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**United Nations Security Council
Arria Formula**

**Statement by Mr. Paulo Sérgio Pinheiro
Chair of the Independent International Commission of Inquiry
on the Syrian Arab Republic**

New York, 28 November 2018

M. le Président,

Excellences,

Since the last time I had the privilege to address you – one and a half years ago – the spiral of violence in the Syrian Arab Republic has been characterized by further military escalation, coinciding with unspeakable death, pain, and suffering endured by countless Syrian women, men, girls, and boys.

The Commission has continued to implement our mandate meticulously by investigating and reporting on the battles that killed, maimed, and displaced a seemingly endless number of innocent civilians. Violations of international human rights and international humanitarian law remain rampant. We have detailed such violations during and in the wake of the fall of the terrorist group ISIL in its strongholds of Raqqa and Dayr al-Zawr. We have, moreover, given a comprehensive account of violations in eastern Ghouta in a separate report this June, in which we ascertained the perpetration of war crimes as well as crimes against humanity.

We documented clashes in Dara'a and Aleppo, among other places, and we recounted the distress of Syrians fleeing through humanitarian corridors or being transferred out on Government buses under so-called “evacuation agreements” from northern Homs, Damascus, and Rif-Damascus. As described in our latest report in September, more than half of the population of Syria has by now been uprooted. Displaced civilians often subsist in the most desperate of conditions, leaving them particularly exposed to new violence – while violations and abuses persist. Let me also be clear: Our investigations conclude that violations continue to be committed by all sides.

In recent months, international attention has focused on the situation in Idlib. While many expected that unprecedented bloodshed would take place, air strikes and bombardments have mostly come to a halt – for now. Yet, the war is far from over. The temporary ceasefire agreement concerning Idlib reached between the Russian Federation and Turkey on 17 September that the Commission welcomed appears still to hold in large part for the time being. Yet, spikes of violence in recent days demonstrate the precariousness of the current situation. We are pleased to note this overall lull in fighting; civilians urgently require at the very least some temporary respite.

This momentary calm, however, will not resolve the disastrous situation in which up to three million civilians currently persevering in Idlib, the last bastion of anti-Government armed groups and terrorists in Syria, find themselves. Many of them have been displaced since the onset of the conflict, often multiple times. This year alone, over 500,000 civilians were displaced to and within Idlib. Living conditions in severely overcrowded areas are strained beyond capacity, with those displaced often left without the bare necessities required for their existence. Women and girls continue to be disproportionately affected, left more prone to sexual violence and abuse in makeshift camps, tent communities, and abandoned buildings, unable to live in dignity. While the people of Idlib continue to subsist under the most dire conditions, tens of thousands displaced elsewhere countrywide fight for their very survival, often denied their most basic human rights and humanitarian needs.

Meanwhile, away from international media attention, fighting in the east of the country continues, particularly as Syrian Democratic Forces and the International Coalition are targeting ISIL in the region around Hajin south of Dayr al-Zawr, claiming civilian lives. The Commission has deep concerns over the manner in which airstrikes against ISIL locations have

been conducted in the past in both Raqqa and Dayr al-Zwar. Air strikes have been conducted repeatedly without proper protections for civilians being observed seemingly by any party operating there. Likewise, the ISIL claimed responsibility for a series of assaults including a horrific suicide attack in Al Suwayda, east of Dara'a, in late July, which killed hundreds of innocent civilians.

Aside from warfare, human rights violations continue to be committed throughout the country on a massive scale: on the one hand we have corroborated numerous reports of civilians being abducted by terrorist organizations and armed groups in Idlib, Aleppo, and elsewhere. We note as well the abductions of some 30 civilians, mainly women and children, by ISIL militants in late July in Suwaida, and welcome their release earlier this month. The general absence of rule of law leaves millions of Syrians exposed to the crimes of terrorists and armed groups.

On the other hand, civilians who are perceived to be opposition supporters continue to be arrested arbitrarily and detained, often disappearing without a trace. While arbitrary detention throughout Syria continues to be perpetrated by all parties on the ground, nowhere has the phenomenon been more pervasive than in areas under Government control. In March of this year we issued a publication, summarizing the horrors suffered by tens of thousands in Government detention centres and prisons since the inception of the conflict. In an unprecedented development this year, the Syrian State provided information in bulk on the deaths of numerous detained and missing persons. Today we have issued a paper focusing on the issue of death notifications and the rights of families to know the fate and whereabouts of their loved ones who have languished for years in detention or have died in custody.

In areas under the control of Syrian Democratic Forces, thousands of Syrian men, women, and children continue to be unlawfully interned, some of whom subsist in deplorable conditions in makeshift camps unfit to meet their basic needs. There is, moreover, a genuine risk that those deemed to be ISIL fighters or affiliates are being held incommunicado and without adequate judicial guarantees – conditions which are conducive to detainee abuse. Others, namely the wives and children of ISIL fighters, continue to be held in legal limbo as their countries of origin refuse to repatriate them.

Other violations of human rights gather much less attention; and too often remain largely invisible. Those who have lived or are still living in areas under the control of terrorist organizations and armed groups face massive insecurities as to their futures. The lack of civil documentation impedes registration of vital events such as birth, death and marriage, and as such dramatically impacts on their enjoyment of key rights, as it could impede everything from access to health care to school enrollment or social assistance. This Commission sees it at the core of its mandate to give a voice in particular to the most vulnerable. For instance, the lack and loss of marriage certificates, property transactions and other acts will potentially result in mass discrimination and exclusion of women and girls who have, traditionally, faced barriers to secure tenure and inheritance rights. Pre-existing gender inequalities have been further exacerbated and lead to changes in economic roles, posing implications for post-conflict economic recovery.

In the meantime, discussions on reconstruction and refugee return gather pace without duly addressing the root causes of this conflict. Housing, land, and property issues for instance reinforced many of the reasons that led Syrians to protest against their government in 2011. The massive scale of destruction, displacement, and death wrought by seven years of conflict has

only exacerbated this situation, creating more hurdles for individuals seeking to protect their rights, in particular for refugees, internally displaced persons and female-headed households. Tackling those issues must now be considered a decisive factor of any process for reconstruction and the return of those displaced.

Excellences,

More than seven years of horrific violence have offered ample evidence that there will be no military solution to this conflict. The solution can only be a political one. Any lasting solution, however, must find its base in accountability, and those who committed the most heinous crimes will need to answer for their deeds.

Our aim has always been to advocate for and to support an effective remedy for victims who are calling for accountability. Essential to heeding their call is holding alleged perpetrators to account. The response to their quest for justice must echo in the corridors of power, including at the level of the Security Council. This Council is the only body seized with the requisite capacity to refer the situation in Syria to the International Criminal Court, and is therefore in the unique position to reverse a now deeply entrenched culture of impunity and open a path to international justice for victims.

Justice in a larger sense, however, is broader than criminal accountability. It is a long term process that must be nurtured and rooted in basic respect for the rule of law. This war is a chronicle of missed opportunities on the part of states with political influence and the broader international community.

Accounts by survivors and the sheer horrors they continue to endure should not only shock us, but also force us to take meaningful action, to

ensure that those with leverage over the Government of Syria, including those in this room, exercise that leverage now. There must be a concerted effort to work with determination to ensure access to all places of detention, for example. Those with leverage over armed groups and terrorists must further use their leverage to ensure the release of civilians including journalists and activists held by these groups.

Inaction is inexcusable. Syria's detained and disappeared deserve your full attention. We welcome the recent mutual release of detainees by the Syrian Government and armed groups achieved through the Astana process and the framework of the detainee working group set up by the Russian Federation, Turkey and Iran. We count on the members of this council to send a strong message to suffering family members that their detained and disappeared relatives have not been forgotten, and we need your firm commitment to leave no stone unturned in our combined efforts to achieve their freedom.

Those who bear responsibility, moreover, must be held to account, whether that be by ensuring they face criminal justice or other forms of individual accountability, and in all cases their victims must be released from long term confinement or their families learn the sad fates of those who died long ago.

The hideous reality of this war is the responsibility of the warring parties. This Council is in the privileged position to change this reality, by warranting accountability for the perpetrators and safeguarding justice for all victims.

Thank you.