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大 会

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人权理事会
第四十八届会议
2021 年 9 月 13 日至 10 月 1 日
议程项目 4
需要理事会注意的人权状况

土耳其常驻联合国日内瓦办事处代表团 2021 年 10 月 8 日致联合国人权事务高级专员办事处的普通照会

土耳其共和国常驻联合国日内瓦办事处和瑞士其他国际织代表团谨随照附上土耳其共和国提交人权理事会第四十八届会议并已分发给会员国的对阿拉伯叙利亚共和国问题独立国际调查委员会的报告(A/HRC/48/70)的意见(见附件)。

常驻代表团谨请将本普通照会及其附件* 作为人权理事会文件在议程项目 4 之下发布，并发布在理事会网站相关栏目内。

* 附件不译，原文照发。

请回收

Annex to the note verbale dated 8 October 2021 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 Independent International Commission of Inquiry on the Syrian Arab Republic submitted to the 48th session of the Human Rights Council

Para. 11 and onwards / The Commission's choice of flawed language with respect to the illegitimate entity in north east Syria	- Report openly refers to the PKK/YPG-linked entity in the north east Syria as "self-administration" as if it is a legitimate authority. The term "self administration" lacks a legal basis and constitutes a deliberate attempt by the Commission to confer legitimacy to a region of a Member State, implicitly, as if it is a separate area, and upon an entity closely linked with a terrorist organization. This is a self-declared title. It has no legal background. - The report fails to establish the link between the so-called "*Syrian Democratic Forces*" and the internationally recognized terrorist organization PKK. - Neither PKK/YPG nor the so-called "SDF" represents the people of Kurdish origin living in Syria. Demographically, the group is in minority status in the east of Euphrates.
Paras. 74-79, 90-91. / Failure to mention the perpetrator of IED attacks	- Despite the fact that the Commission was provided with detailed information regarding the attacks by improvised explosive devices in the north of Syria, the report has no attribution of responsibility for the attacks, rather focusing on "responsibility claim" of PKK/YPG terrorist organization by using PKK/YPG affiliated websites as source. - The report also fails to mention the source of rocket and artillery attacks targeting the areas under control of the Syrian Interim Government in a deliberate attempt to whitewash the war crimes perpetrated by the PKK/YPG and the so-called "SDF". The Commission had been provided with detailed information that artillery attacks targeting the areas under control of the Syrian Interim Government were originated from areas under de-facto control of the terrorist organization PKK/YPG and the so-called "SDF", such as Tel Rifat.
Para. 79 / Biased approach in favor of a terrorist organization.	The Commission was provided with factual information and detailed intelligence analysis with regard to the source of the attack targeting the Al-Shifa Hospital, but chose to omit this information in the report. It also deliberately refrained from pointing out to the obvious perpetrator of this attack by claiming that the "investigations are still ongoing". This phrase begs the question on the nature of these "investigations" (who, where and how) and whether or not their findings will ever be made public. It is striking that the Commission had been swift in labeling some member states as perpetrators of war crimes in its previous reports while it refrains from announcing the perpetrator of

	Al-Shifa hospital despite the overwhelming evidence pointing out to the PKK/YPG terrorist organization.
Para 93. / False evaluation regarding the role of Turkey.	- Areas that were cleared from terror with the counter-terrorism operations conducted by the Turkish Armed Forces (TAF) and Syrian National Army (SNA) are under the control of the Syrian Interim Government-the executive branch of the legitimate Syrian opposition-, thus deems the term *"areas under the effective Turkish control"* false. This term also contradicts with the phrase of "areas controlled by the Syrian National Army" in para. 75, which in fact reflects the status quo on the ground. The Syrian National Army operates under the Ministry of Defense of the Syrian Interim Government. - Despite the report mentions five countries as having military presence in Syria at para. 8, the report attributes the allegation of having "effective control" only to Turkey. This approach raises questions on the objectivity of the Commission. Then, status and responsibility of other forces should also be specified.
Para. 104 / Attempt to conceal and whitewash crimes of the PKK/YPG-led "SDF"	The language used in the report to conceal the crimes perpetrated by the PKK/YPG-led "SDF" is noteworthy. The Commission does not refrain from referring to a "public apology" by a terrorist organization in its report. What's more striking is that the report also refers to "Hawarnews" website in the footnote 58, which is also known as the mouthpiece of the PKK/PYG. This again begs question on the selectivity of the Commission.
Para. 119	While the violent oppression of peaceful protests by the PKK/YPG and so-called "SDF" are mentioned in paras. 99-101, the report again refrains from achieving a concrete result on the unlawful killings by this terrorist organization. It is striking that the Commission had been swift in labeling some member states as perpetrators of war crimes in its previous reports while it chooses to use an elaborate language ("The Commission is currently examining.." in para. 119, "Investigations are ongoing" in para. 79) in order to refrain from holding PKK/YPG terrorist organization accountable for its crimes.
Paras. 94-120 / Failure to hold countries who support "SDF" responsible	The report fails to hold countries who support "SDF" responsible for the violations conducted by this entity. On the contrary, the Commission prefers to single out Turkey, a country shouldering the burden of the security of almost 9 million Syrian civilians, reflecting an unfair approach towards a specific Member State. This approach of the Commission not only compromises its impartiality, but also oversteps its mandate.