

“The Syrian crisis is breaking our world”

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19 March 2018

Briefing to the Security Council under Arria formula on the situation in the Middle East (Syria)

Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein

19 March 2018

Mr. Chairman,

Since this crisis began seven years ago with the torture of children in Dara'a; the use of lethal force against peaceful demonstrations that began soon thereafter; the snipers; the Shabeehah – their crimes and those of the Government, including the killing and mutilation of 13 year old Hamza al Khatib; and later, the emergence of radical extremist and terrorist groups – the Syrian conflict has been characterised by its absolute disregard for even the most minimal standards of principle and law.

And it all began – seven years ago almost to the day – with the torture of children, and the impunity given by the Syrian State to those torturers. The emergence and spread of the cruellest of terrorist groups, took place on soil that was already being soaked in blood.

Week after week, year after year, our humanitarian colleagues and my staff have issued urgent reports of severe violations of human rights – most recently in Eastern Ghouta.

We have rung the loudest possible alarm bells about the fate of hundreds of thousands of terrified and vulnerable civilians caught up in fighting, whether in Al Qusayr, Old Homs, Ayn al Arab, Al Muadamiya, Zabadani, Darayya, Afrin, Al RaqqaAleppo city, or elsewhere. These civilians were and are protected persons, not terrorists.

It is worth recalling that multiple parties to this conflict claim to justify their military offensives based on their struggle against terrorism. Indeed, never before have the campaigns against terrorism been used more often to justify the unchecked and unconscionable use of force against civilians than in the last few months in Syria.

The maternity clinics, kindergartens and schools, markets and bakeries that are repeatedly targeted and destroyed are essential civilian locations, protected under international humanitarian law, and the indiscriminate obliteration of civilian neighbourhoods cannot in any way be justified by the need to overcome the terrorist groups – no matter how odious the actions of those groups may be.

To push back terrorism, one must refrain from adopting the unprincipled and vicious attacks on innocent people that are the very marker, the very distinguishing feature, of the violent extremist groups themselves.

The Syrian Government also claims it makes every effort to protect civilians. But when you are capable of torturing and indiscriminately killing your own people, you have long forfeited your own credibility.

The siege of Eastern Ghouta by the Syrian Government forces, half a decade long, has involved pervasive war crimes, the use of chemical weaponry, enforced starvation as a weapon of warfare, and the denial of essential and life-saving aid – culminating in the current relentless, month-long bombardment of hundreds of thousands of terrified, trapped civilians. Families are now streaming out of the area, but many civilians fear reprisals will be taken against them for their perceived support for opposition groups. I note, in this context, the continuing and unjustifiable mass internment by the Syrian Democratic Forces armed group of tens of thousands of people who fled Al Raqqa during the international coalition's attack on ISIL last year.

In the city of Afrin, which was captured by Turkish forces yesterday, scores of civilians have been killed and injured due to airstrikes, ground-based strikes, and explosive hazards, and thousands have been displaced. According to reports received by my staff, as many as 50,000 civilians remain in the city, where the only hospital has shut, because of war damage, and water supplies are severely restricted because of the reported destruction of a pumping station. Fighting continues elsewhere in the Afrin region. In the governorates of Idlib, Hama and Deir-al-Zor, civilians are being pounded by airstrikes and ground-based strikes. Civilians living in residential areas of Government-held Damascus continue to be hit, and in Dara'a governorate renewed attacks have recently struck residential areas after months of relative calm. Meanwhile, following the expulsion of ISIL forces from Al Raqqa governorate, survivors and returnees face the massive devastation of housing and infrastructure, large numbers of explosive hazards and chaotic governance.

As I noted at the outset, unlawful methods of warfare have been used by all parties to this conflict, inflicting enormous harm on civilians. Government forces, militia, armed groups and terrorist organizations have routinely denied the delivery of essential humanitarian assistance and have attacked protected civilian sites such as health-care centres, leading to countless preventable deaths. In 2017, one health facility was attacked every three days. Arbitrary arrests, enforced disappearances, and specious convictions by courts have been used by the Government to detain tens of thousands of people, often accompanied by torture and extreme ill-treatment, as my staff and the Human Rights Council's Commission of Inquiry have repeatedly reported. Last week the Commission released a shocking report detailing the use of rapes and other acts of sexual violence, including mutilation, by Government forces and associated militias during house raids, at checkpoints, and during detention. The Commission found that this use of sexual violence, as part of a widespread and systematic attack on civilians, amounts to crimes against humanity, and noted that armed groups also inflicted sexual violence on captives

and civilians, although to a lesser degree. Extremist terrorist groups have also forced women into sexual slavery and perpetrated other grave abuses; and armed groups have detained civilians for use as hostages, often in conditions of extreme ill-treatment.

Moreover, whether in areas controlled by the Government or by armed groups, numerous human rights defenders who have bravely given voice to the needs of the people, and who have sought to document the merciless and relentless violations of people's rights, have been detained, tortured or ill-treated, maimed or killed. There is a high human cost for the information that is received by the Security Council, including in the monthly Secretary General's reports.

The Security Council has not lived up to the sacrifice of these heroes throughout Syria. It has not taken decisive action to defend human rights and prevent further loss of life despite the absolutely shameful conduct that has marked this conflict from the outset. And this failure is deeply consequential. The Syrian conflict, and the impunity that characterizes it, is breaking our world. Its unspeakable cruelty; the resulting massive displacement of victims to neighbouring countries and regions; the metastasizing involvement of outside powers, both directly and by proxy; and the failure of international institutions to take decisive measures to uphold international humanitarian and human rights law have shaken the Middle East, shifted the political landscape of other regions, set back decades of work to establish minimal standards of decency in warfare, and given rise to grave concerns regarding the future of human rights, peace and security, and development across the globe.

The United Nations was constructed on a commitment by all States – and I quote from the Charter – *"to establish conditions under which justice, and respect for the obligations arising from treaties and other sources of international law can be maintained."* But in recent years the perpetrators of crimes against humanity and war crimes, in Syria and elsewhere, have repeatedly been shielded from justice or strong preventive action by use of, or threat of the use of, the veto.

This failure to protect the lives and rights of millions of people is corroding not only the work but also the legitimacy of the UN, humanity's most far-reaching system for global cooperation. If the Security Council's role in upholding the Charter, and human rights across the world, is blocked; if it can no longer rise to meet the challenge of crises and conflicts – then, as the UN and the great framework of international law begin to break down into irrelevance and inaction, human beings face enormous danger.

In December 2016, given the absence of principled and appropriate action by the Security Council, the General Assembly resolved to establish an International Impartial and Independent Mechanism (IIIM) to collect, preserve and analyse evidence of the most serious international crimes committed in Syria, in order to facilitate future prosecutions by international and domestic courts. My Office has given urgent priority to assisting the establishment of the IIIM. Moreover, in addition to the rigorous monitoring and reporting work of my own staff – which is conducted remotely, because we are refused access to Syria – we will also continue to support the complementary efforts of the Human Rights Council's Commission of Inquiry.

Those who have perpetrated and are still perpetrating these mind-numbing crimes committed in Syria must be made to answer before a properly constituted court of law. This must be assured and made non-negotiable – for the victims; to uphold the legitimacy of the UN, including the Security Council; to deter and prevent future violations; and to advance the pursuit of human rights, without fear or favour, around the world.

There has never been a Truth Commission created in the Middle East. if we exclude North Africa – or an international war crimes tribunal. Are its peoples somehow not worthy of justice and the acknowledgement of the truth when it comes to severe violations of their rights?

Mr. Chairman,

Decisive, effective, actionable and unanimous decisions by the Security Council can yet have real impact on the situation in Syria – and help to restore confidence in international order. I once again urge that the violations which have taken place be referred to the International Criminal Court. I again ask the Permanent Members of the Security Council to agree to refrain from the use of, or the threat of the use of, the veto in cases where strong evidence suggests war crimes and crimes against humanity have taken place. Furthermore, at the centre of any talks to reconcile the parties and establish peace there must be justice and respect for human rights, including the rights of those who have been detained, and close to 12 million people who have been forced to flee their homes.

No settlement which shields the perpetrators from prosecution is worth discussing, simply because such a settlement would be utterly empty. For peace in Syria to be meaningful and lasting, a guarantee of justice for the Syrian people must be assured.

I thank you, Mr. Chairman.

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