

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

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[Back](#)

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M. le Président
Excellences,

Let me begin by sharing the words of one of the many thousands of Syrians we have interviewed. He told us: “All of them were killed. That is better than us. My daughter died and we remained”. Within hours of his interview, this man was killed. Since the beginning of our mandate, it has been the Commission’s goal to give voice to the victims, to bear witness to their plight, and to document rigorously violations and abuses perpetrated against them.

We present today our latest report, detailing the violations of human rights law, international humanitarian law, and basic notions of human dignity across Syria since March.

Civilians continue to be deliberately attacked, deprived of humanitarian aid and essential healthcare services, forcibly displaced, and arbitrarily detained or held hostage by all warring parties: pro-Government forces, anti-Government armed groups, terrorist organisations and their loyal affiliates. By shedding light on these atrocities, we hope to advance the cause of justice for the victims.

For years, we have reported on how sieges are ruthlessly enforced and their resulting impact on the civilians. As we sit in this chamber, can you imagine a life under siege? Starved. Deprived of access to water. Hospitals and schools destroyed or at best moved underground with limited staff and supplies. Besieged civilians are given little choice, but to starve, surrender or die.

Local truces, including the Four Towns Agreement, comprising Fu’ah, Kafraya, Madaya, and Zabadani, have brought sieges to an end. Some truces incorporated evacuation agreements which resulted in the forced displacement of civilians. These included three of the “Four towns” as well as Barza, Qabun and Tishreen in eastern Damascus. Civilians did

not voluntarily leave their homes, their communities or their places of refuge. Rather, most were never consulted. They left because they felt they had no other choice, and feared reprisals if they stayed.

Many of those displaced from areas previously besieged by pro-Government forces are now in Idlib, where they face difficulties accessing humanitarian assistance. IDPs face difficulties across the country. In some areas, especially those under government control, the impact of unlawful unilateral sanctions has resulted in increased prices and reduction in the availability of crucial items in local markets.

The contrast between those displaced under evacuation agreements and what happened earlier this month when pro-Government forces broke ISIL's siege of Deir Ezzor city, could not be starker. Two days after this siege was lifted, humanitarian aid flowed to residents, none of whom had to leave their home, showing that sieges can be lifted and aid swiftly delivered without the need for forced displacement.

We have documented incidents perpetrated by the terrorist groups ISIL and HTS (led by former Jabhat al-Nusra command), and by armed group fighters. In a disturbing pattern, terrorist organisations and extremist groups intentionally targeted religious minorities, in locations under both their control and that of the Syrian Government. They have done so using car and suicide bombs, sniper attacks, and hostage-taking.

Last April, in al-Rashidin (Aleppo), a car bomb killed almost 100 internally displaced persons from besieged Fu'ah and Kafraya, including 68 children. These IDPs – the vast majority of whom were Shi'a Muslims – had lived under armed group siege since 2015, and were being forcibly transported as part of the Four Towns agreement. After the attack, a number of IDPs were further taken hostage by armed groups, while others remain missing.

We stress that the vast majority incidents in which civilians are killed and maimed involve the unlawful use of conventional arms, in particular through indiscriminate aerial bombardments using cluster munitions and explosive weapons in civilian populated areas. We have a duty under our mandate, however, to document the unambiguously illegal use of prohibited chemical weapons, in blatant violation of international law and attribute responsibility accordingly. Reporting on such heinous crimes and human rights violations is at the very core of our work. Silence is also a statement and we cannot remain silent in such matters.

In several instances, Government forces used chemical weapons against civilians in opposition-held areas, including in Khan Shaykhun (Idlib) on 4 April. In accordance with our well-established methodology, we gathered extensive evidence including dozens of interviews, photos of remnants and satellite imagery and concluded that Syrian aircraft dropped a sarin bomb in Khan Shaykhun killing over 80 individuals, mostly women and children, and injuring hundreds more.

This attack took place during a Syrian and Russian aerial campaign in northern Hama and southern Idlib, which targeted medical facilities. As a result, these facilities could not provide adequate assistance to victims of sarin on 4 April.

Finally, we found that United States forces failed to take all feasible precautions to protect civilians and civilian objects when attacking alleged terrorists and destroying part of a mosque complex in al-Jinah (Aleppo) on 16 March, resulting in an alarming loss of civilian life in a serious violation of international humanitarian law.

We continue to investigate allegations about international coalition airstrikes carried out as part of the on-going offensive to repel ISIL from ar-Raqqah. We are extremely concerned about the increasing numbers of civilian casualties as a result of these airstrikes, which have intensified significantly over the last few weeks. As SDF forces advance to overtake the rest of ar-Raqqah city, concerns also arise over civilians who remain trapped in the city.

We appeal to all parties – pro-Government and international coalition alike – conducting airstrikes in Syria to redouble their efforts to ensure they are taking all efforts to spare civilians from harm and refrain from striking hospitals, schools, and religious sites.

More efforts must be made to assist the thousands of Yazidi women, girls and boys in Syria who were the focus of ISIL's campaign of genocide. Every conceivable effort must now be made by all parties fighting ISIL to rescue them and provide them the support they will need to recover from unspeakable exploitation, abuse and indoctrination.

With the battle for ar-Raqqah appearing to near its end, the terrorist group is severely weakened. But we must not be deluded into thinking that victory over ISIL means an end to this horrific war. ISIL was never part of a political solution. Should there be a failure to address the violent extremism empowered both by impunity and the flagrant disregard for basic human rights, terrorist groups will continue to find willing recruits in an increasingly asymmetric conflict.

We continue to insist that there is no military solution to the conflict. As the war lingers on, there is no doubt that the suffering of victims remains as persistent as ever. Syrian children, women and men have been repeatedly forced to pay the highest price for this interminable war. Yet the costs they have borne have given them little but sorrow, suffering, lost livelihoods, ruptured communities, displacement, and death.

Now is the time to address their critical needs.

It is time for the international community to focus squarely on the Syrian people, their rights, and their legitimate aspirations to a peaceful life. It is time for a political solution in which the voices and concerns of Syrians are brought forward, given resonance and primacy. It is their future at stake.

Attempting to impose peace through military victories will generate only more violence if not now, then in the future. With the Geneva talks set to resume, it is important for all parties to move forward, giving voice to all Syrians, including those outside the country.

This is the only foundation for a sustainable peace. Resolution 2254 provides a detailed map in that direction. Continuation of the Astana process is also welcome, as any efforts to reduce the levels and intensity of violence are encouraging and must be built upon further.

This solution must encompass justice for the victims.

Syria's people deserve not only criminal justice, but also respect for their right to truth. Too many families have had their relatives go missing. Thousands have been arbitrarily detained, taken hostage, or forcibly disappeared; in many cases never to be heard from again. Their families can have no peace until they know the fate or whereabouts of their loved ones. It is time to take action to coordinate information gathering, collection and claims made by families who are searching for their missing relatives. This must not wait for the conflict's end, but rather should happen now.

After six years of war, during which we have published more than 20 reports, we are concerned that Member States have done so little to hold perpetrators accountable. The deadlock at the Security Council on Syria is reprehensible and, at times, bewildering.

But we will not walk away.

We have a responsibility to the victims. We will continue to report publicly on violations and to cooperate with all bodies, including national jurisdictions and the newly created III Mechanism, which are in the position to further accountability efforts.

Such efforts will take time, but we should be mindful of the words of Dr. Martin Luther King, Jr., "The arc of the moral universe is long, but it bends toward justice".

Our place along that arc toward justice places certain obligations upon us. We must continue to put Member States on notice regarding the crimes and violations the people of Syria have endured from all warring parties. Member States cannot deny that they were aware of what occurred in Syria. Justice will one day come, and a great many will have to answer to history as to why they did not act sooner to stop the carnage.

One final note, we are here at this session to present our latest report. With your permission, Mr President, our colleague Ms. Carla Del Ponte will have a few minutes at the conclusion of the interactive dialogue to say farewell.

Thank you.

[Back](#)