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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**

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M. le Président

Excellences

I would like to thank the Security Council and the Ambassador of the United Kingdom for the generous offer to sponsor this Arria-formula briefing, the fifth such opportunity that my fellow Commissioners and I have had to address this Council.

The conflict in Syria has become the worst humanitarian crisis of the 21st century. On the cusp of winter, thirteen and a half million Syrians—over half of the country’s population—are now in dire need of assistance. More than four million Syrians have fled their home while six and a half million Syrians find themselves internally displaced. It is now, more urgent than ever before, to engage in an all-inclusive political process aimed at restoring peace and security.

Violence has always been a means to silence people, to deny their voice, their rights, and at its most extreme, their existence. In the Syrian war, now in its fifth year, such violence is pervasive. For those living inside Syria, it is inescapable.

The horrors of the war fall from the sky on to unwitting souls shopping in marketplaces or on their way to school. They await the unlucky ones passing through checkpoints. Lives are extinguished in executions in public squares and inside detention centres. For many – including those who are tortured, used as child soldiers, or held in sexual slavery – the horrors come not from death but their continued existence.

The voice of the Syrian people, including those who took to the streets in March 2011 initially to demand democratic reforms, has largely been silenced. Instead, what we hear instead are the posturing of belligerents and their backers, set against the sound of gunfire.

The Commission, also now in its fifth year, continues to speak to and on behalf of the millions of victims of this conflict - the murdered, the maimed, the abused, and the displaced. They are the reason I appear —once again — before this Council, which has the primary responsibility for the maintenance of international peace and security.

Since I was last before you, thousands of lives have been lost. The issues that form the bedrock of the war remain unresolved – and largely unaddressed. The militarisation of the conflict in Syria has deepened. The proliferating number of parties engaged in direct hostilities on an expanding number of frontlines is bringing further chaos and destruction to a nation on the brink of disintegration.

Warring parties ignore the most fundamental rules of international humanitarian and human rights law, fighting an anarchic war with no limits, standards or conscience. We join our voice to the recent warning issued by the United Nations Secretary-General and President of the International Committee of the Red Cross: “enough is enough. Even war has rules. It is time to enforce them.”

The complete disregard for civilians’ protection has resulted in barbarous acts. The unarrested brutality has left ordinary Syrians with little choice other than to flee, in a desperate search for safety. The lives of refugees and the internally displaced are precarious, with funding shortfalls and the coming winter making even places of relative safety, a misery.

For more than four years, my fellow Commissioners and I have regularly visited the region. Our team has amassed over 4,000 statements from Syrian men, women and children - each telling a shocking story of loss. All have described how the war has torn their society asunder and made their own country unrecognisable to them. The abuses inflicted on them are massive in extent and scope. There has been no respite.

Indiscriminate and disproportionate attacks on civilian-inhabited areas across Syria by all parties remain the primary cause of casualties and mass displacement. Relentless aerial bombardment and shelling by Syrian Government forces continue to kill and injure civilians, and destroy the very infrastructure that makes any semblance of civilian life possible. In recent months, the Government has launched intense and deadly aerial bombardments of towns and cities under the control of armed groups in Dara'a, Idlib, Homs, and Aleppo governorates.

Anti-Government armed groups including Jaysh al-Islam and Ahrar al Sham continue to indiscriminately shell Government-controlled neighbourhoods of Aleppo and Damascus cities. In the last months, persistent, indiscriminate mortar and rocket fire on Aleppo city caused high numbers of deaths instilling unimaginable terror among the civilian population.

Attacks against hospitals remain of particular concern. Government forces continue to target hospitals and field medical units to deprive communities perceived to be affiliated with the opposition of medical care. Some anti-Government armed groups have attacked and endangered hospitals in Government-held areas. The systematic destruction of Syria's healthcare has disproportionately affected vulnerable segments of the population.

Sieges are still being imposed on towns across Syria, as Under-Secretary General Stephen O'Brien reported to this Council two weeks ago. Prolonged shortages of food, medicine, water and electricity are compounding the suffering of civilians trapped in all besieged areas. They have had a distinct impact on women who risk life and liberty in attempts to gather the most basic necessities, including food and medicine. As a result, the health of pregnant women and nursing mothers has deteriorated, with a corresponding rise in infant mortality. Such deliberate shortages have devastating consequences for besieged populations of Syria.

Civilians are victimised on multiple grounds, including their age, sex, profession, and religious and ethnic backgrounds.

Use of torture in Government military and security facilities continues to be widespread and systematic. We have collected vast and compelling evidence of violations systemically perpetrated against prisoners in State-controlled places of detention. The magnitude and frequency of custodial deaths and killings reveal the existence of a State-sponsored policy known to high-ranking State officials.

The terrorist groups ISIS and Jabhat Al Nusra, as well as identified anti-Government armed groups, have killed and tortured many of those they have detained, including by subjecting detainees to extrajudicial executions.

In areas under the control of ISIS, civilians experience a relentless assault on their basic rights and freedoms. Executions, amputations and lashings in public spaces remain a regular occurrence. Thousands of Yazidi women and girls – some as young as nine years-old – have been abducted by ISIS and are being bought and sold as private property inside Syria and Iraq. There they live a dehumanised existence, raped and beaten by successive men. Children continue to be the victims, perpetrators, and witnesses of ISIS executions. The group forcibly recruits and indoctrinates young boys in an effort to foster a new generation of supporters.

The Commission is dedicated not only to bringing forth the voice of victims but also to finding a path to justice for them. Essential to this is the holding of alleged perpetrators of war crimes and crimes against humanity to account. In absence of the Security Council taking determined action to refer the situation in Syria to the International Criminal Court or other judicial mechanisms, the Commission of Inquiry has sought to better support the pursuit of justice. In response to a number of requests from national jurisdictions, we have extended our assistance to the investigative and judicial authorities of States

prosecuting individuals allegedly involved in the commission of crimes on Syrian territory.

Mr. President,

Undoubtedly, there needs to be dialogue with the warring parties to increase the humanitarian space within Syria. Beyond its borders, concerted international action is urgently needed to address the ever-increasing humanitarian protection needs of the refugee population.

But it is fool's errand to believe that such measures – important and necessary as they are – will end the misery and the loss of autonomy and dignity of those forced by violence to flee their country. The fire is inside Syria and it is there that it must be extinguished.

An all-inclusive political process towards peace remains imperative. As recently declared by the United Nations Secretary General, it is unacceptable that the fate of Syrian civilians is being held “hostage” by the question of the President of Syria's future. Influential states need to use their influence on the belligerents to bring them to the negotiation table. The ceasefire agreements on Zabadani, Madaya and Foua'a and Kfraya and neighbouring towns reached in Istanbul last September show that when there is political will, warring parties can make compromises necessary to provide some respite from the fighting and protect civilian lives.

The lives of thousands, and all the opportunities and aspirations they contained, have been forever silenced by the war. This Council, however, has a voice and a responsibility. Political disputes, and assertions of power and influence by the belligerents – and dare I say, members of this Council – need to be taken off the battlefield and placed in meeting rooms. It is ordinary civilians, who once lived in houses and now live in tents – or who no longer live at all – who suffer from the intransigence of the warring parties and their supporters.

Every initiative that can be attempted, must be supported. The latest talks in Vienna bring a glimmer of hope that if ALL important regional actors sit around the same table, they might clear a way for a Syrian-led negotiation process. Special Envoy, Staffan de Mistura, has already exerted commendable efforts to engage hundreds of Syrian actors in his broad-based and inclusive consultations. His proposed formula of four working groups should be the beginnings of a Syrian-led process where representatives of all currents, parties inside and outside Syria, can finally negotiate a way out of this endless bloodshed.

Thank you.