

Distr.: General
18 October 2023
Arabic
Original: English

الجمعية العامة



مجلس حقوق الإنسان

الدورة الرابعة والخمسون

11 أيلول/سبتمبر - 6 تشرين الأول/أكتوبر 2023

البند 4 من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

مذكرة شفوية مؤرخة 11 تشرين الأول/أكتوبر 2023 موجهة من البعثة
الدائمة لتركيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية
الأمم المتحدة السامية لحقوق الإنسان

تحيل البعثة الدائمة لجمهورية تركيا لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا طيه ملاحظات جمهورية تركيا على تقرير لجنة التحقيق الدولية المستقلة المعنية بالجمهورية العربية السورية المقدم إلى مجلس حقوق الإنسان في دورته الرابعة والخمسين⁽¹⁾ (انظر المرفق).

وترجو البعثة الدائمة إصدار هذه المذكرة الشفوية ومرفقها* بوصفهما وثيقة من وثائق مجلس حقوق الإنسان في إطار البند 4 من جدول الأعمال، وتعميمهما بوصفهما وثيقة من وثائق الأمم المتحدة، ونشرهما على الموقع الشبكي للمجلس.

(1) A/HRC/54/58.

* يُعمَّم كما ورد، باللغة التي قُدم بها فقط.



**مرفق المذكرة الشفوية المؤرخة 11 تشرين الأول/أكتوبر 2023 الموجهة من
البعثة الدائمة لتركيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم
المتحدة السامية لحقوق الإنسان**

**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 54th Session of the Human Rights Council**

Para. 8	The report underlines “continuation of mutual attacks between the so-called Syrian Democratic Forces (SDF) on one side and Türkiye and the Syrian National Army (SNA) on the other.” □ We denounce this classification as Türkiye cannot be put on an equal footing with the terrorist organization. So-called “SDF” is affiliated with the PKK/YPG terrorist organization and Türkiye is pursuing a counter-terrorism operation on the basis of the right of self-defense. Türkiye’s right of self-defense cannot be merely defined as “attack”. □ Reference to so-called “autonomous administration” in various parts of the report (SDF-linked autonomous administration in the north-east), 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 by a PKK/YPG-linked entity undermining Syria’s territorial integrity. It 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. 19-21	The report states that “a convoy carrying fuel from the Syrian Democratic Forces-linked autonomous administration in the north-east to communities in Syrian National Army-controlled Afrin was refused entry by the authorities on 10 February, citing concerns of being politicized. □ This description is not fair and does not fully correspond the reality. In the aftermath of February earthquakes, many actors, including the tribes from the northeast and KRG of Iraq were able to dispatch humanitarian assistance to the affected areas in the northwest. It is the so-called “SDF” itself which politicized the matter of humanitarian assistance.
Para 81/82/83/84	The report claims that Turkish officials are involved or not prevented human right violations and civilian casualties have been recorded out of Turkish drone attacks. □ Türkiye fully respects international humanitarian law. Turkish officials have not been involved, directly or indirectly, in any human rights violation in Syria. Türkiye rejects baseless allegations of violations falsely attributed to Turkish authorities. □ Moreover, claiming the presence of Turkish officials in investigations in Syria without providing any substantial evidence casts shadow on the impartiality of the report. The areas that were cleared from terrorist elements through counter-terrorism operations of the Turkish Armed Forces (TAF) and Syrian National Army (SNA) are under the control of the executive branches of the legitimate Syrian opposition.

	☐ All necessary measures are taken for the protection of the civilians and principles of proportionality and distinction are observed during the counter-terrorism operations. Surgical strikes are conducted in order to prevent civilian casualty. ☐ The report also claims that the Commission confirms “the ongoing presence of Turkish officials in detention centers”, referring to the Commission's previous reports in 2021 and 2022 (A/HRC/52/69 and A/HRC/49/77). However, both the current report and the aforementioned reports only contain unverified allegations directed at Turkish authorities and do not provide any concrete evidence. This casts shadow on the report’s credibility. ☐ Türkiye has already declined similar unverifiable allegations in its correspondence with the Commission ☐ Contrary to the extensive coverage of the report regarding the allegations attributed to the Syrian National Army, unprovoked attacks by PKK/YPG terrorist organization against civilians in the opposition-controlled areas are not reflected in it. These attacks which led to civilian casualties, should also be reflected in the forthcoming reports of CoI as well as recent human rights violations committed by this group in Deir ez Zor governorate. ☐ In the Lead Inspector General report to the U.S. Congress on “Operation Inherent Resolve” covering 1 April 2023 – 30 June 2023 period, it is mentioned that DEASH continues to bribe the so-called “SDF” members to free DEASH detainees held in camp across northeast Syria, in particular al-Hol camp. This fact needs CoI’s attention in the next reports
--	--