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14 de septiembre a 2 de octubre de 2020

Tema 4 de la agenda

Situaciones de derechos humanos que requieren la atención del Consejo

Nota verbal de fecha 6 de octubre de 2020 dirigida a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos por la Misión Permanente de Turquía ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República de Turquía ante la Oficina de las Naciones Unidas en Ginebra y otras organizaciones internacionales con sede en Suiza adjunta a la presente un documento que contiene las observaciones de la República de Turquía y sus objeciones a algunas partes del informe de la Comisión Internacional Independiente de Investigación sobre la República Árabe Siria presentado al Consejo de Derechos Humanos en su 45º período de sesiones (A/HRC/45/31) y distribuido a los Estados Miembros el 15 de septiembre de 2020 (véase el anexo).

La Misión Permanente solicita que la presente nota verbal y su anexo* se publiquen como documento del Consejo de Derechos Humanos en relación con el tema 4 de la agenda y que se publiquen en la página pertinente del sitio web del Consejo de Derechos Humanos.

* Se reproduce tal como se recibió, en el idioma en que se presentó únicamente.



Annex to the note verbale dated 6 October 2020 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Observations of the Republic of Turkey on the Report of the UN Commission of Inquiry on Syria submitted to 45th Session of the Human Rights Council

<p>General comments on the nature of PKK/YPG and “SDF”</p>	<ul style="list-style-type: none"> - PKK is a terrorist organization designated internationally by numerous countries, including European Union member-states and others such as the United States, Canada and Australia. The European Union also designated PKK as a terrorist entity in 2004. The North Atlantic Treaty Organization (NATO) also refers to PKK as a terrorist entity. - PKK has offshoots and affiliates in Iran, Syria and Iraq. In 2002, PKK’s ringleader Öcalan highlighted the need to establish a “political” arm in Syria. Accordingly, in the Eighth Congress of the PKK, a decision was taken to establish a Democratic Union Movement of Syria, a.k.a. Democratic Union Party-PYD. - PKK and PYD carry out their armed activities through their armed wings, respectively HPG and YPG. Both HPG and YPG are placed under the command of the People’s Defense Center, directed by Murat KARAYILAN, infamous PKK ringleader recently targeted by the US Department of State through “Reward for Justice Program”. - PYD’s so-called “statute” indicates that “PYD considers Abdullah Öcalan as its leader and KONGRA-GEL as the supreme legislative body of the people of Kurdistan and KCK-Rojava as its system of democracy for Kurdish people in Syria.” - The founding members of PYD were at the same time amongst PKK’s armed wing, HPG. Those members included: Silan Kobani (Meysa Baqi), Zekeriya (Zekeriya Ibrahim), Fuat (Hikmet Tokmak), Cemil (Nebo Ali), and Ciwan (Haci Cuma Ali). - Therefore, they share the same ideology, leadership cadres, organizational and military structure, strategies and tactics, propaganda tools, financial resources and training camps. - The so-called “Syrian Democratic Forces” (SDF) is dominated by PKK/YPG and operates under its command. - Neither PKK/YPG nor “SDF” represents the people of Kurdish origin living in Syria. - PKK/YPG uses a wide range of methods to carry out acts of terror such as oppression of the local population including Kurds, deliberate targeting of civilians (assassinations, drive-by shootings, execution of uncooperative civilians, use of IEDs and VBIEDs, ambushes, kidnapping, etc.) and civilian infrastructure, recruitment of child soldiers, confiscation of private
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	<p>property, forced displacement, etc.</p> <ul style="list-style-type: none"> - A list of the NGO reports on PYD/YPG's human rights violations is attached herewith. - An up-to-date list of the PKK/YPG attacks to the civilians in the region since February 2020 is herewith attached displaying all 145 incidents.
Para. 12 and onwards / The Commission's choice of flawed language with respect to the illegitimate entity in northeast Syria	<ul style="list-style-type: none"> - The PKK/YPG-affiliated entity in northeast Syria is explicitly referred to as "<i>Syrian Democratic Forces-linked autonomous administration in northeast Syria</i>" in para. 12 and as "<i>autonomous administration</i>" in the rest of the report. The Commission previously referred to this entity as "<i>de facto Kurdish self-administration</i>" (A/HRC/37/72). The new language introduced in this report lacks a legal basis and constitutes a deliberate and politically-motivated attempt by the Commission to confer legitimacy upon an entity closely linked with a terrorist organization. - The report fails to establish the link between the so-called "<i>autonomous administration</i>" and the internationally-recognized terrorist organization PKK as well as its Syrian offshoot PYD/YPG.
Para. 32 / Biased approach on perpetrators of violations of "economic and social rights"	<ul style="list-style-type: none"> - Para. 32 points out the rightful complaints of individuals who have been denied the ability to exercise their property rights in regime-controlled areas. However, the report fails to mention similar practices in the so-called "SDF"-controlled areas such as the attempt to enact the so-called "<i>Law 7/2020 for the Management and Protection of Absentee's Properties</i>". This clear attempt to confiscate the wealth of Syrians and make the ongoing demographic change permanent in northeast Syria was completely disregarded in the report.
Para. 43 / Flawed and biased methodology regarding allegations attributed to a UN member-state	<ul style="list-style-type: none"> - Maintaining Syria's territorial integrity and political unity is one of the priorities of Turkey's Syria policy. The allegation regarding the appointment of a "<i>Turkish governor</i>" to any part of Syria is false. The Syrian Interim Government (SIG) is in control of Afrin as well as other areas cleared of DEASH and PKK/YPG terror in northern Syria thanks to the efforts of the Syrian National Army. - As in the case of all the other allegations in the report directly concerning Turkey, the Commission seems to have relied solely on unverifiable "witness" accounts and did not deem it necessary to consult the Turkish authorities for verification, which further erodes the report's credibility.
Paras. 38-45 / Deliberate failure to mention well-established facts	<ul style="list-style-type: none"> - The report fails to directly name the well-known perpetrators of the attacks mentioned in paras. 39-42 and, instead, in para. 45 adopts an indirect formulation in an obvious attempt to whitewash terror acts committed by PKK/YPG. The reason for the introduction of such terminology by the Commission begs explanation. - The report avoids to mention the fact that Tel Rifat, which is cited as the origin of some of the attacks against Afrin, is currently under the <i>de facto</i> control of PKK/YPG. The report ignores most of the violations

	<p>committed by PKK/YPG and its affiliate “SDF”. This biased approach is unacceptable and raises questions as to the impartiality of the Commission.</p> <ul style="list-style-type: none"> - The Turkish authorities previously explained to the Commission that PKK/YPG resorts to terror attacks including “shellings, rocket fires, vehicle-borne improvised explosive devices” against innocent Syrian civilians in Afrin to fuel its propaganda, which claims that the SIG-controlled territories are unstable. The Commission thus ignored the official statements of the Turkish Ministry of National Defense pointing out to the identity of the perpetrators of the terror attacks in Afrin. - The report ignores all humanitarian activities of Turkey regarding 3.6 million Syrian taking refuge in its borders as well as more than 5 millions of Syrian IDPs in northern parts of Syria, and instead focuses on unconfirmed allegations of unidentified sources.
<p>Para. 46 onwards/ Biased approach towards the representatives of the legitimate Syrian opposition</p>	<ul style="list-style-type: none"> - While the report openly refers to the PKK/YPG-linked entity in northeast Syria as “<i>autonomous administration</i>” in an attempt to portray it as if a legitimate authority, it refers to the Syrian Interim Government only in quotation marks despite the fact that SIG represents the internationally-recognized legitimate Syrian opposition.
<p>Paras. 51 and 57 / Flawed and biased methodology regarding allegations attributed to a UN member-state</p>	<ul style="list-style-type: none"> - Allegations directed to the Turkish authorities in these paragraphs should have been verified by approaching the Turkish authorities before the release of the report. The absence of such prior consultation with the Turkish authorities seriously undermines the credibility of the methodology used by the Commission in drafting the report. The Commission should therefore provide clarification explaining the absence of any attempt for such verification. - Allegations regarding the Syrian National Army (SNA) should be first and foremost addressed to the Syrian Interim Government, which is the superior authority over the Ministry of Defense under the command of which SNA operates. - Turkish Armed Forces (TAF) fully respects all aspects of international humanitarian law. TAF has never been involved, directly or indirectly, in any violation in Syria. Turkey categorically rejects baseless allegations of violations directed at Turkish authorities. - The Commission not only failed to consult the Turkish authorities regarding the allegations directed at TAF, but also chose to use vague and unverified language such as “<i>Turkish-speaking officials dressed in military fatigues</i>” in order to implicate it. - Dawoudiya village, mentioned in para 51 of the report, was used as a military base by PKK/YPG before the Operation Peace Spring (OPS). PKK/YPG had expelled the civilian residents of the village, used some civilian structures in the village for military purposes and ravaged others. It was PKK/YPG that prevented the return of civilian residents to their homes in this village. PKK/YPG even planted mines and set up traps in the village during the OPS. The report completely ignores this chain of facts as well as the humanitarian work realized there.

Para. 74 / Flawed portrayal of a terrorist entity	<ul style="list-style-type: none">- It is utterly disappointing that the release of DEASH-affiliated foreign terrorist fighters (FTFs) and their family members by the so-called “SDF” is mentioned in the report with a positive connotation.- The report ignores that the release of FTFs and their family members by “SDF” is not based on any objective criteria revealed to the international community and disregards serious allegations on their release by “SDF” in exchange for money. Such release operations conducted on an exclusively arbitrary basis only constitute a security threat to neighboring countries as well as the wider region.
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List of attacks carried out by YPG/PKK terrorist organization

PKK/YPG TERRORIST ATTACKS IN AREAS HELD BY THE SYRIAN OPPOSITION IN NORTHERN SYRIA					
No.	Date	Location	Type of attack	Casualties	
				Dead	Injured
1	12/09/2020	Ras Al Ayn	IED	4	4
2	12/09/2020	Ras Al Ayn	S/VBIED		1
3	06/09/2020	Tel Tamr	IED		2
4	01/09/2020	Tal Abyad	IED		2
5	27/08/2020	Ras Al Ayn	S/VBIED	1	2
6	09/08/2020	Ras Al Ayn	S/VBIED	1	2
7	30/07/2020	Ras Al Ayn	S/VBIED	9	16
8	28/07/2020	Ras Al Ayn	S/VBIED		3
9	26/07/2020	Ras Al Ayn	S/VBIED	9	19
10	24/07/2020	Ras Al Ayn	S/VBIED		1
11	23/07/2020	Ras Al Ayn	S/VBIED	3	9
12	07/07/2020	Tal Abyad	S/VBIED	12	8
13	24/06/2020	Ras Al Ayn	IED		
14	23/06/2020	Tel Halaf	S/VBIED	4	15
15	14/06/2020	Ras Al Ayn	S/VBIED		5
16	10/06/2020	Tal Abyad	IED	5	
17	06/06/2020	Tel Halaf	IED	2	10
18	05/06/2020	Ras Al Ayn	IED	3	
19	02/06/2020	Manajir	IED	1	
20	14/05/2020	Ras Al Ayn	S/VBIED	1	2
21	15/03/2020	Ras Al Ayn	S/VBIED	4	9
22	03/05/2020	South of OPS Area	Infiltration Attempt		
23	30/04/2020	South of OPS Area	Infiltration Attempt		
24	28/04/2020	South east of Ras Al	Infiltration		

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
25	17/04/2020	South of OPS Area	Infiltration Attempt		
26	10/04/2020	South of OPS Area	Infiltration Attempt		
27	05/04/2020	South of OPS Area	Infiltration Attempt		
28	04/04/2020	South of OPS Area	Infiltration Attempt		
29	03/04/2020	South of OPS Area	Infiltration Attempt		
30	31/03/2020	South of OPS Area	Infiltration Attempt		
31	26/03/2020	South of OPS Area	Infiltration Attempt		
32	24/03/2020	South of OPS Area	Infiltration Attempt		
33	23/03/2020	South of OPS Area	Infiltration Attempt		
34	21/03/2020	South of OPS Area	Infiltration Attempt		
35	20/03/2020	South of OPS Area	Infiltration Attempt		
36	19/03/2020	South of OPS Area	Infiltration Attempt		
37	16/03/2020	South of OPS Area	Infiltration Attempt		
38	15/03/2020	South of OPS Area	Infiltration Attempt		
39	14/03/2020	South of OPS Area	Infiltration Attempt		
40	13/03/2020	South of OPS Area	Infiltration Attempt		
41	12/03/2020	South of OPS Area	Infiltration Attempt		
42	12/03/2020	Ras Al Ayn	S/VBIED	4	10

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
43	09/03/2020	South of OPS Area	Infiltration Attempt		
44	02/03/2020	South of OPS Area	Infiltration Attempt		
45	16/02/2020	Tal Abyad	S/VBIED	5	4
46	10/02/2020	Tel Halaf	S/VBIED	3	4
47	16/09/2020	Al Bab	IED		2
48	14/09/2020	Afrin	S/VBIED	12	42
49	06/09/2020	Al Bab	IED		4
50	15/08/2020	Jarablus	S/VBIED	2	5
51	29/07/2020	Afrin	IED		
52	27/07/2020	Al Bab	IED		
53	26/07/2020	Afrin	IED		4
54	25/07/2020	Al Bab	IED		1
55	19/07/2020	Afrin	S/VBIED	2	13
56	19/07/2020	Sajoo	S/VBIED	13	103
57	17/07/2020	Afrin	IED		
58	15/07/2020	Afrin	IED	1	
59	13/07/2020	Afrin	IED		
60	11/07/2020	Al Bab	S/VBIED		4
61	08/07/2020	Al Bab - Qabasin Road	IED	1	
62	06/07/2020	Jarablus	IED		2
63	06/07/2020	Afrin	IED		
64	05/07/2020	Afrin	IED	2	
65	03/07/2020	Meranaz	Arson		
66	03/07/2020	Afrin	IED	1	2
67	29/06/2020	Sayada	Unknown	1	
68	28/06/2020	Mare	Mortar fire	1	

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
69	28/06/2020	Azez	Mortar fire		
70	28/06/2020	Azez	Rocket fire		
71	28/06/2020	Kafr Khasher	Infiltration attempt / Harassment fire		
72	28/06/2020	Mare	Mortar fire	1	
73	27/06/2020	Azez	IED		
74	27/06/2020	Meranaz	Infiltration attempt / Harassment fire		
75	25/06/2020	Kafr Khasher	Infiltration attempt / Harassment fire		
76	24/06/2020	Afrin	S/VBIED	2	3
77	24/06/2020	Azez	Mortar fire		
78	23/06/2020	Mare	Infiltration attempt / Harassment fire		
79	23/06/2020	Meranaz	Arson		
80	20/06/2020	Sheikh Isa	Infiltration attempt / Harassment fire		
81	20/06/2020	Afrin	S/VBIED		5
82	19/06/2020	Basufan	IED		
83	18/06/2020	Azez	IED		2
84	16/06/2020	Azez	S/VBIED		10
85	16/06/2020	Al Bab	IED		1
86	13/06/2020	Afrin	IED		
87	13/06/2020	Kafr Kalbin	Infiltration attempt / Harassment fire		
88	12/06/2020	Kafr Kalbin	Infiltration attempt / Harassment fire		

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
89	12/06/2020	Kafr Khasher	Infiltration attempt / Harassment fire		
90	11/06/2020	Al Bab	IED		2
91	08/06/2020	Afrin	IED		2
92	07/06/2020	Mare	Infiltration attempt / Harassment fire		
93	01/06/2020	Jindires	S/VBIED		7
94	30/05/2020	Jarablus	Assasination		1
95	27/05/2020	Azez - Kafr Kalbin Road	IED		
96	25/05/2020	Afrin	S/VBIED		
97	25/05/2020	Al Bab	IED		1
98	23/05/2020	Al Bab	IED		
99	20/05/2020	Harbel	Arson		
100	20/05/2020	Azez	IED	2	5
101	19/05/2020	Afrin	IED		
102	18/05/2020	Harbel	Infiltration attempt / Harassment fire		
103	14/05/2020	Al Bab	IED		6
104	13/05/2020	Afrin	IED		2
105	13/05/2020	Tuways	Infiltration attempt / Harassment fire		
106	13/05/2020	Tal Madeeq	Infiltration attempt / Harassment fire		
107	10/05/2020	Afrin	IED		
108	10/05/2020	Al Bab	IED		
109	08/05/2020	Afrin	Infiltration attempt / Harassment fire		

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
110	08/05/2020	Afrin	Infiltration attempt / Harassment fire		
111	08/05/2020	Jindires	Infiltration attempt / Harassment fire		
112	08/05/2020	Mare	Infiltration attempt / Harassment fire		
113	06/05/2020	Sharan	S/VBIED		
114	28/04/2020	Afrin	S/VBIED	42	61
115	19/04/2020	Azez - Bab As Salameh Road	IED		
116	18/04/2020	Afrin	IED		4
117	14/04/2020	Kafr Khasher	Infiltration attempt / Harassment fire		
118	08/04/2020	Afrin	IED		
119	07/04/2020	Afrin	Infiltration attempt / Harassment fire		
120	04/04/2020	Barad	Infiltration attempt / Harassment fire		
121	29/03/2020	Mare	Mortar fire		
122	29/03/2020	Azez	Rocket fire		
123	26/03/2020	Afrin	Rocket fire		
124	23/03/2020	Afrin	IED		
125	20/03/2020	Bassouta	Infiltration attempt / Harassment fire		
126	20/03/2020	Afrin	S/VBIED		
127	19/03/2020	Afrin	Mortar fire		2
128	19/03/2020	Azez	S/VBIED	2	19

<i>No.</i>	<i>Date</i>	<i>Location</i>	<i>Type of attack</i>	<i>Casualties</i>	
				<i>Dead</i>	<i>Injured</i>
129	18/03/2020	Mare	Infiltration attempt / Harassment fire		
130	18/03/2020	Afrin	Mortar fire	5	6
131	18/03/2020	Afrin	Rocket fire	5	15
132	17/03/2020	Hamman Al Turkman	S/VBIED	1	1
133	14/03/2020	Afrin	S/VBIED		2
134	10/03/2020	Al Bab	S/VBIED	1	1
135	08/03/2020	Afrin	S/VBIED		
136	07/03/2020	Al Rai	S/VBIED	1	1
137	06/03/2020	Afrin	Mortar fire		
138	05/03/2020	Harbel	Infiltration attempt / Harassment fire		
139	05/03/2020	Sheikh Isa	Infiltration attempt / Harassment fire		
140	05/03/2020	Mare	Infiltration attempt / Harassment fire		
141	19/02/2020	Shankal	Infiltration attempt / Harassment fire		
142	14/02/2020	Daghelbash	Infiltration attempt / Harassment fire		
143	13/02/2020	Kafr Kalbin	Infiltration attempt / Harassment fire		

144	10/02/2020	Afrin	S/VBIED	6	11
145	08/02/2020	Afrin	S/VBIED		2

TOTAL: 175 killed, 482 wounded

Abbreviations:

OPS: Operation Peace Spring

OOB: Operation Olive Branch

OES: Operation Euphrates Shield

S/VBIED: Suicide / Vehicle Borne Improvised Explosive Device

IED: Improvised Explosive Device

List of the reports on PYD/YPG'S human rights violations

1. **Under Kurdish Rule - Human Rights Watch**
<https://www.hrw.org/report/2014/06/19/under-kurdish-rule/abuses-pyd-run-enclaves-syria>
 2. **Syria: Armed Group Recruiting Children in Camps - Human Rights Watch**
<https://www.hrw.org/news/2018/08/03/syria-armed-group-recruiting-children-camps>
 3. **Press Releases of World Council of Arameans**
<https://wca-ngo.org/wca-news/press-releases>
 4. **We Had Nowhere To Go – Amnesty International**
<https://www.amnesty.org/en/documents/mde24/2503/2015/en/>
 5. **Have the Syrian Kurds Committed War Crimes? – The Nation**
<https://www.thenation.com/article/have-the-syrian-kurds-committed-war-crimes/>
 6. **Syria Crisis: Northeast Syria Situation Report No. 30 - UNOCHA**
<https://reliefweb.int/report/syrian-arab-republic/syria-crisis-northeast-syria-situation-report-no-29-1-31-october-2018>
 7. **The PKK's Fateful Choice in Northern Syria - International Crisis Group**
<https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/176-pkk-s-fateful-choice-northern-syria>
 8. **In Syria, U.S.-Backed Kurdish Fighters Face Trump's Withdrawal — And The Legacy Of Their Own Mistakes – The Intercept**
<https://theintercept.com/2018/12/28/syria-withdrawal-kurds-pkk/>
 9. **The Forgotten Foreign Fighters: The PKK in Syria – Henry Jackson Society**
<http://henryjacksonsociety.org/wp-content/uploads/2017/08/3053-PYD-Foreign-Fighter-Project-1.pdf>
 10. **Children and Armed Conflict – UN report**
https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/509&Lang=E&Area=UNDOC
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 11. **Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017) and 2401 (2018) – UN report**
<https://undocs.org/S/2018/1041>
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