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United Nations Human Rights Council

Statement by Mr. Paulo Sérgio Pinheiro

Chair of the Independent International Commission of Inquiry

on the Syrian Arab Republic

Geneva, 15 March 2016

M. le Président

Excellencies,

Five long years have passed since the war in Syria started. The toll that this conflict has taken on the Syrian people goes far beyond anything that we could have imagined when the uprising began in 2011. As violence escalated year after year, so did the seemingly endless number of innocent men, women and children whose lives were lost to the conflict. The survivors of this brutal war are the maimed, the displaced, the women and girls who endured sexual violence. No corner of the country has been left unscathed. Destruction, rubble and chaos have replaced homes, schools, hospitals and historical monuments. Go where they may, Syrians find no place to shelter.

There are more than five million Syrian refugees. The majority are in neighbouring countries but with rapidly growing numbers in other parts of the world, including almost one million in Europe. For many, as Pope Francis memorably stated, it is “a journey laden with terrible injustices”. It is imperative that host countries find the will and the means to deal adequately with the refugee crisis in a way that guarantees humane treatment and protection rather than reducing people to mere numbers.

Children have been disproportionately affected by the war. The hundreds of thousands of Syrian children not attending school are already being labelled “the lost generation”. Many are working for meagre pay to help support their families. Uprooted from their homes, they live in overcrowded conditions vulnerable to sexual abuse and exploitation.

But now for the first time, there is hope of an end in sight.

The relentless efforts of the Special Envoy of the Secretary-General for Syria and the International Syria Support Group have resulted in the most comprehensive cessation of hostilities to date as part of the Munich agreement. This has led to a significant decrease of armed violence incidents in areas where the cessation of hostilities applies. For the first time since the war started, civilians in large parts of the country feel a return to normalcy in their daily lives. We call on the parties to the cessation of hostilities agreement to discontinue all remaining military operations, even those at a low-scale.

Crucially, the cessation of hostilities has also created the conditions to move forward with the next round of the Geneva talks. These are the efforts that pave the way to implementing Security Council Resolution 2254 which, building on

the Vienna talks, endorsed a road map for a Syrian-led peace process, and Resolution 2258 emphasising that only a political solution can end the conflict. Bearing in mind that the 2012 Geneva communique remains the basis for a political solution, the Commission welcomes these efforts and joins its voice to Resolution 2268 stressing the urgency for all parties to work constructively and in good faith towards political transition.

The Commission is heartened by the positive developments brought by the cessation of hostilities, and hopes this will be matched by real progress in the political negotiations. But we stress that those advances will only be successful if they go hand in hand with efforts on other fronts.

As a first step, diplomatic efforts must take place in parallel with provision of humanitarian assistance to those in desperate need. There must be no compromise on this. Too many lives, many of them children and the elderly, have been lost to starvation and lack of the most basic medical care. We call on all parties to abide by their obligations under international law and allow for the sustained and unhindered provision of humanitarian supplies, including food and medication, to besieged and hard-to-reach areas. In this respect, the Commission welcomes the recent improvement in humanitarian access to

besieged towns, an encouraging sign that needs to be continued for the duration of the sieges. Ultimately, however, the suffering of those living in besieged areas can only come to an end with the lifting of all sieges. Now is the time for the international community to fulfil its pledges to fund humanitarian assistance for the millions of Syrians in need.

Despite the improvement on the ground brought by the cessation of hostilities, we must not forget that, as we speak here today, serious violations continue to take place. Thousands are detained and tortured, many dying in places of detention. Countless numbers of people are still missing. ISIS continues to use suicide bombs on civilian areas outside its control. Particularly horrifying is its continued sexual enslavement of Yazidi women and girls, over 3000 whom are still held by the terrorist group. Reports of indiscriminate attacks on civilian-inhabited areas by Jabhat al-Nusra and its tactical allies continue to emerge.

Finally, the on-going political dialogue must encompass a discussion on transitional justice options. Throughout its mandate, the Commission has impartially and independently documented violations of the laws of war and human rights by all sides. Through our fact-finding and documentation work, we endeavour to provide an accurate view of what is happening on the ground

inside Syria and that ensures that human rights and accountability issues remain present at the negotiation table. When we speak with the victims whose lives have been torn apart by this conflict, their message is clear. They want peace. And they demand justice. The Commission strongly supports credible international and domestic criminal proceedings as a means of fighting impunity.

But criminal justice is not enough.

Accountability is a multi-layered and long-lasting process encompassing much more than criminal justice, as important as that is. The adoption of measures that lay the ground for accountability need not and should not wait for a final peace agreement to be reached. All parties can start to reinforce the most basic respect for rule of law and human rights immediately. They can do so by agreeing to confidence building measures that address core concerns of Syrians at the local level such the unconditional and immediate release of all prisoners arbitrarily detained, including women and children. They should allow monitoring of detention centres, including makeshift and secret sites, by internationally recognised organisations. And they can establish mechanisms to deal with cases of missing and disappeared persons.

Throughout my five years as Chair of this Commission documenting violations by all sides, Syrians have demanded an end to the violence that has dismantled their lives and their country. There are, at last, glimpses of a Syria at peace. For the moment, we can see what is possible. I urge the members of the Human Rights Council to use their leverage to support the peace process – to insist that the Security Council, and influential states both on and off the Council, strongly support the political process that offers the best chance to end the war in Syria.

Thank you.