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Tema 4 de la agenda

Situaciones de derechos humanos que requieren la atención del Consejo

Nota verbal de fecha 4 de abril de 2023 dirigida a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos por la Misión Permanente de Türkiye ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República de Türkiye ante la Oficina de las Naciones Unidas en Ginebra y otras organizaciones internacionales en Suiza adjunta a la presente nota las observaciones de la República de Türkiye acerca del Informe de la Comisión Internacional Independiente de Investigación sobre la República Árabe Siria presentado al Consejo de Derechos Humanos en su 52º período de sesiones (A/HRC/52/69) (véase el anexo).

La Misión Permanente ruega 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 se incluyan en la sección correspondiente del sitio web del Consejo.

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



Annex to the note verbale dated 4 April 2023 from the Permanent Mission of Türkiye 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 Türkiye on the Report of the UN Independent International Commission of Inquiry on the Syrian Arab Republic submitted to the 52nd Session of the Human Rights Council

Para. 10	Türkiye supports return of the refugees in accordance with the UN parameters. There is no pressure on Syrians to return to their homes. On the other hand, Türkiye supports the stabilization efforts of the Syrian Interim Government and as a result of these efforts many Syrians returned their homes voluntarily. The Commission's preference of singling out Türkiye, a country shouldering the burden of the security and securing the well-being of almost 9 million Syrian civilians, represents a selective and biased approach. In doing so, the Commission compromises its impartiality and oversteps the limits of its mandate.
Para. 12	The report underlines the "increase in mutual attacks between the so-called Syrian Democratic Forces (SDF) on the one side and Türkiye and the Syrian National Army (SNA) on the other." This is an inappropriate definition as if there were two equal sides. So-called SDF is an extension of PKK/YPG terrorist organization and the fight against SDF is a counter-terrorism operation. The reference to terrorist bombing in Istanbul on 13 November 2022 as "the alleged" is incorrect and fallacious. The perpetrators of this attack confessed their ties with PKK/YPG/SDF in their testimonies.
Para 83-85.	The report states that "there is insufficient information to identify the perpetrators" of the attacks to Kuwait al Rahma camp and Azez, whereas the witness statements clearly demonstrate that the attacks were carried out by PKK/YPG and affiliated terrorist groups to SDF from Tel Rifat. PKK/YPG's main objective is to destabilise the region through such attacks, as well as to intimidate and terrorize civilians in the area. The PKK/YPG-affiliated entity in north east Syria is referred as " <i>Kurdish armed groups</i> " as if they are representing the Kurds in the region. Neither PKK/YPG nor the so-called "SDF" represents the people of Kurdish origin living in Syria and report fails to establish the link between the so-called " <i>Syrian Democratic</i>

	<i>Forces</i> ” and the internationally recognized terrorist organization PKK.
Para 91/102/ 104	<p>Turkish authorities and Turkish officials fully respect all rules of international humanitarian law. They have not been involved, directly or indirectly, in any human rights violation in Syria. Türkiye rejects baseless allegations of violations directed at Turkish authorities. Türkiye has already declined similar unverifiable allegations in its correspondence with the Commission. Moreover, the Commission chose to include an unverified allegation regarding the Turkish authorities and did not deem it necessary to formally ask the Turkish authorities for their response. Claiming that a Turkish official was present during Syrian National Army’s (SNA) interrogation in Syria without providing any evidence casts shadow on the report’s credibility. The areas that were cleared from terror due to counter-terrorism operations of the Turkish Armed Forces (TAF) and SNA are under the control of the Syrian Interim Government-the executive branch of the legitimate Syrian opposition.</p>
Para 105.	<p>“Higher levels of civilian casualties were reported in July, August and November, coinciding with the beginning of the Turkish Operation Claw-Sword” is deliberately misleading and baseless. Operation Claw-Sword is a counter-terrorism operation carried out in line with international law, on the basis of Art. 51 of the UN Charter, counter terrorism resolutions and right of self-defence. Utmost importance is given to protect the civilians. Operation conducted by point shots and no civilians were harmed in this operation. As has been the case in its previous counter-terrorism operations, Türkiye’s response was proportionate, measured and responsible. During the operation only terrorists and their hideouts, shelters, emplacements, weapons, vehicles and equipment were targeted. Sophisticated weapons were used to precisely hit these specific targets and to minimize collateral damage.</p>
Para 107 and onwards	<p>The 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 undermining Syria’s territorial integrity. It</p>

	has no legal basis on international law. Misuse of this legal definition in this report casts shadow to impartiality of the report. Such legal terms should not be used arbitrarily.
Para. 109/110/111/112/113	<p>Türkiye's national security has been under the direct and imminent threat of terrorist organizations operating in the east of Euphrates in Syria, among which DEASH and PKK/PYD/YPG come at the forefront. PKK/PYD/YPG terrorist organization continues to find breeding ground in the northeast of Syria and poses a serious threat for the regional and international security, as well as the territorial integrity of Syria.</p> <p>Türkiye will continue to counter terrorist threat, to ensure its border security, to neutralize terrorists in line with the right of self-defense as outlined in Article 51 of the UN Charter and within the context of the responsibility attributed to UN member states in the fight against terrorism through UNSC Resolutions 1373 (2001), 1624(2005), 2170(2014), 2178(2014), 2249 (2015) and 2254 (2015). Türkiye categorically rejects baseless allegations in these paragraphs. Turkish authorities take all precautions to avoid any collateral damage to civilians and civilian objects.</p>
Para 115	<p>Yezidis live peacefully in the areas in the northwest Syria under the control of the legitimate Syrian opposition. Moreover, last year many Yezidi families tried to turn back to their homes in the northwest Syria from the north east, but unfortunately prevented by PKK/YPG. Statements about these returns can be found in the social media accounts of the Council of Yezidi Community in Germany in September and November 2021.</p>