees. And Karen will deal with that. And there is something that could be called political, but what solutions for the unrest can bring some relief to the victims and contribute to the protection of human rights. And we are very happy that our conclusions are, more or less, very much present in the six points that Kofi Annan presented, but our report was published before Kofi Annan knew that he would be appointed a special envoy. And we are very happy of this conference.

The first is that militarization will be a disaster. That is, this idea that some member states are proposing to arm the opposition. This will be an intensification of the armed confrontation and this will be a path to full-fledged civil war. And in the

format of the full-fledged civil war, it will be much more difficult to find a solution than at the present moment.

Second, we think that it's necessary and inclusive dialogue -- that is the same language as Kofi Annan indicates -- an inclusive dialogue, a negotiated settlement that includes the government of Syria and all parts of the unrest. I know that this is a difficult thing to convince the people who are manifesting courageously during one year and that suffering so many tortures, detentions, that we don't know how many people are detained in consequence of the conflict. The case of torture, that we have somewhat described, but it would be -- we think that it would be very difficult to find a solution outside the framework of a dialogue.

And then, the last thing that I'll say, there are not too many options. The other day, Secretary Clinton said something that I very much appreciated. It's time for the good and old diplomacy. Forget -- she didn't say that. I'm saying that. Forget any fantasy about military intervention, humanitarian corridors with the protection of foreign armies. These will not work. And all these will aggravate the situation.

Then what we say -- as I think is the last thing that you say and it will be the last thing that I'll say now -- full support to the Kofi Annan mission. But not halfheartedly, pretending that you are supporting, but knowing that we will fail. This is a contribution for the failure of this mission, then we think that member states are supposed to give full cooperation for the Kofi Annan mission.

I'll stop here. Thank you.

MR. PICCONE: Thank you, Paulo. Karen?

MS. ABUZAYD: Thank you, Ted. Thank you all for being here. I want to just go with the bit on humanitarian and refugee side of what is going on in Syria, partly



which comes from our report and partly some other thoughts that developed from our report. We do include in our report the socioeconomic conditions and deterioration for the population generally, as Paulo mentioned. Not just for those people who are suffering so much in the areas of conflict, which are more around the border and now more and more near Damascus, but the people generally because of what's happening in terms of the rising prices of basic food prices and other basic items, the loss in value of the Syrian pound, the effects of the sanctions when there are goods that are not coming in, foodstuffs that are in short supply, electricity, water, and so on. All of these factors are things that are affecting the population generally and making some difference. Of course, the fact that there are no tourists anymore in Syria also means that many small businesses are having quite a lot of problem and so on.

We know that the under secretary-general for humanitarian affairs has visited -- she was the first one to go into Homs and Baba Amr -- and a very short visit. But now she has a team out there who are going along with the government and with the International Office -- the cooperation of international -- the Islamic organization for cooperation. I'm sorry, they changed their name, so I have to change it, too. And so this is quite an interesting mission that she's going with these other two groups.

The OIC, in fact, has rather recently discovered itself to have a humanitarian arm and has been quite active in some of these things, so they're going to make an assessment in Homs, Daraa, Idlib, we hope a number of places. And we'll be the ones that will look at some of these issues that Paulo mentioned. In terms of detainees, we think there's at least 18,000 of those, of the IDPs, which may be as many as 200,000 moving around the country; not everyone's sure where. And then the enforced disappearances. These are all things that we hope are related to this

humanitarian mission and would begin to be examined by this group.

There was a Syrian humanitarian forum that was held in Geneva the week before last. Again, it was chaired by OCHA, and present and speaking were the League of Arab States, the Organization of Islamic Cooperation, and the UNHCR. And they tabled a plan actually that was originated from the World Food Program for pre-positioning food for 1-1/2 million people in neighboring countries for about \$100 million. Now, I'll comment more about that in a moment.

Then UNHCR reminded people at this particular conference about the situation inside Syria and particularly focusing, as they did, on the refugees who are there. You know, a million or so Iraqis have moved through Syria. There are at least 110,000 Iraqis still registered with UNHCR in Syria, and then there are the 450,000 Palestinians, Palestine refugees, who are registered with UNRA, all of whom are being served, assisted, protected by the government still. So there are these things that are going on that are working still.

There is a whole range of U.N. agencies that are still working. We're talking about the ICRC, The Red Cross, and so on, the Red Crescent, but you also have, besides, the World Food Program, UNICEF, UNFBA, UNDP, and so on. These are working more or less normally still. Not in the conflict zones, of course, where they won't have access, but in the rest of the country their activities are carrying on. So it's something to remind us when we start thinking of the need for humanitarian corridors or buffer zones that there are agencies inside the country that are accepting and delivering goods, so the goods are coming into them for serving their population, their beneficiaries, and they are able to deliver them everywhere except where the conflict zones are.

One of the things that is hopeful, we understand today that the proposal

made by the head of the ICRC to Russians has been accepted by them, to take to the Syrians to allow a 2-hour window every day, so people can at least be served medically by the ICRC and others that work with them.

Now, one of the things I wanted to call attention to which is more recent is what's changed in the refugee situation outside Syria. It was always a bit curious that the refugees were so few. You have such a horrific situation inside with so many people who are on the borders and so on, some of them being prevented from going out, we know that. But not very many people were outside the country. And of those who went out, for example, the 20,000 that first went to Turkey, 10,000 came back.

The few thousand that were in Jordan and in Lebanon are refugees who -- not many of them joining either families or family members who were working in those countries or joining neighborhoods that were there, that their family, relatives, and neighbors, and so on. And there was a little bit of coming and going. But now recently, what we've seen is many more people going. The 10,000 now in Turkey have now, in just a week or so, have become 14,700. There are several thousand not all counted yet, but enough of them in Jordan and Lebanon that the governments who have been calling these people "guests" have been really approaching UNHCR to help and to register these people and to provide assistance and so on.

So I think what we're seeing now are refugees that are more of the classic refugees. They're refugees who are not in a hurry to go back to Syria because they're not -- they have nothing to go back to. Not like the other refugees, the earlier refugees or the earlier guests in the countries, as someone is going out. So it is something that we are looking at and I think that the refugee serving agencies are looking at more closely and having to be prepared to help.

So I'll just leave a couple of messages. The one is that we should be watching this swift refugee flow. We have some people on our team, in fact, who are there in the neighboring countries now, beginning to interview some of these people to see what the different characteristics are and what their behavior in asylum is and what their needs are and so on.

And the second thing is to consult with the agencies. If we're talking about how to get goods and supplies and so on in, that we should be consulting with the agencies inside, in Syria, on how they receive and deliver assistance and so on.

And, of course, the general message is just to encourage this dialogue within Syria to look for the urgent negotiations that I think, as we say, that Kofi Annan wants, that we want very much, as Paulo has said.

And the final thing is to just cross your fingers on this presidential statement because I think it's a first step towards the unity --

SPEAKER: Now.

MS. ABUZAYD: Yeah, for today, the unity of the international community, which we all feel is so important if we're going to move anything in the Syria case.

MR. PICCONE: Thank you, Karen. Yakin, please.

MS. ERTURK: Well, thank you very much. Good afternoon, everybody. We have been attending very many meetings, briefing many different actors, but today I feel that we're in a very different environment. I feel like I'm in my classroom with my students and hoping that you're going to challenge me as my students always did. Because I think we will get a lot different reactions and questions from all of you and I'm looking forward to learning and rethinking on the basis of your questions.

Well, much has already been said by my colleagues as Ted, when he introduced me, he said that I would be looking at methodology and the issue of responsibility, accountability. Of course, anyone who's engaged and not necessarily in human rights investigation, but research -- collection of data, information -- would want to know how one goes about getting and assessing one's information, particularly since this commission was not given access to Syria.

We did not go to Syria. So when our first report came out, a young Turkish student wrote me an e-mail and said -- are there any Turks in the audience? Okay. He said, Hojam, my teacher, how can you write a report without going to the country? Are you an American agent?

I couldn't get too angry. I mean, if I was standing where he was standing I could possibly say the same thing, but things are not that simple. Access, of course, would have been extremely important because as a researcher I like to smell the field. And it's not just the facts and figures you come out with, but smelling -- getting a sense and a feel of the place gives you a very different perspective.

Unfortunately, the Syrian authorities did not give us this privilege, but we had to comply with our mandate and produce a report. And one, of course, advantage we had is that there were enough people who were victims and witnesses of human rights violations in the neighboring countries. And our particular aim was not to necessarily talk about political support for the system because we were not a political envoy or political analysts, but we were human rights experts tasked to document human rights violations.

So, in the first phase we interviewed over 200 people: Witnesses, victims, and army defectors. And in the second phase we did additional interviews, so

totaling 369 interviews. Of course, as my colleagues have already said, the interviews were not necessarily limited to those who had left the country, but we used all available means to reach out to people inside the country as well to the extent possible.

So in terms of a confidence in the quality and the variability of the information we have, I think we're quite confident. And on the basis of these interviews -- of course, we try to talk to people who come from different parts of Syria and also people from different walks of life, so that we tap on different experiences of the problems that they had encountered. So, our report describes through much detail the kinds of people and locations that we try to tap.

So in documenting the human rights violations, of course, one has to recall that commissions of inquiry are not a judicial body. We're not a court, so we use the criteria -- or the approach we use is far more flexible than the evidence that is required by a court of law. What we did is to assume that -- use the concept of reasonable doubt in terms of determining whether an incident occurred. And we relied on at least, minimum, 2 eyewitness accounts, which was corroborated with other evidence that we got -- secondary information, aerial photographs, medical reports, et cetera, et cetera -- because we had a team with very diverse skills: a military expert, legal expert, and although we didn't have any forensic expert on the team, we had the expertise available to us.

So we were able to use a very wide range of documentation and information to determine whether there was reasonable ground to conclude that a specific incident occurred. We did not -- our reports, both reports, are based on firsthand information. Any time we use secondary information, the sources are informed. And generally we use secondary information not to document human rights violations. For

example, we did not rely on Human Rights Watch's report, Amnesty's report, and many, many other reports of international human rights organizations to talk about human rights violations. These were all based on our firsthand testimonies.

But we did rely on secondary information to talk about the government's discourse because we wanted to reflect -- although we didn't have direct dealings with the government, we sent them questionnaires requesting information. To the extent they sent, we used, but most of it we had to rely on national news media, et cetera, et cetera. So the report clearly distinguishes the secondary material that was used.

So basically our findings are based on consistent patterns that came out in the course of these interviews from the different testimonies that we received. In our first report we concluded that Syria's human rights violations, including crimes against humanity, had been committed in Syria. And we applied international human rights law and criminal law to assess these violations and crimes. We did not, however, apply, for the purposes of our report, international humanitarian law.

And those of you who are legal experts will know better than I that international human rights law is about armed conflict, which uses two criteria basically: intensity of violence and level of organization. Intensity of violence is there, but we were not able to determine the level of organization with respect to the non-state armed groups, including the Free Syrian Army.

So based on this kind of an analysis, we moved onto the second phase: to identify perpetrators and those responsible for these crimes. But as Mr. Pinheiro has said, in the second report -- and this report came after. The first report was discussed in the Human Rights Council early December. So, after our first report the activities or the operations of the non-state actors became more visible. The armed groups, the non-

state armed groups, engaged in several high-profile operations.

So in the second report we gave far more emphasis on who the armed groups are and what operations that have been reported. Obviously, these were based on secondary sources. So after documenting these, we tried to identify individuals who were responsible for these acts of crimes as well as chain of command. So we looked not only for individual responsibility, but responsibility that comes from --

SPEAKER: Command.

MS. ERTURK: -- command responsibility where a person who was not able to prevent -- knowingly not prevent -- the acts of crimes that were being committed. We also touched upon responsibility by non-state actors. All the international formative framework with respect to non-state actors is still in the making, but international human rights law, I think, is clear that everybody is responsible for acts of human rights violations.

So this is the framework within which we developed our second report. And we have compiled, in the course of these interviews, consistent names that came out repeatedly and the army command structures, and the security forces, et cetera. So all this, with names of individuals, are compiled and deposited -- a confidential list -- deposited with the high commissioner for human rights. And this can only be made available when and if an investigation by a judicial body takes place. And, of course, as I have already said, we are not a judicial body; we're not a prosecutorial body. Our information will serve as background information and it has to be supplemented with a judicial mechanism in a competent court.

In our report we emphasize that, the responsibility to investigate, prosecute, and punish lies with the national state. And that in order for the Syrian



government or Syrian state to undertake such a responsibility, given that crimes are being committed with impunity today, they would have to really undergo serious structural reforms. And the report does make recommendations with respect to some of those areas which need reforms.

Of course, Syria is not party to the Rome Statute of the International Criminal Court, but we have recommended that Syria can adopt the principles of the Rome Statute into its national legislation. So there are a number of recommendations in the report which deal with these needs for structural reform. And, of course, international mechanisms may need to be also tapped on in that process, but we're talking about now stopping the violence and coming to a process of transitional justice, reconciliation, and so forth.

And, unfortunately, we seem to be still very, very far away from that. At the moment, the main urgency is to stop the violence. And for this a Commission of Inquiry cannot do. It is a political will and the ability of member states to put aside their conditionalities because everybody has a condition with respect to Syria.

First of all, I think that we have to realize that the future of Syria has to be designed by the Syrians. And the international community has to support, not dictate, that process. But even before coming to that, the states have to come to a common agreement to pressure the government to stop the violence.

So let me stop there and hope that you have some very interesting questions for us.

MR. PICCONE: Great. Thank you, Yakin. Hopefully, I'm going to get miked up here, but, in the meantime, I'll just hold this.

Let me ask the first question, if you don't mind, and I want to actually

pose it in two ways. One is exactly on the point you finished with, which is what's going on internally. Your report makes a very important point about the need for inclusive dialogue, and I'm wondering what you found in terms of the internal political process underway in Syria because there have been some things happening and various steps made and some elections and talk about a constitutional reform process. And I'm wondering do you see anything that's happening internally that actually give you confidence that there is an inclusive dialogue that's possible here and that the political will within the current leadership of the Syrian government is there to make that happen? So that's kind of Part A.

And Part B would be then what are the next steps on the international side that would make a difference? So what could backup any kind of inclusive dialogue to really get the parties to the table in a way that would stop the violence? And I'm thinking not only about the role of Kofi Annan and, of course, as you mentioned the Organization of Islamic Cooperation is playing an interesting role here. But is there a role here for the ICC? I mean, that's complicating a factor that they have not signed the Rome Statute. But your work, obviously, is a very important input to some kind of judicial process that might happen down the road. And if you could comment on both the internal political process and then next steps on the international community's role, in whatever order you'd like.

MR. PINHEIRO: I think that this recommendation for an inclusive dialogue that is exactly the same language that Kofi Annan is using, that is precisely because the solution for the crisis in Syria must be found with the participation of the Syrians. It's an illusion that the international community will come with a magic formula to solve the situation.

I think that we have lost a lot of time during the, I think, last year looking at Syrian thinking about Libya. They are very much different countries. I'll not elaborate on that; you know this very well. But I think that some member states were offering some hopes for a military intervention, a no-fly zone, sanctuaries, fantastic humanitarian corridors. And I think that this has provoked a lot of hopes and a position that this will happen. But now you know that this will not happen because all sides are seeing that this would be a complete disaster and many voices in this country alerting of the terrible dangers of this scenario.

Then I think that I don't like very much when you are negotiating with a state -- in the case of Syria; I'm not referring to other states -- all the options are on the table. No. The military option is not on the table in the case of Syria and then it's not helpful to say that (inaudible). There are not many options. The only option is negotiation because there is no other solution, magic solution. There is no magic solution for the Syrian crisis.

It's terrible to tell the opposition that we need to have patience, not patience in terms that they have patience and continue to be massacred, killed, and tortured, but in terms of the efficiency of the international community to find a common voice. It is also in the language of our report and the language of Kofi Annan, a common voice. That is, of course, one of the important things is to bring Russia and China for the common vote and not to see the West, the Gulf monarchies, and other states supporting the position, Russia and China protecting the regime. This is worst of the worst.

I'm glad, and we have said this in the recent weeks, that Russia and China is coming on board because I think that was a very important visit of President Kellenberger of the ICRC to -- and we did some effort, demonstrating to the Russians the

seriousness of this indiscriminate bombardment that is not surgical bombardment because they were throwing mortars on the housing of the people. That is the terrorists that they are seeking. These are the armed groups and some members of the Syrian Free Army, not total, complete (inaudible).

Then I think the immediate challenge is to suspend this military confrontation. And I think there are ways to do that. It's important that the state has the first step and it is important that the armed groups will also stop.

Just the last thing I want to say, no, I don't see inside Syria, as far as we can see, I don't see elements contributing for this dialogue. The government did several initiatives. We described this in our report. There are several reforms. There was the constitution. That wasn't -- the project was not very much debated towards a commission appointed by the president. And the referendum, half of the population, I think, that voted for -- came to the referendum. Then there was this extraordinary percentage of almost 90 percent of support.

But I don't think on the elections that will take place in May, I don't think that these are the elements for the dialogue. I think the dialogue has to have been built with a unified position of the international community. When I say "unified position," the P5 must be united and not Russia and China versus the West, trying to -- with this division I don't see that any solution will be possible.

MR. PICCONE: Would you like to comment on these questions before --

MS. ABUZAYD: Just to add that the Syrian government has, in addition to these reforms, as Paulo mentioned, they have set up their own investigative commission --

MR. PINHEIRO: Yes, I forgot completely.

MS. ABUZAYD: -- which was set up last March. It's one of the reasons they've used for not allowing us in the country or not even communicating with us originally because until their own investigative commission finished their work, then they would think about consulting with us as well and giving us information. But they had, at the last minute, when we provided our -- finished our report, the same day we finished it, they came to see us with large amounts of materials about investigations that they were carrying out, about things that they were -- that had happened to their security forces and their armed forces and so on. And they do say that they are investigating 4,700 cases of misbehavior on the part of their own forces and was looking forward to further information, as we've told them, on those cases that they're looking at.

MS. ERTURK: Maybe I can just touch on the last issue that you raised, the ICC. Of course, ICC is seen as sort of the hope, and the Security Council attempted and it's always been on the agenda. We have not been very favorable to referring Syria to the ICC. It may or may not happen; that's a different matter. But I think ICC should be regarded as the last resort and national mechanisms should be given the opportunity and the capacity to deal with these issues because we're not only talking about justice, but also peace. And when you go to ICC, I think that has become already a point of maybe no return in terms of many issues. Reconciliation becomes far more difficult. So, on the one hand, we have to make sure that those who are responsible are held accountable, but, at the same time, we have to work on reconciliation so that the society can move forward.

And if this is the objective, I think ICC should not be on the top of our agenda. It may be sort of in the back of our minds as a possibility, but definitely this commission did not prioritize that.

MS. ABUZAYD: That possibility, of course, is raised when we have these sealed lists that we talked about and that is the threat to those who are -- who might commit crimes in the future or others it would make them think twice, we hope, but this has certainly worked in other situations. It's probably working in Syria that they will wonder who is on that list. They will know that there is something that perhaps will keep them from doing things.

MR. PICCONE: Interesting. Okay. Well, why don't we take some questions? And if we could start with Tamara Wittes in the front row and then we'll work our way back.

MS. WITTES: Ted, thanks, and let me thank you all for joining us and giving us this very thoughtful report.

I'd like to go back to something, Karen, that you raised in your presentation with respect to refugee flows and the trends that you saw there. Because it strikes me that as the violence increases, that creates pressure on the timeline for a political solution and I think we should probably speak more accurately about a political solution rather than a diplomatic solution, right? But the refugee flows can create a different kind of pressure. Not only do we have vulnerable populations inside Syria, including the accident Iraqi and Palestinian refugees, but we also have a very vulnerable neighborhood.

And so I wonder if you can talk a little bit about what you anticipate given the trends that you saw in terms of refugee flows. You seem to suggest that we're going to see more. And are you concerned, from a human rights perspective, about the impact on the neighborhood, on the immediate neighborhood, and on precarious human rights situations, and some of the neighbors as well?

MS. ABUZAYD: Yeah. You want us to answer the questions one by one?

MR. PICCONE: Yes, for this time.

MS. ABUZAYD: No, we neglected, I think, any one of us, to say our concerns about the regional implications of this struggle and any kind of solution to it. We're less worried, I think -- we don't know about the trends and how it's going to evolve and how many more refugees are going to go out in any direction. We just see that it is increasing.

We've even seen some of these countries, as I've mentioned, asking for help already or alerting UNHCR that they may need help. UNHCR has now appointed a special refugee coordinator there. There's a special humanitarian coordinator there on the part of the others. And so we know that people are watching and ready and getting ready to deal with some of these problems.

I think everybody is very worried about Lebanon, what the effect on Lebanon might be of people going out. And that's why these countries, the neighboring countries, have continued to call these people "guests" rather than "refugees." They don't want them to have any sense of their getting at all integrated into the country and creating demographic and other sorts of problems, and we know those are quite serious. And even in Jordan, I think there's those same concerns as well. And as I have recently heard from UNHCR, even Turkey, which has taken extraordinarily good care of the refugees and made these camps that I never saw in 30 years of refugee work, are now saying to UNHCR if this gets worse, we may have to ask international help as well. So that would be quite a statement.

MR. PICCONE: Okay. Can I ask Yakin to come in on this last point

about Turkey specifically? And, you know, watching Turkey's role in this conflict has been very interesting. You know, under the Erdogan government there was a big effort to get closer to Syria, and that succeeded to some extent, but when the conflict started it took a really strong U-turn on this. And, of course, there are very strong cross-border familial ties as well. And, I think, I get the sense that there's some domestic political pressure within Turkey for a harder line approach towards Syria. And I'm just wondering if you could, from your perspective, talk about that.

MS. ERTURK: Well, actually my impression is not so much that there is pressure or a hard line. On the contrary, there is -- I think the country is very divided. And, of course, I've been following Turkey from outside basically because I've been busy with Syria and Geneva, but the Erdogan government, of course, took an extremely hard line. And at one point Erdogan himself was quite provocative in ways I didn't quite understand, which was not very helpful, of course. But the Social Democratic Opposition Party is very skeptical about the government's position, and both civil society and politicians are very much divided on this issue. There are several reasons for this.

Number one is, you know, good, old politics. If this government is doing this, we must say the opposite. But aside from that, the civil society, Syria was always seen as sort of the socialist sort of model among the dictatorships in the region, which was true maybe 20 years ago, 30 years ago. They opened their borders for the Palestinians and they were defending the rights of the Palestinians and so forth. But those days are gone and, unfortunately, our leftists -- and I'm probably one of them who deviated maybe -- are still thinking in those terms and are looking at it in a very crude manner without looking at the nuances. So there is quite a bit of division in that sense.

But in terms of the direct implications of people pouring in, now, 14,000 --



that's quite a number. And as Karen said, Turkey in particular, because of it doesn't have a refugee regime as such, does not accept anyone who comes from outside of the European region as refugees. This is way back in the '50s when they ratified the convention because it was only accepting people of Turkish origin from the former Ottoman -- you know, the Balkans and so forth.

So these people are still guests. And one problem, of course, I see, they're all in camps. There are about six camps in Hatay, the first point of entry. And now with the recent flow they have opened up another camp further east in Gaziantep or near Gaziantep. And these people, although they have the right to go out and come back, but still they're pretty much insulated and there's little contact with the local community.

And there's also the issue of ethnic difference. Hatay region is mainly Alawi Turks and, of course, incoming Syrians are Sunni. But I have not heard of any hostilities or any unpleasant issues coming up.

Now, in the other countries -- Jordan, which I have seen -- it's a little bit different. They are more becoming part of the fabric of the society, so there, I think, one needs to probably look at what is this -- what implications this has for the Jordanian society. We didn't, of course, look into these things.

And in terms of human rights protection of these people, I particularly worry, and Karen will probably be able to say more on this. Especially the ones in Turkey, the Turkish government is taking care of them completely without assistance of the high commissioner for refugees. Although the material conditions were excellent, we saw, but there is no human rights monitoring as such. And this creates vulnerability.

But, of course, this is outside of our mandate and this is not an area we

would touch upon. And we didn't hear serious stories of human rights violations. The government seems to be alert on these issues. But, again, you know, you need mechanisms to be there in order to not leave things to chance.

MR. PICCONE: Thank you. I know there are lots of questions, so if we could start right here and then we'll go back. We'll take a few questions in this round, and we'll go there.

SPEAKER: Yes. This is (inaudible). I have two questions and I would like to challenge something you've said because you asked us to do that because there's contradiction what I hear from you. From the two of you actually.

Because you spoke about the defections in the army, especially in the high command of the army, and you said there's a great loyalty in the chain. I see on television some of these generals who defected and they're saying they're afraid for the lives of their families. So don't you think fear is a reason that these people are not defecting and it's not great loyalty?

The issue that I really have -- I have problems because I'm confused in what you are talking about. Because a few of you said that your report, your conclusions, is that this is a government that committed crimes against humanity. And then you are calling for a dialogue that this government is part of.

MR. PICCONE: Thank you, ma'am, (inaudible).

SPEAKER: And you're saying that you want a national mechanism. So you want this government that's committed crimes against humanity, in your opinion, to go and have a mechanism to try itself and the people who commit these crimes. And you are against the ICC. You are against no-fly zone. You are against human corridors. What do you want to do? Just the government has solved this problem? Thank you.

MR. PICCONE: And please, can we just -- we're going to take a couple more and I can tell you want to say something very similar, so let me just come right here. There are two here and then we'll come back to the panel.

Both of you. Can you introduce yourself, please?

MR. NELSON: Sure. My name's Jake Nelson from the Department of State. This is sort of a more technical question.

The U.N. Human Rights Council is still a relatively new body, but we're sort of starting to see now the evolution of how it's dealing with country-specific situations. And whether it's the movement from an Item 4 to an Item 10 resolution, whether it's the transition from a Commission of Inquiry to a special rapporteur to a panel of experts, that sort of thing, I was wondering -- I mean, I know the original mandate for this Commission of Inquiry included a transition over to a special rapporteur after its expiration, though the council is going to be voting on exactly whether the extension is going to be -- whether the (inaudible) can be extended or something like that. But I was wondering in your opinions as the people on the ground how you sort of see the Human Rights Council and its -- the way it's going to continue to deal with this situation as it continues to evolve.

MR. PICCONE: Thank you. And one more.

MS. ATASSI: Thank you. Farah Atassi, I'm secretary-general of National Syrian Women's Association. I would like to thank you for your own efforts actually. It's commendable what you are trying to do in Syria based on a very limited help, of course, from the Syrian bloody regime to give you the accurate information. I don't know how you -- someone will actually cooperate with the government. That's -- actually it is -- you cannot look to the murderer and the victim in one eye.

And my question actually is a political one about calling the inclusive -- first of all, about the humanitarian issues. And my question, again, to the doctor who was talking about the ICC, since the revolution we lost over 778 children. We lost 657 women. Just a few weeks ago, we documented that -- our organization, over 40 documented rape cases of women in Baba Amr who were raped repeatedly in front of their husbands and kids. If these scary stories that we know that it's true, it's documented all. It's documented by the witnesses. It's documented by terrible videotapes of those brave people who tried to make their voice heard to the whole world. How you cannot make account of those witnesses by photos or videos?

And the question about the inclusive dialogue, how we can call for an inclusive dialogue when there is a party, which is the regime, denying, living in a state of denial? While his security forces murdering his own people, he is exchanging love songs with his wife due to the leaked e-mails that we received and his wife is shopping brand names. So those people living in a state of denial while their own people are murdered, literally, by his own people, by his own family members, and I'm sure you have at least 20 of the names, the confidential names that you have in your reports, I'm sure at least, I would say, 75 percent from immediate family members of the Assad who are fighting for survival. That's their records.

So how we can call for an inclusive dialogue? We support -- it's untrue that the Syrian opposition are against dialogue. They are up into dialogue if it is based on one pillar, that's the regime leave, an exit strategy for the regime to leave and hold all those people who committed murder should be, you know, sent to court and executed for what they have done.

MR. PICCONE: Thank you.

MS. ATASSI: But how you can call for an exclusive dialogue of a party that are denying the other party and call them armed group? Thank you.

MR. PICCONE: All right. So this is -- yeah, I think you're getting the crux of the (inaudible).

MS. ABUZAYD: Yes, yes, we have.

MR. PICCONE: So how would you like to respond?

MR. PINHEIRO: I don't know. Perhaps I'll try to give short answers. Perhaps the word "loyalty" was not adequate. Most probably several of those people in the high office, they are motivated by fear. But I think that's important to describe that the chain of command continues very much intact after one year. That's for several motivations, including fear.

We operate in a sea of contradictions and there are too many contradictions. I think when you operate in human rights, you operate in a framework of contradictions because where the states are we have plenty of contradictions. That is why Kofi Annan, that is why many sectors of the international community and ourselves, we are insisting that it's a very important dialogue. Because we don't -- that is we don't see after one year of tremendous courageous (inaudible), everything that you said, it's our report. If you read our report the case of the children are very well documented, the torture of children. You see that we reflect very much what we -- you accurately described.

But one thing is that the Free Syrian Army and the army groups or this armed defenders of their neighbors, they don't have the power to defeat this government. And I think that to be very responsible that this disparity can be more balanced with training or support from abroad. Is that our evaluation? We may be wrong, but that is

our evaluation.

The more time we lose in terms of not reaching some agreement for the suspension of the military confrontation is the opportunity that will give to other actors enter in the scene as we have seen in the bomb blast of last week. That is other actors will enter in this confrontation.

And the last thing I'll say that there is -- I think any possibility of a military intervention is excluded. No country in the world, just a few -- I don't want to name countries, but there is one country that was very agitated about a military intervention, but, of course, this country will never take the initiative of this military intervention because they would like that other powers will also participate in this endeavor. Then I think this insistence of the dialogue is very much because of the absence of other alternatives. We cannot continue losing time. And this -- we are motivated this to save lives, to save people from torture that is -- I think that the implementation of the six points of Kofi Annan are the window of opportunity that you have at this moment.

MR. PICCONE: Okay. Let's take some more questions and --

MS. ABUZAYD: Well, do you want to answer the State Department question? I mean, that's a simple one.

MR. PICCONE: Sure.

MR. PINHEIRO: I have something to say. That is, probably tomorrow the Council will extend our mandate for six months. First, because nobody -- that is there are groups as Syrian Observatory of Human Rights in London, Human Rights Watch, Amnesty, and other organizations doing documentation on human rights violations. But inside the United Nations there is nobody. There are special rapporteurs that sometimes they are mobilized for Syria, but there is not a body or a group of people.

And I think that one of the motivations for the Human Rights Council is this theme exists in the Commission and it makes sense that during this ongoing crisis we have accumulated some experience, and perhaps this will be better than to appoint immediately the special -- as you said, in the previous resolution the special rapporteur will be appointed when the mandate of the Commission will finish.

I think that some people, of course, some people are not very happy about World Human Rights Council, but I think that the Human Rights Council is devoting a lot of energy. How many special sessions? Three?

SPEAKER: Three.

MR. PINHEIRO: Three.

MS. ABUZAYD: On Syria.

MR. PINHEIRO: Three special sessions just on an urgent debate on Syria. Then I think that is -- but the political solution is not the Human Rights Council. It's right there in the Security Council. And I hope that the present chair today, the chair's statement will demonstrate their support for the humanitarian access and suspension of the armed confrontation.

MR. PICCONE: Okay, let's take some more questions while we have time. Please identify yourself and please keep you comments/questions brief because others want to speak. And we'll start over here and then cross over.

MR. ABUDULLAH: Thank you. My name is Muhammad Abudullah. I'm from the Local Coordination Committees of Syria. And I just landed back from Geneva, where I attended the session and I heard the discussion. And I want to thank you for your efforts.

My question is a way of the evaluation, if it was wrong or right. Is it the

mandate of the Commission of Inquiry to suggest a political solution? Let's go to dialogue or not go to dialogue? I think that's (inaudible) and I'm really disappointed with all the (inaudible) on the diplomats that I've met in Geneva.

And my second comment is militarizing the conflict is a crazy thing and going to lead to disaster. I highly agree with you, nobody wants to see this huge amount of arms between the people's hands and especially random people and civilians are joining the defectors, not only pure defectors. But, however, watching what's happening for one year, we're copying what happened in Kosovo. The Clinton Administration, the President kept watching. Russia vetoed it twice. President Milosevic besieged Sarajevo and killed almost thousands of people and the international community kept begging him and kissing his butt just to allow the humanitarian commissions and the ICRC to go in with nothing. Russia kept covering Milosevic to the end of the conflict, till the NATO started bombing.

And if you want to take Syrians' account and their willingness and their future of their nation, yeah, let's do that. (inaudible) frightening was the immediate military intervention, the name of the fright. That's what the Syrians -- they need really concrete for it to stop.

I used to be a Human Rights Watch research in Syria for two years and I was in prison twice with my entire family. I'm a survivor of torture. I know what I'm talking about. We're not a big fan of military intervention, but, unfortunately, the Obama Administration is hiding behind Kofi Annan's efforts and we all know it's not going attack anywhere. And even a presidential statement, Russia is taking the deadline or the timeline away and they're taking any necessary measure or additional measures that could be taken as consequences of the Syrian regime did not follow. And now we're



begging Bashar al-Assad for two hours ceasefire in courts just to allow the ICRC.

And one final comment about you were saying we don't need humanitarian corridors or (inaudible). That's 180 degrees contradiction with what Amos said when she walked in Baba Amr and she said we really need humanitarian aid here. And for god's sake, for the first time the U.N. asking for an investigation about the whereabouts of 200,000 neighborhood guys. The entire neighborhood just disappeared. Nobody's there. We're talking about a highly populated neighborhood got bombed for 22 days and the international community turned a blind eye and we kept talking, including Erdogan. I met with him twice and I highly respect him, but the Turkish position has been very talkative with no actions. We really need actions.

And a long-term process with the Human Rights Council is a great thing for accountability and for justice and for a long time, but we need something that's going to stop the killing now, not later. Thank you.

MR. PICCONE: Thank you. Thank you very much. There will be two questions over here and then we'll come back to the panel.

MR. VIDOVIC: Yes, hi. My name is Ralph Vidovic and I'm originally from Sarajevo. I've been in this country for quite some time. And actually I was a guest in Turkey for about three years, from 1992 to 1995, and I went to high school in Turkey. And I must tell you that, I mean, I highly respect what you're doing and I think you're probably doing this in good faith, but my experience is that whatever you said is not going to work.

I mean, I hate to pour, you know, cold water over what you're saying, but I think that you have to think about alternatives to what you're proposing. To say that there is no military solution on the table, in my opinion, is a blank check for murders to

continue. And my question to you is if -- would you consider under any circumstances putting the military option on the table if what we're saying today goes on? I mean, in a way, you know, doing what was done in Libya.

So I agree with you, you know, Libya is not -- there cannot be a parallel between Libya and Syria. It is my belief that Syria is most actually, unfortunately, like Bosnia, not even Kosovo. Kosovo is very happy because of what happened to us in Bosnia. And, I mean, I'm not going to go into what Turkey needs to do because I think that Turkey, as you said, you know, has a lot of talk to walk.

But, I mean, would you -- if something -- and I'm sorry, I mean, I know don't represent the government, but I'm sure somebody in here is.

MR. PINHEIRO: Not at all. If you know who it is --

MR. VIDOVIC: But at the same time, I mean --

MS. ABUZAYD: I'm (inaudible).

MR. VIDOVIC: -- what if Assad continues? And I have -- I don't agree with your opinions. I think that Assad is going to take this as a sign of weakness by the international community and going to try to finish, you know, the business in the next couple of months. But what if the killings continue and the opposition doesn't actually go away? I mean, would you consider allowing them to defend themselves or do you think that, you know, letting him do what he does is the only option we have on the table?

MR. PICCONE: Okay. Let's take one more and then we'll come back. There's a woman right in the aisle behind you. Thank you.

MS. RITTER: Hello. I'm Mary Ritter and I'm a Brookings council member.

Have you any idea of the composition of the opposition? Is it all -- one

reads that al Qaeda is in it. There seems to be no leadership that one can identify, which makes it more difficult. Is this what you found?

MR. PICCONE: Okay. Well, these are some tough questions, but I think

--

MR. PINHEIRO: No. That is, we're not able to answer everything because we respect the dissent.

The formal thing that I'll say that I -- not a single state contested our mandate. All the speakers --

MR. PICCONE: (inaudible) a solution?

MR. PINHEIRO: No, this question of addressing, that is support the role of Kofi Annan and to discuss that we see with -- we have a tremendous resistance to intensification or militarization. This is for the sake of the documentation of -- on human rights violations that we are done. We are not proposing by ourselves a political solution. Then I think we are very much in our mandate. And nobody in the Human Rights Council expressed this critique to our mandate, at least in public. No country dared to say this. And I think that we are in safe ground.

I respect very much the role of the coordinating committees. We had a very good dialogue with many of the members of the coordinating committees.

Just to mention a question about the opposition, the opposition, of course, in similar situations is divided, but I must say that in all the countries of South America in terms of transitions from authoritarian regimes, there was a division about those that are inside the country, those that are outside the country. And we considered this perfectly normal. And I think that the Syrian National Council plays a very important role. I think that this -- to simplify their position in terms of the presence of al Qaeda, I

think that is -- it doesn't correspond to reality.

Member states are saying that a military intervention is not possible. It's not only us that we are saying that this is not solution. I don't see any concerned member state supporting such intervention. Then we need to try to examine other possibilities.

And I think that it's not fair to declare that all this initiative of the Arab League and the United Nations is doomed to failure. I think that it's very important that this initiative has very strong support. And then if this support is present, I think something will be able to be achieved soon. But we respect the dissent opinions, but we did -- that is, as an independent commission, we say in the report what we think the evidence and the research and the investigation that we did opened the possibility to the kind of proposals and recommendations that you did.

I don't know if my colleagues want to complete.

MS. ERTURK: Can we get a few more questions and then maybe we can wrap up?

MR. PICCONE: Sure, we'll do one more round of just a few more questions.

MS. ERTURK: Because I'd like to hear everybody's opinion.

MR. PICCONE: Behind you there are two hands on the left.

MR. PINHEIRO: I'll be silent for now.

MS. HARRIS: Hi. My name is Robbie Harris. One quick question.

What about the KRG and their response to refugees going into Northern Iraq? How are they treating them? And how is the border there? Do you guys have any visibility on that?

And the second thing is we've said here time and time again that militarization's not an option by member states, the Arab League. We live in a world today where there are people who -- and groups that aren't members of the U.N., al Qaeda, other organizations and entities like them that are intrastate and have reached across several countries. And they are involved and it is becoming militarized. It might not be us. It might not be an official nation state, but they are contributing weapons, they're getting involved, and it wouldn't just be one group. And the longer that continues, the more sectarian in nature and fractured it becomes. So what's being done to sort of shift the balance of power to encourage Russia and China perhaps to pull away? What's happening on that end? Because I agree, you need to dialogue, but maybe it's not with Assad and the people on the ground, but perhaps with Russia and China because with all the shift of balance.

MR. PICCONE: Thank you. And, oh, also on that side.

SPEAKER: She sort of touched on my question. You seem to put the onus for any of the violence on the Syrian government. If there are external actors who have an interest in continuing the violence you can't really expect the Syrians to put down their weapons, and there is some indication that this is going on. The Lebanese captured some weapons going into Syria. The Syrian government claims to have captured French citizens in the liberation of Baba Amr and have found Israeli-made weapons. So did you look into the question of external actors in the conflict?

MR. PICCONE: Okay. So we have just a few more minutes to wrap up. There's one more, I'm sorry. There's one more question in the front here and then we'll wrap up. Please identify yourself.

MR. WINTER: My name's Chase Winter. Today in Al Jazeera there's a

report about the armed opposition committing human rights abuses as well. And I think this kind of goes towards what you mentioned as far as --

SPEAKER: The Human Rights Watch said that, yeah.

MR. WINTER: What?

SPEAKER: The Human Rights Watch said that.

MR. WINTER: Yeah, about contributing weapons, could that fuel the fire? I was just wondering if you have any comment on that as far as human rights.

MR. PICCONE: Violations committed by the armed opposition groups.

MR. WINTER: Yeah.

MR. PICCONE: And I think the report does touch on that.

MS. ABUZAYD: Yes.

MR. PICCONE: So you might want to start on that.

MS. ERTURK: Okay. Well, I think in our presentation initially I said that in the second phase of our work we did become more aware of some operations of the armed groups, so, as a result, we did give space to that in our report. But, of course, the report shows clearly that this is -- there's no comparable balance of powers or anything of that sort. We're dealing with very fragmented armed groups, although they're all sort of lumped together as the Free Syrian Army, but the composition of this army's also very problematic. You have a few -- Riad al-Assad, who claims leadership of the armed groups, is in a camp of defectors in Hatay, Turkey. And he has a telephone and a laptop through which he's leading a revolution, okay? So it's very difficult to talk about an organized body of armed actors fighting the government. I mean, this scenario just is not something we were able to verify.

So it's a -- and basically many of these people are genuinely arming

themselves to protect their neighborhoods and their families and so forth. But in a state of conflict things can go astray. And yes, there have been incidents where armed groups have committed human rights abuses: abductions, bombings, et cetera, et cetera. And these, of course, are also responsible for their acts of such crimes. But we're not dealing with two equal forces here. And this is why I think we said that we did not apply humanitarian law to our analysis.

Let's see, external actors. There are always external actors and there are allegations of all kinds of external actors providing arms to this or that side. Now, our commission -- of course, this is not something within our mandate and it's -- certainly it would take more than a Commission of Inquiry that's been working within several months to come up with substantial evidence of external actors. We will probably not know exactly what has been going on for many, many years to come. We all know from past conflicts that the complexity of things that are not seen in these conflicts sometimes never become totally self-evident. So it's very difficult for us to say anything on that ground really.

With respect to al Qaeda-type of organizations, yes, they are part of the scene and they're very difficult parties to deal with. But what is the answer? For us all to get in arms so that we can protect ourselves against al Qaeda-type of groups? There have been such discourses, you know, arming and small arms and so forth. The culture of arms is based very much on this notion of, well, the society out there is bad, I have to protect myself. I mean, this is a very simplified way or looking at it, of course, but these are real challenges. And I don't think we as a commission have totally valid or convincing answers to all of these.

And I very much feel for our friends who are Syrians and your concern

and your anxiousness to have an immediate solution. But believe me, there are no such immediate solutions.

Now, outside intervention, if I was a Syrian whose family is being killed and tortured and so forth, I would say, oh, why don't they come and occupy this country and put an end to this? And then I would be very sorry that I have ever asked for something like this. So outside intervention, military intervention, or arming people inside, these have very heavy prices for the society forever to come. This is why I think we have taken a very firm stand on this kind of an option. And it's still being entertained by various actors, I think, although member states are very cautious given the few very unsuccessful examples ahead of us of military interventions.

It's one thing to intervene and get rid of the "villain." It's another thing to build a society to move on again. Which of the countries where such military interventions took place is moving on today? Look at Afghanistan. Al Qaeda, Taliban, they said in 2001 had been defeated.

So these are not easy issues. And can there be dialogue among people who were the sadists killing its own people? There has to be. We have to find a way. We have to -- if Syria is going to prevail, if Syrian people are going to go back to living together, these hurdles have to be overcome.

Peace and justice, I mean, you cannot have one or the other. I'm a great believer in justice, but justice alone does not bring the peace. So I think reconciliation and justice have to come along together, and we cannot see any other way but to push for this dialogue. I mean, either certain things have to change internally, the internal balances have to change, that either the opposition gets crushed completely or Assad regime falls for some miraculous reason. And we don't see any of these happening at



the moment, so our emphasis has been at the international level because this is where I think the international community has to take away any sense of confidence to either party that takes away any motivation for a dialogue. If the government knows that there are forces behind them, international allies, and if the opposition knows that there are countries internationally they can rely on, what is the motivation for a dialogue?

So although I know this is not an answer that convinces all of you, but I don't see another way. We don't see another way. This dialogue seems to be the only that the Syrian society after the violence ends can have any hope of reestablishing its future.

MR. PICCONE: Well, if you don't mind, I think that was a very poignant way to end the discussion. And I was sitting here listening to your comments and their reactions, it really does seem to present the classic dilemma of, you know, you have an authoritarian leader who's trying to survive and will do anything to survive and all the other options look like they only bring worse human rights consequences and have to be thought through very carefully in some kind of unified international response, which we haven't actually fully tried yet, you know. So trying all those options, maybe it's an escalation environment we're talking about. But you certainly have to try those other options before you get to the tougher ones, and I think that's the moment we're in right now with Kofi Annan's mission. And I think we heard some useful insights on how that might move forward.

And please join me in thanking them for all their work. (Applause)

\* \* \* \* \*

## CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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