

Statement by Mr. Paulo Sérgio Pinheiro Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic

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M. le Président

Excellences,

Now in its ninth year, the armed conflict in Syria has been a study in crisis and missed opportunities. As parties to this conflict have repeatedly pursued military objectives whatever the cost, civilian lives have been callously abused and lost. Meanwhile civilians have suffered indiscriminate bombing, shelling, detention, torture and death.

Exactly one year ago, on 17 September 2018, an agreement between the Presidents of the Russian Federation and Turkey was reached to avert a crisis in Idlib. This agreement sought to create a demilitarized buffer zone across the governorate, as well as in western Aleppo and northern Hama. It resulted -- for a time -- in a respite for millions of civilians trapped in an impossible situation.

Sadly that pause was short lived. Throughout north-western Syria, Since April of this year, violence has escalated steadily and the demilitarized buffer zone has become a battleground. Another humanitarian and human rights crisis has resulted from another wave of mass displacement of civilian residents fleeing conflict with inadequate humanitarian assistance available to meet their most urgent needs. Initially, members of the terrorist group Hay'at Tahrir al-Sham (HTS) attacked the military positions of pro-Government forces in Latakia governorate, while simultaneously launching rockets towards Government held areas. These attacks, often indiscriminate in nature, killed and maimed dozens of civilians.

The response by pro-government forces has been disproportionate, killing hundreds of civilian during these last four months. Aerial and ground offensives by pro-government forces to oust HTS terrorists and affiliated armed groups from Idlib and surrounding areas increased significantly. This destroyed infrastructure essential to the survival of the civilian population, including markets, educational facilities, agricultural resources and -- most notably -- hospitals.

Women's and children's hospitals have been heavily impacted, compelling women to give birth without the necessary prenatal and postnatal assistance. In our report, we detailed a series of attacks on de-conflicted hospitals located both inside the de-militarised zone and in other locations throughout Idlib. There is NO justification to attack such facilities which are crucial for the survival of the civilian population, and are afforded special protection under international humanitarian law. The establishment of a Board of Inquiry by the Secretary-General to look further into the circumstances surrounding these attacks is an important development.

As a consequence of the escalation in Idlib, half a million civilians have been left with no choice but to flee, mostly to areas with already large numbers of existing IDPs. This has severely strained already overstretched humanitarian assistance. Many are compelled to live under completely inadequate conditions, forced to sleep in the open, without access to food, water or medical care.

After nearly four years of living continuously deteriorating conditions and one-off aid deliveries, over 17,000 women, men and children left the Rukban camp following a series of evacuations organized between late March and May. However thousands still remain in Rukban camp trapped in desperate conditions. The situation of children is particularly extreme, with the majority of boys and girls in the camp having missed school for almost five years.

The situation in Al-Hol camp also remains desperate. Over 68,000 individuals are interned, 94 percent of whom are women and children. Separated from the general population of the camp, some 11,000 family members of foreign ISIL fighters, including 3500 children, are being housed away from food and health points that serve the other residents of the camp. Many described being denied food and prevented from accessing medical care, including for their infant children. They are in need of rehabilitation and reintegration. They require urgent comprehensive psycho-social rehabilitation. All member states must adhere to the principle that all children under the age of 18 in armed conflict should be under the protection of the Convention on the Rights of the Child.

Certain Member States have taken steps of stripping citizens either of their nationalities to prevent their return, or approving their involuntary transfer to other countries in violation of the principle of *non-refoulement*. Proposals by States to repatriate children without their mothers, moreover, contradict the principle of the "best interests of the child."

Among those caught in camps under Kurdish authorities, Yazidi women and children – survivors of brutal violations, including slavery, rape and other forms of sexual violence – are facing a precarious existence. Recently, a decision by the Yazidi Supreme Council posed a painful dilemma for those seeking to return to their community: either to give their children born in captivity to ISIL fighters for adoption in Syria, or be exiled from the community. Scattered in eastern Syria, and with unclear prospects of returning to their community, Yazidi women and children continue to face limited access to the health care, psychological support and trauma therapy necessary for their recovery.

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Syria's human rights crisis is characterised by the plight of the unlawfully detained, missing and forcibly disappeared. In certain areas controlled by the State, previous patterns of arrest and disappearance are re-emerging. Hundreds of families have been informed that their relatives are no longer alive, often without any official proof or documentation.

In areas beyond Government control, the flagrant absence of the rule of law and the fragile security situation have fostered an environment conducive to impunity for human rights violations. In Idlib, HTS terrorists continue to detain activists arbitrarily, including journalists or other individuals expressing dissent or critical of the group. In Afrin, individuals, including activists openly critical of the armed groups and those perceived to be supporters of the former administration, were also regularly detained, tortured and extorted by members of armed groups.

As the conflict in the Syrian Arab Republic continues to evolve, the protection concerns for civilians remain massive. This has exacerbated gender inequalities and the gendered harms that accompany them. Syrian women are increasingly undertaking responsibilities beyond their traditional roles. At the same time, discriminatory customs and legislative norms continuously undermine their rights, including their access to property, documentation and child custody. Girls have been routinely married off to older men and removed from school for protection or to alleviate financial burden. Boys are expected to take on the role of a breadwinner, particularly in female-headed households following the disappearance or death of male parental figures. This has resulted in child labour and boys are often seen begging in the streets. Women and girls with physical and mental disabilities have been adversely affected, in particular when forced to relocate as a result of hostilities in camps for displaced persons, where specialized services for their survival are unavailable.

The scope and scale of arbitrary detentions, kidnappings and enforced disappearances, together with the destruction of vital infrastructure and the lack of effective service provision and civil documentation demonstrate that numerous challenges persist regarding the sustainable and dignified return of internally displaced persons and refugees. The Commission also received reports of forced returns to Syria, with individuals being arrested and mistreated upon arrival. We reiterate that the principle of *non-refoulement* must be respected at all times.

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The lack of a political process and progress towards peace is aggravating civilian suffering. While political efforts falter, all parties to the conflict must abide by the humanitarian imperative to protect civilians in their conduct of hostilities.

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