

Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 41st Session of the UN Human Rights Council

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2 July 2019

Geneva, 2 July 2019

*M. le Président
Excellences,*

The violent conflict in Syria is not over, nor are its devastating effects on the Syrian people. That this continues to be the case over seven years after the conflict began is something for which responsibility must be shared.

Since I addressed you last March, the fragile ceasefire in the demilitarized zone of northwest Syria is at risk of total collapse. Conditions for the ceasefire have not been respected, and we are witnessing an upsurge in fighting, predominantly around southern Idlib, northern Hama, and western Aleppo governorates. This has placed countless civilian lives at risk. In a particularly disturbing development, members of the terrorist group Hay'at Tahrir al-Sham have been using drones to attack the military positions of pro-Government forces in Latakia governorate, and are simultaneously launching a barrage of rockets towards Government held areas. These attacks, often indiscriminate in nature, have terrorised, killed, and maimed dozens of civilians in the country-sides of Aleppo, Hama, and elsewhere.

Lamentably, the response to attacks launched by the terrorist group and its affiliates has been wholly disproportionate, including attacks against protected objects and residential areas within the demilitarized zone.

In recent months, dozens of health facilities were either damaged or completely destroyed, depriving approximately 600,000 civilians from vitally needed medical care, including those providing specialised services to women and children.

Similarly, schools, markets, and camps for internally displaced persons continue to be struck by both aerial and ground offensives. Numerous educational facilities have closed down in anticipation of further attacks, leaving tens of thousands of children without access to education. These attacks are regularly marked by the use of indiscriminate weapons such as forbidden munitions including cluster bombs and incendiary weapons.

The latter have destroyed vital food producing resources including hectares of crops and agricultural equipment, resulting in substantial harvest losses for an all too beleaguered population.

Moreover, we note that women and girls continue to be denied their rights to employment, education, and medical care throughout areas controlled by extremist groups. Children throughout northwest Syria suffer under harsh economic conditions, and all too often lack any meaningful access to education. As a consequence, forced labour, forced recruitment, and forced marriage ensue.

As so often in past, the current surge of conflict in the demilitarised zone is further causing mass displacement. Within the past three months, more than 300,000 individuals have been internally displaced in the northwest. Those recently displaced have fled mostly to areas with high numbers of existing IDPs, severely straining already overstretched humanitarian providers.

Equally disturbing is the situation of over 6.6 million internally displaced countrywide – which continues to be precarious – and the more than 5.6 million refugees who have fled the conflict. Recent surveys of the refugee populations, including by the UNHCR, indicate the vast majority wish to return to their homes when conditions become amenable.

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Lack of security remains the largest obstacle to return – including fear of arrest and forced conscription by the State, but also fear of the lawlessness that exists in many parts of the country which has led to abductions for ransom, extortion, and murder. The second hurdle facing displaced civilians and refugees wishing to return is that they have no guarantees concerning their housing, land, and property rights, and limited access to basic information. The massive scale of destruction wrought by over seven years of conflict has created immense challenges, especially for female-headed households which remain disproportionately affected.

Last is the dire situation countrywide in which many displaced find themselves, which is not lost on the refugee population residing outside. The appalling squalor and deprivation is in large part due to the near lack of humanitarian assistance reaching displaced civilians, as a result of a combination of factors including the apparent unwillingness of the Syrian Government to prioritize their needs or allow international aid to reach them, the inability of the State alone to cope with this catastrophe, and the stand-off position of the international community that is seeking to see progress on a political settlement. As a result, the Syrian population continues to suffer and to wait for help that has not materialized. Every effort must be made by the international community to prioritize the needs of the Syrian population. The lives and living conditions of the Syrian people should no longer be compromised for political expediency.

A case in point is the number of displaced Syrian women, men, and children in Rukban. While we welcome the end of the deadlock that had left around 42,000 women, men, and children in dire conditions for nearly five years, the end is not yet in sight. Evacuations have begun, though some 29,000 civilians remain trapped in makeshift settlements, languishing in a wasteland amid desperate conditions. While those possessing the required resources to evacuate were able to leave the camp, the most vulnerable are left behind.

Women and girls in Rukban have been disproportionately affected by rampant sexual and gender-based violence, child marriage, and exploitation. The situation of children is particularly extreme: of the camp's thousands of children, many of whom lack civil documentation and are effectively stateless, at least half lack access to basic education. Food, basic medicine, and other life-saving supplies are no longer available. To avert further suffering, the unconditional deployment of a third humanitarian convoy to Rukban remains essential.

Those who have left Rukban have been interned and processed through security screening at so-called "collective shelters" in Homs governorate. UN assistance in expediting this process and in accompanying the returnees to their places of origin will be needed.

Challenges regarding displacement also extend to the tens of thousands of civilians displaced by recent battles to capture the last enclaves of ISIL in eastern Syria. They are languishing in makeshift camps and enduring appalling and inhumane conditions of shelter, health, and hygiene – many of them held in de facto detention by Syrian Democratic Forces. This has led inevitably to the preventable deaths of up to 240 children thus far, primarily due to the lack of adequate onsite medical and humanitarian assistance. While efforts are underway to improve this situation with the UN and international organizations providing relief, the assistance provided to date has been lamentably inadequate to address existing needs.

At al-Hol camp in Hasakah – which was initially built to house up to 10,000 IDPs – over 73,000 individuals remain interned, the vast majority of whom are women and children under the age of 12. The situation of some 3,500 children at al-Hol camp is of particular concern. Children urgently require comprehensive psycho-social rehabilitation. They are vulnerable to abuse as a result of the lack of protection and law enforcement mechanisms. Some risk being left without a nationality and being separated from their parents – including their mothers – as a result of the policies of Member States seeking to repatriate children or to strip parents of their nationalities. I remind that the Convention on the Rights of the Child, ratified by all Member States in this room, considers all those under the age of 18 to be children. They are victims in need of rehabilitation and reintegration. A more rational approach needs to go beyond a narrow focus on punishment.

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Aside from Syrians, some 11,000 residents at al-Hol are third-country nationals, many of whose countries of origin are refusing to repatriate them due to their perceived familial links with ISIL fighters. Certain Member States have taken the further steps of either stripping citizens of their nationalities to prevent their return, or approving their transfer to countries where they may be subject to torture, ill-treatment, or the death penalty in violation of the principle of *non-refoulement*. I would remind all parties to the conflict including Member States, that the ICCPR states very clearly “*No one shall be arbitrarily deprived of the right to enter his (her) own country,*” and the UN Human Rights Committee has noted that “*there are few, if any, circumstances in which deprivation of the right to enter one’s own country could be reasonable.*”

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Lastly, let us not forget the plight of the unlawfully detained, missing, and those forcibly disappeared. In Idlib and Afrin, areas where armed groups and terrorist organisations are operating with impunity, civilians continue to be unlawfully detained or kidnapped for expressing political dissent or for ransom. In areas controlled by the State, previous patterns of arrest and disappearance are re-emerging. Hundreds of families this year have been informed that missing relatives are no longer alive, with little explanation. It is intolerable that the fate of tens of thousands remains unknown. This situation requires the urgent attention of the Syrian Government and Member States. Last month, we were very pleased to see the Security Council pass its first ever resolution on missing persons in armed conflict – Resolution 2474, an initiative of the Kuwaiti presidency of the Council. In so doing, it is finally lending its voice to the obligations that require all parties to the conflict to account for people reported missing and to provide family members with any information they may have on their fate. We support the efforts of the Special Envoy in seeking to prioritise this issue, and call for early and unilateral steps to be taken by all parties, and primarily the Syrian State, to provide information to families about those that remain in detention, and those who are missing.

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This year we observe the 70th anniversary of the key documents laying the foundations for the protection of civilians in armed conflict: the Geneva Conventions of 1949. Moreover, 20 years ago, action was taken by the Security Council of the UN to place the subject of “protection of civilians in armed conflict” as a central theme on its agenda. Enhancing civilian protection by addressing the root causes of armed conflict comprehensively became a guiding imperative for the Council’s work, including through the protection of, and increased respect for, human rights. This rationale extends beyond pure physical protection from harm, and also includes the need to protect access to humanitarian assistance, essential life-saving services and, eventually, the facilitation of returns.

Regrettably, we have witnessed in the Syrian Arab Republic the very fundamentals of international humanitarian and human rights law being ignored by many of the parties involved – from indiscriminate attacks on civilian areas in urban centers to the near total destruction of the city of Raqqah.

We have reported on the starvation of civilians and deaths of children in sieges; the disappearance of tens of thousands; the prolonged incommunicado detention of suspected ISIL fighters; the lack of humanitarian assistance to millions of displaced, leading to preventable deaths; and the stripping of nationalities and refusal to repatriate nationals without due process. The list could go on and on, but the reality is while we uphold international humanitarian law and human rights standards in fine speeches when it comes to the Syrian conflict, no one has fully adhered to them. As a result, the civilian population remains the primary victim. It is reprehensible that these universally recognised principles, and the interests of the Syrian people, have been completely ignored for over seven years of conflict.

Thank you

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