

Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 37th session of the Human Rights Council

 ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx

[Back](#)

13 March 2018

[Arabic](#)

13 March 2018

M. le Président

Excellences,

Towards the end of last year, hope had been raised that peace talks might bring an end to the violence. The past two months, however, have been marked by an upsurge in a conflict that has plagued the country for the past seven years. Today, as I speak, a population of over 390,000 are struggling for their very survival.

Syrian men, women, and children of eastern Ghouta have been cut off from the world by a harsh siege, which has lasted nearly five years. They subsist in unimaginable circumstances, without adequate food, water, or medicine. A whole generation of children have been born into war.

Compounding the siege and deliberate starvation are relentless bombardments and indiscriminate attacks on protected objects. These barrages have been so regular and intense that families in eastern Ghouta have had no choice but to relocate and take shelter underground, with dozens not having seen sunlight for days.

A few days ago UN humanitarian aid pointed to residents being prevented from leaving by al Jaysh al Islam or were reluctant to go because they feared reprisals by the government or having their property looted.

Unlawful attacks are also perpetrated by armed groups and terrorist organisations operating from eastern Ghouta. These attacks have killed and maimed scores of civilians by randomly firing unguided mortars into densely populated areas of Damascus city. Such acts of cruelty are emblematic of the total lack of respect for international humanitarian law.

Ten days ago, this Council undertook an urgent debate on the situation in eastern Ghouta. That debate concluded with a demand that all parties allow safe, unimpeded and sustained access for delivery of humanitarian assistance to all people in the besieged

enclave. Additionally, the resolution welcomed Security Council resolution 2401, ensuring “that all parties cease hostilities without delay”.

Not only do the bombs still fall, on both sides, but humanitarian aid convoys also face extreme difficulties to deliver life-saving food and medicine. Whether it be the complete lack of security guarantees to enable deliveries or the removal of essential food and medical supplies from convoys by the Syrian Government, very little aid has reached the ever-growing number of civilians in most desperate need. As a result, hundreds of the sick and wounded languish as they await any possibility of medical evacuation. Some of those on a list of critical cases for evacuation have since died.

These outrages are nothing new. This is the 23rd time that I have addressed this body, and still the killing continues without any sense of shame, decency or duty. Eastern Ghouta is currently dominating the headlines just as eastern Aleppo city, Ar Raqqa and Deir al Zur have done in the past year or so, and Madaya before that.

There are more such districts and situations that the Commission has identified – that will predictably become crises and headlines in the future – only for the civilian suffering to be broadcast around the world.

We remain concerned about the escalation in violence in Afrin, home to a population of over 320,000, including 125,000 internally displaced persons. This will negatively impact civilians and deteriorate the humanitarian situation in that region. We will continue to monitor developments.

Throughout Idlib governorate, home to two million people, with just over one million of them internally displaced, objects indispensable for the survival of the civilian population – including hospitals and medical facilities – continue to be attacked with frequency and in flagrant violation of the most fundamental tenets of laws of war.

Only a few months ago, some tangible progress seemed possible in the political process. De-escalation zones in Idlib, eastern Ghouta, Dara’a and Northern Hama had reduced violence markedly, and the meetings in Astana and Sochi, and opened the possibility of a reinvigorated Geneva process.

This recent resurgence of violence perpetuates the illusion that the solution to the conflict will come through a military victory. This illusion has been fuelled by the unwillingness of influential states to enforce discipline on the warring parties and demand their serious engagement in finding a sustainable political solution. Such a resolution will require that all parties to this conflict, and those who support them to address seriously the root causes of the conflict. We have reminded this Council persistently that human rights grievances and violations are at the heart of these root causes.

Excellences,

Syrian survivors remind us that basic notions of justice and accountability must not be ignored. For years, the victims of this brutal conflict repeatedly underscored the overriding importance of accountability. Yet, violations by all parties – pro-Government

forces, anti-Government armed groups, terrorist organisations and their affiliates and sponsors – continue to go unpunished.

To that end, remedies to address the most urgent needs of victims must be sought.

Such measures include, among others: immediately ceasing intentional and indiscriminate attacks on civilian populations, and allowing instant access of humanitarian assistance to besieged and hard-to-reach areas, in particular the population suffering in eastern Ghouta.

Also, we must not forget the families whose relatives are missing. Thousands have been arbitrarily detained, taken hostage, abducted or forcibly disappeared, in many cases never to be heard from again. These victims and their families deserve respect for their right to truth. Full lists of names of all those held in detention, by all sides, should be provided by those in control, as well as notification to families and next of kin of those who have perished in detention. There is no need to wait for a cessation of hostilities to provide such lists. At the same time, the granting of unconditional access to all places of detention to independent monitors and, at a minimum, humanitarian organisations such as the ICRC, should be prioritised, as well as releasing those most vulnerable from detention, namely children, women, the elderly, and disabled.

We must also think about the fate of the nearly 12 million displaced Syrian men, women, and children - 5.6 million of them refugees and 6.1 million internally displaced people - and identify the challenges related to facilitating their return. Domestic laws regulating housing, land, and property rights should be altered only to help facilitate the return of refugees and the displaced to their homes. Any laws designed to impede sustainable returns or to change demographics must be abandoned.

Such measures can be used as benchmarks to measure the effectiveness of confidence-building measures, progress in transition or sustainability of peace itself. Importantly, implementation of accountability measures of this kind should be a measuring stick in decisions taken by the international community and the United Nations on funding reconstruction efforts and designing development assistance programmes.

Now is the time to work on these matters. Parties to the conflict must prioritise the needs of the very people that they purport to represent. Political dialogues in Geneva, Sochi and Astana, which have recognised many of the foregoing needs, must continue to identify these issues as an integral part of any political solution, while keeping in mind that there must not be amnesties or pardon for those responsible for gross human rights violations, war crimes or crimes against humanity.

As the war continues, and Syrian victims continue to be denied any measure of meaningful justice, I repeat, now is the time for this situation to change. We stand committed to serve the victims of this conflict and we will be steadfast advocates in their quest for the justice they deserve.

[Back](#)

