

Distr.: General  
19 October 2021  
Arabic  
Original: English

## الجمعية العامة



## مجلس حقوق الإنسان

الدورة الثامنة والأربعون

13 أيلول/سبتمبر - 1 تشرين الأول/أكتوبر 2021

البند 4 من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

مذكرة شفوية مؤرخة 8 تشرين الأول/أكتوبر 2021 موجهة من البعثة  
الدائمة لتركيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم  
المتحدة السامية لحقوق الإنسان

تود البعثة الدائمة لجمهورية تركيا لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية في  
سويسرا أن تحيل طيه ملاحظات جمهورية تركيا على تقرير لجنة التحقيق الدولية المستقلة المعنية  
بالجمهورية العربية السورية (A/HRC/48/70) الذي قُدِّم إلى مجلس حقوق الإنسان في دورته الثامنة  
والأربعين وعُمِّم على الدول الأعضاء (انظر المرفق).

وترجو البعثة الدائمة أن تصدر هذه المذكرة الشفوية ومرفقها باعتبارهما \* وثيقة من وثائق  
مجلس حقوق الإنسان في إطار البند 4 من جدول الأعمال، وأن تُنشر في الفرع ذي الصلة في الموقع  
الشبكي للمجلس.

\* استنسخ المرفق كما ورد، وباللغة التي قُدِّم بها فقط.



**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 48<sup>th</sup> session of the Human Rights Council**

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| <p>Para. 11 and onwards / The Commission's choice of flawed language with respect to the illegitimate entity in north east Syria</p> | <ul style="list-style-type: none"> <li>- 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.</li> <li>- The report fails to establish the link between the so-called "<i>Syrian Democratic Forces</i>" and the internationally recognized terrorist organization PKK.</li> <li>- 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.</li> </ul>  |
| <p>Paras. 74-79, 90-91. / Failure to mention the perpetrator of IED attacks</p>  | <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul> |
| <p>Para. 79 / Biased approach in favor of a terrorist organization.</p>  | <p>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.</p>   |

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| Para 93. / False evaluation regarding the role of Turkey.                    | <p>- 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 “<i>areas under the effective Turkish control</i>” 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.</p> <p>- 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.</p> |
| Para. 104 / Attempt to conceal and whitewash crimes of the PKK/YPG-led “SDF” | <p>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.</p>  |
| Para. 119  | <p>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.</p>   |
| Paras. 94-120 / Failure to hold countries who support “SDF” responsible      | <p>The report fails to hold countries who support “SDF” responsible for the violations conducted by this entity.</p> <p>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.</p>  |