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Human rights situations that require the Council's attention

Note verbale dated 31 March 2022 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

The Permanent Mission of the Republic of Turkey to the United Nations Office in Geneva and other international organizations in Switzerland encloses herewith the observations of the Republic of Turkey on the report of the Independent International Commission of Inquiry on the Syrian Arab Republic submitted to the Human Rights Council at its forty-ninth session (A/HRC/49/77) (see annex).

The Permanent Mission kindly requests that the present note verbale and the annex thereto* be issued as a document of the Human Rights Council under agenda item 4, circulated as a United Nations document and published on the relevant section of the website of the Council.

* Reproduced as received, in the language of submission only.



Annex to the note verbale dated 31 March 2022 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the 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 49th Session of the Human Rights Council

Para.6. : “unconfirmed perpetrators involving improvised explosive devices”	- Despite the fact that the Commission was provided with detailed information regarding the attacks by improvised explosive devices in the north of Syria, the paragraph fails to attribute responsibility to PKK/YPG and affiliated so-called SDF.
Para.7: On “the co-chairs representing the Government of the Syrian Arab Republic and the opposition did not agree on the next steps”	-Despite the statements of the SE for Syria Geir Pedersen, the paragraph fails to mention the source of disagreement / no reference to regime’s intransigence.
Para.11/ “Humanitarian needs across the country increased by more than one quarter since 2020 and are at their highest levels since the conflict in the Syrian Arab Republic began. According to the United Nations Children’s Fund (UNICEF) and the Office for the Coordination of Humanitarian Affairs, 14 million people, including 6.1 million children, require assistance while nearly 7 million people are internally displaced, including 3.1 million children. The World Food Programme estimates that 12.4 million Syrians are food insecure, which represents an increase of 4.5 million in the last year alone.”	-Still expecting the UN to respond our question on the regime’s corruptive practices regarding the UN aid.
Para.12/ “Those in the north and north-east of the country faced an acute water crisis due to a combination of factors related to climate change, including low water levels of the Euphrates River, record low precipitation and higher than average temperatures. Access to water has been further diminished as a result of widespread destruction of and damage to water facilities, at times deliberate, over the course of the 11-year conflict, including at the Uluk water station, in the north-east,22 and most recently in Idlib in early January 2022. It is estimated that the country has up to 40 per cent less drinking water today than it did a decade ago”	- There is no structural damage to Allouk Water Station. The station can operate at full capacity provided that it receives uninterrupted and adequate electricity power from Derbasiyah substation controlled by the terrorist organization PKK/YPG/SDF. - The ongoing crisis in Al Bab is a result of the regime’s deliberate policy to deprive the region of the provision of potable and agricultural water. - It is estimated that the country has up to 40 per cent less drinking water today than it did a decade ago.

Para 15/ “Security Council resolution 2585 (2021), which was extended on 11 January 2022 without a vote, allowed cross-border United Nations humanitarian assistance in the northwest of the Syrian Arab Republic to continue only through the Bab al-Hawa crossing. Nevertheless, the delivery of critical aid was hindered by insufficient funding, the continued closure of additional border crossings, and impediments to cross-line operations in the northwest, including attacks along the aid route in territory controlled by Hay’at Tahrir al-Sham”	- Continuous increase in the ceasefire violations in Idlib by the regime forces affects the humanitarian aid efforts negatively.
Para. 45 and onwards / On the Measures affecting property rights	-In addition to the elements included in the report, regime’s hampering practices for Syrians who want to go back to their homes such as, unlawful confiscation of property, imposing punishment (from imposing fines to death penalty) for the returnees should be mentioned in the report.
Para. 51 and onwards / On the Idlip and Western Aleppo	-Although the report openly refers to the attacks by the regime to civilians in Idlib and western Aleppo, there is no reference to the attacks by the PKK/YPG terrorist organization to civilians living in the region. Moreover, there is no response to our request for UN investigation on the attacks to civilian targets such as hospitals and water stations.
Para. 74 and onwards / On the northern Aleppo, Ras al-Ayn and Tal Abyad Regions	- Despite the fact that the Commission was provided with detailed information regarding the attacks by improvised explosive devices in the region, the report fails to attribute responsibility in some paragraphs for the attacks to the PKK/YPG and affiliated so- called SDF terrorist organization. Only implicit responsibility attributed to so-called SDF for the attacks to civilians appears. The report also fails to mention martyred Turkish soldiers by the PKK/YPG. - More investigation is needed to attribute direct responsibility for the allegations of abuses in the region. Moreover, there is no reference to exchange of letters btw Syrian Interim Government (SIG) and the Office of the SE for the Children and Armed Conflict and also SIG’s proposal for cooperation to prevent child recruitment.
Para. 82 an onwards	-“Presence of Turkish intelligence officials in interrogations” is a false allegation.
Para 93. / False evaluation regarding the role of Turkey.	-Areas that were cleared from terror due to counter-terrorism operations of the Turkish Armed Forces (TAF) and Syrian National Army (SNA) that is under the control of the Syrian Interim Government-the executive branch of the legitimate

	<p>Syrian opposition-, thus deems the term “areas under effective Turkish control” false. This term also contradicts with the paragraphs referring to the control and responsibility of the Syrian National Army under section V., 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.</p> <p>- Although the report mentions five countries as having military presence in Syria at para. 4, 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.</p>
Para.94 and onwards/On “the north east Syrian Arab Republic”	<p>- First of all, the report fails to establish the link between the so-called “<i>Syrian Democratic Forces</i>” and the internationally recognized terrorist organization PKK.</p> <p>Secondly, report 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 basis.</p> <p>The report fails to provide the factual information that the PKK/YPG and affiliated so-called SDF, which consists minority in the area, is oppressing the Arab majority in the region, such as jailing Syrian teachers who refuse to teach Kurdish to Arab majority, moreover releases DEASH members in return of financial gains, recruits children, violently oppressing the peaceful protesters protesting the so-called SDF, preventing Yezidis an even Syrian Kurds returning back to their homes.</p>