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Note verbale dated 5 March 2019 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to attach herewith a letter dated 5 March 2019 addressed to the President of the Council by the Permanent Representative of the Syrian Arab Republic (see annex), and kindly requests that the present note verbale and the annex thereto be translated into the official languages of the United Nations and circulated as a document of the fortieth session of the Human Rights Council, under agenda item 4.



Annex to the note verbale dated 5 March 2019 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

[Original: Arabic]

Letter from the Permanent Representative of the Syrian Arab Republic to the United Nations Office and Other International Organizations in Geneva to the President of the Human Rights Council

I am writing to you on instructions from my Government concerning the report of the Commission of Inquiry on the Syrian Arab Republic submitted under agenda item 4 at the fortieth session of the Human Rights Council (A/HRC/40/70). The authors of the report are persistently guided in their work by the biased and one-sided approach that has characterized all the reports submitted over the years since the establishment of the Commission. It adopts a politicized approach to the situation in the Syrian Arab Republic that is entirely unacceptable.

The Syrian Government therefore reiterates its refusal to recognize the Commission, which was established and whose mandate was extended by means of politicized and non-consensual resolutions that the Council adopted by a vote and without the consent of the State concerned. It also reiterates its rejection of the Commission's reports. We wish to refute a number of accusations made in the Commission's report (A/HRC/40/70) and to respond to the fabricated and exaggerated claims made to elucidate the facts. These observations should not, however, be interpreted as recognition of the Commission's mandate.

1. It comes as no surprise that the Commission has devoted a large part of its current report to spreading allegations aimed at discouraging Syrian refugees from returning to their homes, since it has never ceased, since the launching of its mandate, to promote the agendas of the States that established it and that support its mandate:

We wish to underscore that the Syrian Government has continuously encouraged all Syrians who were compelled to leave the country by past events to return to their motherland following the liberation of large areas from the armed terrorist groups. It has also stressed the need to ensure that their return is voluntary and that the dignity of all returnees is preserved, and has recognized its responsibility to ensure the safety and security of its citizens, and to guarantee the requirements for a decent life.

The Syrian Government has been reviewing existing legal norms with a view to surmounting all obstacles to the return of Syrian citizens, simplifying the return procedures and focusing on measures to guarantee the core necessities of daily life. It continuously implements humanitarian and development plans and programmes on behalf of the general public and to meet the needs of the areas in question, focusing on key areas such as housing and programmes designed to create employment opportunities and improve living standards.

It has requested the United Nations agencies in Syria to support these measures, in accordance with their mandates, the provisions of international law and the principles enshrined in the Charter of the United Nations.

Accordingly, all the rights and freedoms guaranteed by the Syrian Constitution are enjoyed by returnees from abroad and internally displaced persons, wherever they may be, just like all other Syrian citizens and without discrimination. There is no basis whatsoever for the Commission's claim that they have been targeted by arrests or detention.

2. The Syrian Arab Republic rejects the Commission's reference to what it calls "a general absence of the rule of law" throughout the country, specifically in the areas that have been liberated. It insists on presenting an entirely unrealistic image of the work of national institutions in the Syrian Arab Republic. The legislative and judicial authorities

have never ceased to perform their duties. On the contrary, there has been a continuous process of legislative development through the review and amendment of many laws. Numerous developments in the judicial branch were recorded in 2018, such as the opening and rehabilitation of many courts, and the issuance by the Ministry of Justice of numerous circulars concerning the prosecution of new categories of crimes associated with the practices of armed terrorist groups. The structure and operations of the judiciary have also been updated to address the impact of these developments.

Priority has been given to the rehabilitation and reactivation of the courts in liberated areas. In Eastern Ghouta, for instance, many courts were equipped and resumed work in 2018, such as the courts of Irbeen and Harasta. The judicial complex in Bibla and Kafr Batna was opened, and the judicial complex in Douma was restored. These courts are currently addressing many issues, including, in particular, completion of procedures that were undermined by the vacuum and turmoil stemming from the proliferation of armed terrorist groups.

Abolition of the rule of law was always a key objective of the armed terrorist groups, which they sought to achieve by burning, destroying and demolishing State institutions and assassinating their staff. We wish to underscore in this context that what the Commission calls “parallel structures” or other “judicial” or “administrative” formations in the areas in which such groups proliferated are illegal entities. Everything they produced is null and void, and it has served only as a tool for spreading intimidation and chaos and for implementing the destructive agendas of terrorist groups and the States that support them.

3. The Commission’s ongoing defence of the “White Helmets” organization and the depiction of its terrorist members as “civil defence volunteers” is shameful, given that the organization’s subordination to the terrorist Jabhat al-Nusra has been proven to all and that it clearly plays no role in the area of humanitarian civil defence. All it does is fabricate videos and lies about the so-called Syrian chemical file, and commit terrorist and criminal acts against Syrians.

4. With regard to the Commission’s apprehensions and allegations concerning access to civil documentation and the work of civil status registration centres, the Commission is, as usual, distorting and ignoring the action undertaken by the Syrian Government to serve its people and alleviate their suffering, such as its successive amendments to the Civil Status Act in order to facilitate access to such documents, and the refurbishment and equipment, in some cases in cooperation with United Nations organizations, of a number of civil status centres that were destroyed by the armed terrorist groups. In addition, a number of civil society organizations have implemented projects aimed at providing assistance to citizens in that area.

5. The Commission refers again in passing to the “international coalition” without presenting a legal description that manifests its illegality and its violation of the fundamental principles enshrined in the Charter of the United Nations. The Commission continues to display its partiality to this “coalition” and is reluctant to describe its crimes and massacres, which have claimed the lives of civilians fleeing from the terrorist “Islamic State in Iraq and the Levant”, as fully fledged war crimes. This demonstrates that the standard of evidence to which it claims to be committed is being applied on a selective basis.

6. What is striking is the Commission’s lack of commitment in its work to the rule of law at the international level, and its silence about some States’ continuous policies of aggression and occupation of Syrian territory, which constitute a flagrant violation of the principles and norms of international law and an attack on the country’s sovereignty, which impede the restoration of security and stability throughout Syrian territory, and which pose a threat to international peace and security. The Commission thus totally disregards the responsibility of these States under international law.

7. The Commission’s position on the Turkish role in the Syrian Arab Republic is based on gross inaccuracies in factual and legal terms. Turkey is an occupying State, which has supported terrorism in Syria from the outset. It has hitherto failed to implement its obligations under the Sochi Agreement concerning armed terrorist groups, thereby prolonging the suffering of Syrians in the areas where these groups are deployed. The

Commission nonetheless continuously attempts to absolve it of its association with and control over armed terrorist groups, although it refers to many incidents and examples that demonstrate the existence of such control.

8. With regard to the Commission's allegations that pro-Government forces carried out a number of attacks on the demilitarized zone: The armed terrorist groups breach the demilitarized zone agreement on a daily basis, attempting to infiltrate secure areas and target residential neighbourhoods with indiscriminate weapons, such as rockets and mortar shells, or to attack Syrian army posts that are stationed around secure villages and towns to protect them from terrorists. The operations of the Syrian army conducted in response to these violations are limited and focused, in accordance with the principles of international humanitarian law, especially prudence, proportionality and discretion.

9. The Syrian Arab Republic rejects the Commission's persistent use of the term "parties to the conflict", thereby equating a lawful and legitimate Government engaged in performing its constitutional duty to safeguard its people and to protect the unity and integrity of its territory from the threat of terrorism, in accordance with the provisions and principles of international law, with armed terrorist groups that were established, funded, armed and provided with diverse forms and levels of support by States that used terrorism to wage war against Syria, or with illegal militias that rely on external support from States that use them to carry out their agendas, which threaten the unity and territorial integrity of Syria.

10. With regard to the Commission's observations on the education system in Idlib: The education system has been a persistent target for destruction by armed terrorist groups, which persistently endeavour to disrupt it, targeting its infrastructure or interfering with the content of the educational process.

The Syrian Government has adopted a strategy aimed at guaranteeing the continuation of the educational process in the Governorate and at compensating students for their loss of education. It has continued to supply 800 schools in Idlib with textbooks and with school equipment and educational materials. The Idlib Directorate of Education continues to operate from the Governorate of Hama and salaries are regularly paid to teachers who are considered by the Syrian Government to be employed. The Government facilitated basic and secondary school certificate examinations in Hama Governorate by preparing appropriate conditions for holding the examinations, for instance by providing temporary accommodation for students until they completed their examinations, and allocating funds to cover their travel costs, without exposing them to any harm. It should be noted that temporary headquarters have been established in the Governorate of Hama for all directorates of official institutions, including educational institutions, of the Governorate of Idlib.

We categorically deny the Committee's allegations that teachers have been subjected to any form of harassment when it comes to the payment of their salaries. The allegations constitute a basic distortion of the achievements of Syria. The checks that have been conducted among persons coming from areas where terrorist groups abound are routine procedures designed to achieve the legitimate State goal of protecting citizens from the risk of infiltration of terrorists from the areas concerned, who take advantage of the facilities provided to teachers by the Government. These procedures are conducted in accordance with the principles of equality and non-discrimination as core principles of international human rights law and the Syrian Constitution.

11. The Syrian Arab Republic reaffirms its condemnation of all attempts by certain partner States to distort the image of the Syrian Government in the terrorist war against Syria, such as France, which has consistently spearheaded support for terrorism and whose hands have been stained with Syrian blood since the early days of the terrorist war it has waged against Syria.

12. With regard to the allegations in the report concerning the application of certain Syrian laws, we wish to underscore that all Syrian laws are implemented in accordance with the substantive and procedural guarantees contained in their texts and implementing regulations, and in accordance with Syrian legislation governing due process.

13. With regard to Rukban camp: Responsibility for the humanitarian disaster experienced by our people in Rukban camp lies solely with the American occupation and the tools it has employed to prevent them from leaving, such as force and threats or demands for exorbitant sums for the purpose, although the Syrian State recently opened safe corridors for anyone wishing to leave. It should be noted in this connection that the Syrian Government agreed that a second joint convoy should be dispatched to the camp during February 2019 by the Syrian Arab Red Crescent and the United Nations. During that period, the Syrian Ministry of Health vaccinated more than 5,000 children in the camp.

As mentioned above, the Syrian Government decided to open two humanitarian corridors so that displaced persons in Rukban camp could return to their towns and villages. The checkpoints began to operate in the towns of Jleb and Jabal al-Ghurab, but the American occupation and its militias obstructed the evacuation process and prevented the civilians from passing through.

On 28 February 2019, the Syrian Government renewed its call to our people to leave the camp and return to their towns and villages. It reassured them that means of transport to their places of residence would be provided as well as all necessary facilities to achieve their evacuation.

The suffering and harsh conditions in a number of camps referred to in the report are due to the practices of the militias that control them. The suffering of the residents will come to an end as soon as the illegal presence of States that support the militias in Syrian territory is terminated. The Syrian Government will then resume control of the camps, in accordance with the plans that are being implemented throughout the territory, in cooperation with the United Nations, and the camp residents in the camps will cease to be exploited for political purposes.

14. Given the utter and complete failure of the Commission's work, in particular its lack of objectivity, neutrality and independence, the Syrian Arab Republic will not await the outcome of the Commission's investigations in order to provide redress for the victims of the terrorist attacks that have afflicted the Syrian people since the eruption of the events in their country. They include, for instance, the victims of the toxic gas attack on the civilian districts of Aleppo. Certain States facilitated the access of armed terrorist groups to chemicals substances so that they could be used against the Syrian people and the Syrian Government could be held responsible.

It may be concluded, in light of the foregoing, that the Commission's present report, just like its previous report, contains factual errors and errors in the legal methodology used for analytical purposes, first and foremost the adoption of selective and capricious evidentiary criteria. This being the case, we again fully reject this report and its results.

Hussam Edin Aala
Ambassador and Permanent Representative