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الجمعية العامة



مجلس حقوق الإنسان

الدورة الخامسة والخمسون

26 شباط/فبراير - 5 نيسان/أبريل 2024

البند 4 من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

مذكرة شفوية مؤرخة 5 نيسان/أبريل 2024 موجهة من البعثة الدائمة لتركيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان

ترفق البعثة الدائمة للجمهورية التركية لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية في سويسرا طيه ملاحظات الجمهورية التركية على التقرير الذي قدمته لجنة التحقيق الدولية المستقلة المعنية بالجمهورية العربية السورية (A/HCR/55/64) إلى مجلس حقوق الإنسان في دورته الخامسة والخمسين (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 في القسم ذي الصلة من الموقع الشبكي لمجلس حقوق الإنسان.

* يُعمَّم كما ورد، باللغة التي أُدم بها فقط.



الرجاء إعادة الاستعمال

مرفق المذكرة الشفوية المؤرخة 5 نيسان/أبريل 2024 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
A/HRC/55/64 of the UN Independent International Commission
of Inquiry on the Syrian Arab Republic submitted to the 55th
Session of the Human Rights Council**

Para. 8 and 75	<p>The report claims that “shelling also continued between the Turkish-backed Syrian National Army (SNA) and SDF, particularly around the Operation Peace Spring area”</p> <p>□ First and foremost, Syrian National Army (SNA) functions under the Syrian Interim Government. Relevant Turkish authorities do not have an institutional affiliation with the SNA. We reject the use of wording of “Turkish-backed SNA” and ask for the corrigendum of this wording in the current report and its non-repetition in the upcoming reports. If the Commission intends to establish such a relationship between an entity on the ground and a country “backing” it, it would be appropriate to refer to the backing of “SDF” by some third countries.</p> <p>Official documents released by some third countries clearly acknowledge the provision of training and equipment to “SDF” and its affiliated groups, including armed terrorist groups such as the so-called “Internal Security Forces” linked with the so-called “Autonomous Administration”. This support is intended to continue in the future.</p> <p>Accordingly, third countries allocated hundreds of millions of US Dollars in the budget of previous years and are willing to do the same for 2025.</p> <p>The training provided by third countries to the “SDF” and its affiliated groups are highlighted by some official social media accounts. Scrutiny of these posts brings justified questions as to whether or not some individuals attending the trainings are children. This point requires special attention from the Commission.</p> <p>We observe that the reference in previous reports to the responsibility of third countries supporting the “SDF” in ending of the violations has been removed in the current report. It is essential not to ignore that the attacks and violations, particularly those that targeted the Arab majority in Deir ez-Zor, have been carried out by the “SDF” with the capabilities and resources provided by these third countries. The reference to the responsibility of third countries should be reinstated in the upcoming reports.</p> <p>□ Reference to the obvious connection between “SDF” and PKK as something which is made up by Türkiye (“which it considers connected to PKK”) is unacceptable. With a simple search, the Commission could easily find that core cadres of “SDF” are from PYD/YPG, which is the extension and branch of PKK in Syria. During his testimony to the US Senate on 28 April 2016, Ashton Carter, Former US Secretary of Defense,</p>
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	<p>confirmed the link between YPG/PYD and the PKK¹. US Army General Raymond Thomas, Former Head of US Special Operations Command, also expressed at the Aspen Security Forum in 2017 that he instructed YPG to change its “brand” in 2015 and with about a day’s notice terrorist organization rebranded itself as the “SDF”².</p> <p>□ The attacks perpetrated by the “SDF” against the SNA elements are not only happening around Tell Abyad and Ra’s al-Ayn. “SDF” and its affiliated terrorist groups continue to use Tel Rifaat and Manbij as bases to stage terrorist attacks to the areas controlled by the Syrian Interim Government in northwest Syria.</p>
Para. 76	<p>The report claims that on “9 August, at least one artillery shell landed in the Kuwait al-Rahma camp near Afrin. The camp houses approximately 1,500 internally displaced persons and has been targeted repeatedly since 2022. One man and one girl were killed and two women and two children were injured. The shell was likely fired from the Tall Rif’at area, where both Kurdish-led armed groups and pro-government forces were reportedly present.”</p> <p>□ The Commission’s apparent hesitation to explicitly acknowledge the responsibility of the “SDF” and its affiliated terrorist groups for the assault on the camp raises concerns. This attitude is displayed despite well-established knowledge that no exchange of shellings have taken place between the regime forces in Tel Rifaat and the forces operating under the Syrian Interim Government for a long period. It seems necessary to draw the attention of the Commission to the fact that Tel Rifaat remains one of main bases in the northwest from where “SDF” launches its attacks to the areas controlled by the Syrian Interim Government.</p>
Para. 79	<p>The report claims that “In Hawar Killis, one man was interrogated by a Turkish officer and subjected to physical abuse by a Syrian prison official. Former detainees consistently highlighted poor conditions in several detention facilities.”</p> <p>□ Türkiye has rejected and rejects such baseless allegations and violations falsely attributed to the Turkish authorities. Türkiye fully respects international humanitarian law. Turkish officials have not been involved, directly or indirectly, in any human rights violation in Syria. Moreover, claiming the presence of Turkish officials in investigations in Syria without providing any substantial evidence casts shadow on the impartiality of the report. Making call to Türkiye for conducting investigation without giving specific information/presenting evidence is another abnormality.</p>
Para. 89	<p>The report claims that “In areas under effective Turkish control, Türkiye has a responsibility to ensure public order and safety, and to afford special protection to women and children. Türkiye remains bound by its obligations vis-à-vis all individuals present in such territories, including in relation to violations committed by SNA members. Where Turkish forces fail to intervene to stop such violations when made aware of them, they risk violating their obligations under international human rights law and international humanitarian law. Regarding the presence of</p>

¹ <https://youtu.be/4GUdQJle-1s?si=ZyoQJwXCdXcTMiyv>.

² <https://www.reuters.com/article/idUSKBN1A62SS/>.

	<p>a Turkish official during the interrogation of a detainee involving torture or ill-treatment (para. 79), Turkish officials remain bound to prevent torture and ill-treatment when present. Türkiye must investigate any such reports and hold accountable those involved.”</p> <p>□ First and foremost, it is a factual mistake to label the regions cleared from the terrorist elements in the north of Syria as “areas under effective Turkish control”. Türkiye firmly rejects allegations as to the “effective control” as they lack any legal ground. Türkiye executed three counterterrorism operations on the basis of self-defence as enshrined in Article 51 of the UN Charter. The regions cleared from the terrorist elements are administered and controlled by the Syrian Interim Government. It exercises administrative control over these regions with its Ministries as well as local councils. The use of such statement is unfortunate, considering that during their last visit to Ankara in November 2023, the members of the Commission were briefed about the supportive role of Türkiye in view of ongoing stabilization efforts. Türkiye rejects baseless allegations of violations falsely attributed to Turkish authorities. Türkiye fully respects international humanitarian law. Turkish officials have not been involved, directly or indirectly, in any human rights violation in Syria.</p> <p>This report as well as the report referred in footnote 65 A/HRC/46/5 only contain unverified allegations directed at Turkish authorities and do not provide any concrete evidence. Moreover, claiming the presence of Turkish officials in investigations in Syria without providing any substantial evidence casts shadow on the impartiality of the report. Therefore, presenting the allegations as “fact” in the reports is legally incorrect.</p>
Para. 91	<p>The report states that “the unrest appeared to be underpinned by long-standing grievances against the self-administration governance”</p> <p>□ Use of the term “self-administration governance” in various parts of the report, in reference to the PKK/PYD/YPG/“SDF” affiliated body is alarming, as it is the actual wording employed by the terrorist organization itself. The Commission’s portrayal of the above-mentioned body, without any qualifications, as a legitimate authority clearly contradicts, inter alia, the UNSC Resolution 2254 which is based on the principle of territorial integrity and political unity of Syria.</p>
Para. 90-97	<p>The report states that “In late August, clashes erupted between SDF and a coalition of tribal fighters in SDF-held Dayr-al-Zawr Governorate and subsequently spread to other parts of north-eastern Syrian Arab Republic, following calls for a “general mobilization” against the SDF presence, issued by tribal leaders. Tribal forces, initially an informal coalition of individuals, became more structured, announcing a unified command in September ...”</p> <p>□ This presentation of the facts is out of context. Describing the clashes between the “SDF” and Arab tribes under the title of “Hostilities between the Syrian Democratic Forces and tribal forces in eastern Dayr-al-Zawr”, without addressing the details of oppressive practices that “SDF” have been carrying out for years, aimed at erasing Arab identity as well as suppressing the Arab majority, deviates from factual accuracy. The report should have been clearer on the backdrop</p>

	<p>of the clashes. As such, it would have been more appropriate to refer to discriminatory and oppressive practices of “SDF” which cause resentment and reactions from the local population, such as the closure of schools with Arabic curriculum, obstruction of Arabic education and plundering the natural resources of the region for the terrorist agenda.</p> <p>Furthermore, the oppressive practices and attacks of the so-called “SDF” have not been limited solely to Arab tribes and Arab majority in Deir ez-Zor. They continue to target the Kurds not sharing their ideology or supporting their oppressive practices. Attempts by the PKK/PYD/YPG/“SDF” to erase the presence of the indigenous Arameans of north east of Syria also continue. This situation also hinders the return of Kurds, Arabs, Assyrians, Arameans and other groups who were forced to flee the region.</p> <p>On the other hand, an impartial approach in the Commission’s upcoming report is required concerning the attacks of the “SDF” to the offices of Syrian Kurdish National Council particularly during March 2024.</p>
Para. 98, 99 and 102	<p>The report claims that “In response to the 1 October Ankara attack, Türkiye carried out a series of aerial attacks in north-east Syrian Arab Republic, stating that infrastructure, superstructure and energy facilities of PKK and the People’s Protection Units (YPG) were legitimate targets. Between 5 and 9 October, Türkiye attacked what it termed SDF military facilities, as well as electricity and petrol production infrastructures, stating that it had destroyed 194 targets and neutralized 162 terrorists, with the self-administration reporting more than 200 sites hit across the north-east in this period. 70 Strikes were also conducted in residential areas, including a camp for internally displaced persons, interrupting services provided by non-governmental organizations for residents.” and “On 5 October, Turkish aerial attacks on the Swediyah power plant and two electric transfer stations in Amuda and Qamishli resulted in electricity cuts, which in turn affected electricity-reliant water pumps, depriving nearly 1 million people of access to water for weeks. The Commission was not able to identify any military targets nearby. Dozens of health facilities were temporarily deprived of power, notably in the Qamishli and Malikiyah districts. Production of fuel and cooking gas, dependent on the Swediyah power plant, also significantly dropped at a time when residents, including internally displaced persons, were increasingly relying on fuel and gas to cope with electricity shortages. Electricity was partly restored in the weeks following the escalation, although emergency repair measures risked damaging equipment further in the medium term.</p> <p>□ PKK/PYD/YPG uses Syria and Iraq as a combined platform for preparing and staging terrorist attacks to Türkiye. The 1 October Ankara attack which was claimed by the PKK terrorist organization, was perpetrated by terrorists who were trained in and entered Türkiye from Syria. In line with its right to self-defence as enshrined in the UN Charter (article 51), Türkiye conducted counter-terrorism operations targeting the sources of income and capabilities of the PKK/PYD/YPG terrorist organization. Türkiye’s counter-terrorism operations aimed at crippling the attack capabilities and financial resources of the terrorist organization. Civilians or civilian infrastructure were not among the targets and have never been.</p>

	<p>All necessary measures are taken for the protection of the civilians and civilian infrastructure. Proportionality and due diligence are observed during the counter-terrorism operations. There have been instances of postponement of the operations to protect civilians from any harm. Türkiye rejects baseless allegations of attacks on civilian infrastructure falsely attributed to Turkish forces. Türkiye fully respects international humanitarian law.</p> <p>During the meeting held in Ankara in November 2023 between Turkish Ministry of Foreign Affairs and the Commission, the Commission emphasized the need to share evidence such as military ammunition remnants related to the attacks for the inclusion of the “SDF”’s attacks on Turkish territories and areas controlled by the Syrian Interim Government into the report. It is noteworthy that the Commission’s report does not present any substantiating evidence for the unfounded allegations directed towards Türkiye.</p>
Para. 101 and 103	<p>The report claims that “Other Turkish aerial attacks, including with drones, continued to be documented. On 23 August, a woman journalist working for a media outlet deemed close to the self-administration was severely injured and her male driver killed, when a suspected Turkish drone struck their vehicle between Qamishli and Amuda, as they were returning from an interview with self-administration officials. Similarly, on 23 November at night, a drone attack killed a humanitarian worker and injured two of his relatives when it struck their car near Amuda, after they attended a family gathering. On 20 June, a drone launched two consecutive strikes, hitting a moving vehicle near Qamishli, killing two civilian self-administration officials and their driver, and injuring another civilian official. A third strike near the vehicle hampered attempts to help victims.” and “The suspected drone attacks of 20 June, 23 August and 23 November fit the pattern of drone attacks by Turkish forces. No information was provided indicating that any of the victims had taken part in hostilities. Thus there are reasonable grounds to believe that the incidents constitute direct attacks on civilians, which may amount to war crimes.”</p> <p><input type="checkbox"/> Türkiye rejects baseless allegations and false characterization of its counter terrorism operations. During our counter-terrorism operations, all necessary measures are taken for the protection of the civilians and civilian infrastructure. Proportionality and due diligence are observed during the counter-terrorism operations.</p> <p>The Commission’s attempt to attribute responsibility as well as characterization of acts as determined offences are unacceptable as this approach lacks legal ground and also falls beyond its mandate. It is not clear how and deriving from which expertise the Commission came up with a conclusion of a definitive pattern of attacks that it freely attributes to a specific party. It should also be noted that even biased news agencies did not explicitly blame any party for the incident that occurred on 23 November. Such grave accusations should be supported with credible evidences as underlined by the members of the Commission during their visit to Ankara.</p> <p><input type="checkbox"/> On the other hand, the Commission should be clearer about the definition of civilians. Two people who have been</p>

	<p>killed during the incident on 20 June, are high-level members of the PKK/PYD/YPG/“SDF” terrorist organization.</p> <p>□ It is again striking to see a reference to a terrorist-affiliated body as “self administration”.</p>
Para. 102	<p>The report states that “the 5 October attacks on electricity infrastructure disrupted the provision of electricity to water pumping stations, depriving civilians of access to water. 72 Such acts amount to attacks on objects indispensable to the survival of the civilian population in violation of international humanitarian law, as well as direct attacks against civilian objects, which may amount to war crimes.” (And at the footnote section, it is directing to UN OCHA report for affected civilian water access in Deir ez-Zor, caused by the so-called “SDF”).</p> <p>□ We reiterated that Türkiye’s counter-terrorism operations aimed at crippling the attack capabilities and financial resources of the terrorist organization. Civilians or civilian infrastructure were not among the targets and have never been. Such grave accusations necessitate such evidences as underlined by the members of the Commission during their visit to Ankara. As stated above, characterisation of acts as certain offences is not within the mandate of the Commission.</p> <p>□ Furthermore, it is puzzling to see that the report only includes a footnote regarding the issue raised by the statements of UN authorities responsible for Syria, as well as statements made by the UN OCHA, concerning the use of water stations by the “SDF” as military stations and the subsequent consequences of water deprivation for tens of thousands of Syrians in Deir ez-Zor. The Commission’s decision to allocate several paragraphs to unfounded accusations against Türkiye while neglecting to dedicate any paragraph to incidents acknowledged by UN officials raises questions about the report’s integrity.</p>