

Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the 45th Human Rights Council session

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Madame la Présidente, Excellences

We are witnessing in Syria today a relative reduction in largescale hostilities and indiscriminate attacks, with the 5 March ceasefire in Idlib largely holding. However, Syrians are not any safer and they continue to suffer gross human rights violations by **all** the actors controlling territory.

While well documented violations - such as arbitrary detention, enforced disappearances, torture and deaths in custody - continue unabated, newer forms of **violations with sectarian undertones** are increasing, including targeted killings, looting and

appropriation of property. We are also seeing more incidents of sexual and gender-based violence.

Across **Government-held areas**, for this report, we documented 45 cases of enforced disappearance, 13 cases of torture, and 19 deaths in detention. Continuing to repress people by keeping them in incommunicado detention in abhorrent conditions and torturing them, amounts to crimes against humanity.

The Government's security apparatus continue to violate residents' civil, economic, political and social rights, particularly in **areas previously held by non-state armed and terrorist groups**. Checkpoints block residents from making a living by selling goods or crops elsewhere, and even from seeking health care. An opaque "security marks" system prevents people from owning or even renting a home. The constant threat of arbitrary detention stifles freedom of movement. The barriers to the return of refugees are omnipresent.

Such deliberate denial of rights of Syrians is immensely compounded by the deepening economic crisis, tightening sanctions and COVID-19 – which is now rapidly spreading across Syria, with numbers much higher than official accounts. With a staggering **9.3 million Syrians now food insecure**, we reiterate the need to ease or waive sectoral sanctions to ensure access to food, essential health supplies, and COVID-19 medical support and to avoid further destituting an already desperate population.

Blame for the suffering of the Syrian people does not rest with the Government of Syria only. In **Afrin, Ras al Ayn and the surrounding areas**, Attacks by massive IEDs and shelling claimed scores of lives. The Turkey-backed "Syrian National Army" (SNA) may have committed the war crimes of hostage-taking, cruel treatment and torture, and rape. Looting and property confiscation by the SNA in mainly Kurdish areas is rife. Whole communities and cultures are under attack. UNESCO heritage sites have been bulldozed and looted.

Alongside other neighbouring countries, Turkey has been a refuge for millions of Syrians fleeing violence and a lifeline for vital humanitarian aid and support to reach millions of others in dire need inside Syria. It also plays a unique role vis-à-vis Syrian armed groups and political actors and we encourage Turkey to utilise its position to **prevent these abuses by the SNA and others**, provide accountability and redress for victims and to ensure the protection of civilians in the areas under its control.

It is encouraging that the 5 March ceasefire negotiated by the Russian Federation and Turkey in **Idlib and surrounding areas** is largely holding, but of the nearly one million people who fled indiscriminate bombardments earlier this year, most remain in miserable displacement camps in northern Idlib. Some 200,000 have returned to areas under the control of the terrorist group Hayat Tahrir el Sham (HTS). People who expressed dissent against HTS were detained, tortured and even murdered. Increasing numbers of women and girls are suffering forced and early marriages, sexual violence, miscarriages and domestic violence in the overcrowded camps, indicative of heightened desperation, as winter nears and COVID-19 spreads.

Meanwhile in **Dayr al-Zawr, Raqqa and Hasakah**, ISIL continued its attacks on the "Syrian Democratic Forces" (SDF) and the anti-ISIL coalition. Eighteen months since ISIL lost its bastion in Baghouz, over 60,000 women and children remain in the Al Hol Camp and its annex, in appalling conditions. With COVID-19's recent spread in the camp, only five primary health clinics remain open.

Nearly 35,000 are children under the age of 12. To hold so many **young children in inhumane conditions** for 18 months, without any legal recourse, is not only unlawful, it is shameful. They should be released, and we call on Member States to urgently take back their own citizens, in particular children with their mothers.

As we approach the **10th anniversary of the conflict**, the blatant disregard for minimum human rights standards has taken root across the parties to the conflict.

We therefore reiterate our calls on all Member States to continue seeking **accountability**, including through ensuring effective legislation enabling the prosecution of individuals suspected of war crimes and crimes against humanity in Syria; and investing in related investigative, judicial and prosecutorial infrastructure.

The dire picture painted in our many reports including this latest one, prompt some to ask how we keep going. At the Commission we (our staff) witness every day the great **courage and resilience of ordinary Syrians** – victims and survivors, families and advocates, outsiders and insiders – who continue to struggle for basic rights and freedoms despite the very heavy toll they have borne.

We are also greatly encouraged by the efforts by national authorities of many States, who have exercised universal and other forms of jurisdiction, in an effort to **bring perpetrators to justice**. This progress is quite remarkable – and we are honoured to have shared the information we have gathered for specific prosecutions that may bring justice to the Syrian people. The Commission stands fully ready to continue to assist Member States in this endeavour, in close cooperation with the IIIM.

Beyond criminal justice, the Commission has proposed **key practical steps** that the international community could work towards, in order to address the needs of Syrian victims and their families:

A first very practical step could be to set up an **international mechanism to coordinate the many efforts that are going on to collect information on an estimated 100,000 missing and disappeared**. Such a mechanism could help track and identify missing and consolidate claims filed with a wide variety of organisations. It should involve families of missing persons and benefit from lessons that have been learned repeatedly across the globe, for instance in countries in Latin America.

Another is facilitating **prisoner releases**. To be detained in Syria is nearly always to be missing. Syrians need an end to incommunicado and arbitrary detention.

A third is to ensure **detention monitoring by an independent international organisation**, such as the ICRC or OHCHR, in all places of detention. This is vitally important given the very limited access to prisons by families and humanitarian organizations and the total lack of access to most detention centres run by security or militias.

A fourth step could be to facilitate a **moratorium on executions**.

Fifth, **rule of law reforms** —including perhaps as criteria for international donor funding of future development and reconstruction efforts. Syrians want to see their security forces and judiciary reformed, so that they no longer act against the people but in defence of the people.

And last but not least, actively seek to **remove obstacles to sustainable returns** of the 5.6 million refugees and 6.6 million internally displaced Syrians to their homes and their ability to reclaim their property. Previous conflicts have shown that, perhaps no factor will be more important for healing internal divisions and rebuilding trust at the local level than how the Government deals with issues of housing, land, and property.

Thank you.

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