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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, 21 April 2017

M. le Président,

Excellences

Throughout six years of barbaric conflict the Syrian people have seen their country torn apart at the hands of an ever growing number of belligerents, while warring parties fight for their own political and strategic interests. Former UN Special Envoy Lakhdar Brahimi said that “everybody had their agenda and the interests of the Syrian people came second, third or not at all.” Sadly, these words ring truer today than ever.

None of the parties care to show even the most basic respect for international law or civilian life. This utter and complete disregard for the laws of war and civilian protection is without precedent in recent history, and yet perpetrators roam free, often from even the slightest modicum of accountability.

As unrest escalated into a seemingly endless armed conflict, ordinary Syrian men, women, and children have been the main victims of the cynical military tactics employed by the parties. Let me be clear: I am not talking about tactics that fall short of providing civilians with the protection to which they are entitled under international law. I am referring to tactics that blatantly violate the international legal framework by directly targeting civilians as a means to gain military advantage.

Since 2011, such tactics have caused civilians to live under daily violence, abject suffering, and indescribable loss. This grim reality is the responsibility of the warring parties as well as it is of those who fail to restrain their actions or actively promote political efforts to bring the war to an end. This Council is in the privileged position to do both. I appeal to you today:

Do not to let this war complete its seventh anniversary.

Excellences,

Last month the Commission reported on the violations which took place during the siege and fall of Aleppo. Our investigation concluded that violations were committed by all sides.

In eastern Aleppo, civilians were trapped without enough food or medical supplies while Government forces and their allies subjected the city to daily airstrikes that destroyed virtually all traces of civilian life. Hospitals, homes, schools, and mosques were razed to the ground. Hundreds died under the rubble that now forms the landscape of one of the world's oldest cities – a UNESCO World Heritage site, and a place of profound cultural significance not just for the Syrian people but for all humanity, including the citizens each of your Governments represents.

What seemed an unimaginably desperate situation was devastatingly compounded by the widespread use of cluster and incendiary munitions, and chlorine bombs in densely populated areas of eastern Aleppo. All of these weapons violate international law by inflicting unnecessary harm and suffering upon civilians, including infants and young children.

Throughout the siege, armed groups continuously shelled western Aleppo using mostly unguided and imprecise weaponry including so-called “hell canons”. The nature of these weapons terrorized residents of western Aleppo and resulted in countless indiscriminate attacks against the civilian population.

When the warring parties reached an evacuation agreement in December, eastern Aleppo was all but emptied of its population. While

some civilians were able to escape to western Aleppo, thousands of others were forcibly displaced to Idlib where many live in dire conditions. Several of them have told the Commission that they are once again living under aerial bombardment.

Let us not be fooled into thinking that the fall of Aleppo was merely the end of the battle for control of the city. The world's attention has moved on from Aleppo, yet similar events are resonating elsewhere in Syria, with deplorable consequences for other populations.

The violations which took place in Aleppo were not new. For years, the Commission has documented similar violations across Syria. Sieges, starvation, and aerial bombardments that deliberately target civilian infrastructure have long been entrenched hallmarks of this conflict. What Aleppo did was prove how such tactics, when they remain uncorrected, can be grotesquely successful in a major stronghold. Worryingly, there is the great danger that the success of these tactics will lead to their being employed across Syria to the certain detriment of more civilian lives.

The most common way to bring sieges to an end are so-called "evacuation agreements". This is a worrying development because more often than not they take place without consultation of the populations concerned. In such cases, these agreements ignore the wishes and needs of civilian population, and often result in disastrous consequences for the residents of those areas. Since the recapture of Aleppo, evacuation agreements have been reached in several other locations including Wadi Barada in Damascus and al-Waer in Homs.

These agreements result in mass displacements which lead to high concentrations of civilians in opposition-held areas, such as Idlib, where civilian life is characterized by makeshift tent communities and a lack of

adequate humanitarian assistance. There, civilians often subsist in conditions that are even more desperate than the ones they left behind. And it leaves them particularly exposed to new violence.

One of the most regrettable and dangerous outcomes of the battle for Aleppo was its contribution to the further radicalisation of some armed groups. Within weeks of the fall of Aleppo, two new formations emerged in northern Syria. One of them, Hay'et Tahrir al-Sham, or HTS, united the terrorist group Jabhat Fatah al-Sham with a number of other extremist factions.

In March, HTS claimed responsibility for a suicide attack which killed at least 40 people, most of them Shia pilgrims, near the Bab al-Saghir cemetery in Damascus. Just four days later, an ISIL suicide bomber detonated himself in the Palace of Justice in old Damascus, killing another 32 people. In an even more abhorrent suicide attack, last Saturday 68 children and dozens of adults were killed in al-Rasheedin, Aleppo, as they were being evacuated under the “Four towns agreement” from Foua and Kefraya, where they had lived under siege for two years.

The Commission is extremely concerned that these events and the rhetoric from some influential parties that followed may result in a military escalation of the conflict, and that a continued emphasis on a military solution without addressing the root causes of the conflict will lead to further radicalization. This will outlast any battlefield victories and ensure that a terrorist threat continues to plague the Syrian people for generations to come. In this regard, the Commission notes that while the fight against ISIL has led to the terrorist group progressively losing territory in northern Syria, this has come with grave consequences for civilians who unremittingly find themselves caught in the cross fire.

The Commission is also gravely concerned with the continued use of chlorine bombs, which we have documented in the Aleppo, Idlib, and Damascus governorates. Weaponised chlorine is a chemical substance prohibited by the Chemical Weapons Convention which the Syrian Arab Republic ratified in 2013, the year in which a sarin gas attack killed over 1,000 people in al-Ghouta.

It is the cruellest of blows that just two weeks ago in Khan Sheikhoun close to 100 people, including more than 20 children, lost their lives in what appears to have been eerily similar circumstances. It is crucial that these reports are independently verified. In particular, we take note of the work of the Fact-Finding Mission of the Organisation for the Prohibition of Chemical Weapons in this regard.

As part of its mandate to investigate violations by all parties, the Commission is undertaking a thorough investigation into the events of Khan Sheikhoun, an area controlled by Hay'et Tahrir al-Sham and other armed groups and which is strategically located in the highway connecting Aleppo to Homs and Hama, both under Government control.

Our investigation is well underway. We have conducted and continue to conduct interviews with eyewitnesses, victims, medical professionals, and experts. We are collecting photos, videos, satellite imagery, and other materials to establish the circumstances of the incident and identify alleged perpetrators. We have also sent requests for information to the Government of the Syrian Arab Republic as well as to many of the Governments represented here today. We would be grateful to receive such cooperation, which has been particularly helpful in past investigations.

I strongly emphasise our independence. We assess thoroughly the credibility of every source and the reliability of the information which they provide us. This is the methodology that we have used since the inception of our mandate and on the basis of which we make objective findings.

The information we have collected so far indicates that several airstrikes struck Khan Sheikhoun on the morning of 4 April. The first series of airstrikes coincided with the release of a chemical agents. The symptoms described by the victims are consistent with the use of a nerve agent.

Some hours later, another series of airstrikes hit Khan Sheikhoun, impacting a medical facility being used to treat victims of the earlier attack, as well as a nearby civil defence centre.

We are continuing to investigate this attack, pursuing all relevant avenues of inquiry and examining all possible theories. We will be reporting on our findings in our next mandated report due to be presented to the Human Rights Council in September. We remain, of course, ready to cooperate with other UN mandated bodies, including the Joint Investigative Mechanism, who undertake their own investigation of the events.

Excellences,

Time and time again, Syrian victims have expressed to the Commission how they long for peace, for a homeland where their children can grow up free from violence and deprivation. It is high time that all parties heed the desires of the Syrian people, and work to achieve a peaceful solution to this conflict.

Six years of horrific violence have offered ample evidence that this solution can only be a political one. While there are no quick fixes, it is possible for a political solution to materialise if all parties engage in serious and constructive negotiations which put the needs and wishes of the Syrian people ahead of their own considerations and interests.

The success of any political negotiations hinges on the good faith of the parties involved. Relevant steps would include – foremost – an immediate reduction in levels of armed violence. Not only will this give the civilian population a desperately-needed respite from hostilities, but it will also allow humanitarian assistance to reach all those in need.

Excellences,

This conflict has caused half of the Syrian population to leave their homes and embark on an uncertain future. In the saddest of slow motions we have witnessed a humanitarian disaster unfold. We can no longer sit on our hands. Now is the time to end this.

We echo the call of Special Envoy of the Secretary-General, Staffan de Mistura, that “the time has come where the intra-Syrian talks move beyond preparatory discussions and into the real heart of the matter”. We must all do our utmost to prevent those who do not seek a negotiated political process from undermining the efforts and achievements of the Astana and the UN-led Geneva talks, which have positively complemented each other.

This is our best bet for peace – and we owe it to the Syrian people to do everything in our power to realise that peace.

Thank you.