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需要理事会关注的人权状况

2020年4月15日土耳其常驻联合国日内瓦办事处代表团给联合国人权事务高级专员办事处的普通照会

土耳其共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团向联合国人权事务高级专员办事处和人权理事会秘书处致意，并谨随函附上关于“和平之泉”行动的背景资料(见附件一)以及土耳其共和国对阿拉伯叙利亚共和国问题独立国际调查委员会提交理事会第四十三届会议的报告(A/HRC/43/57)某些部分的意见和反驳，该报告于2020年3月2日分发给各会员国(见附件二)。常驻代表团谨请将本普通照会及其附件* 作为理事会第四十三届会议议程项目 4 的文件印发，并在理事会网站的相关栏目上公布。

常驻代表团还想提请高级专员办事处注意，土耳其目前在其领土上收容了大约 370 万叙利亚人。在这一努力中，土耳其自九年多前冲突开始以来调动了近400 亿美元的人力和财政资源，以保护叙利亚人，并为他们提供有尊严的生活，直到他们返回阿拉伯叙利亚共和国。

* 附件不译，原文照发。

Annex I to the note verbale dated 15 April 2020 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Background Information on Operation Peace Spring (OPS)

In order to eliminate the threat posed by the PKK/YPG terrorist organization to its national security, Turkey held talks with the U.S. on the possible establishment of a safe zone in the Syrian territories neighboring Turkish border between February and September 2019.

During these talks, Turkey conveyed its fundamental expectations regarding the establishment of a safe zone for effectively addressing its national security concerns. Turkey emphasized its right to self-defense in the face of the terror threat emanating from Syria and our determination to combat PKK/YPG terrorism. Turkey repeatedly stressed the fallacy of combating DEASH and undertaking stabilization efforts by engaging with another terrorist organization, PKK/YPG.

However, the safe zone talks with the US remained inconclusive and the commitments undertaken by the U.S. were not fulfilled.

In light of the ongoing PKK/YPG threat and the inability of the U.S. to effectively address our legitimate security concerns, the Turkish Armed Forces (TAF) launched "Operation Peace Spring" (OPS) on 9 October 2019 with the support of the Syrian National Army.

The objectives of the OPS were to eliminate the terror threat to our national security, contribute to the preservation of Syria's territorial integrity and unity, liberate the local population from the oppression and tyranny of the terrorists and lay the ground for the dignified, safe and voluntary returns of displaced Syrians.

The legitimate representatives of the Syrian people, the National Coalition and the Interim Government, along with tribal leaders as well as representatives of minorities including the Christian communities expressed support to the operation.

With the commencement of the OPS, baseless allegations were directed against Turkey. These included that the OPS would lead to a humanitarian crisis, weaken the fight against DEASH, disrupt the political process and change the demographic structure on the east of Euphrates. Contrary to these allegations which aimed to discredit Turkey’s efforts to combat terrorism, the OPS paved the way for the return of Syrians displaced by PKK/YPG, disrupted the separatist agenda of PKK/YPG and thus contributed to the advancement of the political process.

The U.S. accepted the legitimacy of the OPS and the new status-quo on the ground with the Joint Statement announced on 17 October 2019 during the visit of Vice President Mike Pence to Ankara. A Memorandum of Understanding (MoU) was concluded with the Russian Federation on the removal of terrorist elements from the Syrian territories neighboring the Turkish border as well as from Manbij and Tal Rifat, as a result of the meeting between President Erdoğan and President Putin in Sochi on 22 October 2019. With this MoU, also the Russian Federation acknowledged our legitimate security concerns as well as the legitimacy of the OPS and the newly established status-quo on the ground.

Annex II to the note verbale dated 15 April 2020 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Observations and objections of the Republic of Turkey on some parts of the report of the UN Commission of Inquiry on Syria that was submitted to 43rd Session of the Human Rights Council and circulated to the Member States on 2 March 2020

General comments on the nature of PKK/YPG/SDF	- PKK is a terrorist organization. - PKK is listed as a terrorist organization internationally by numerous countries, including the members of the European Union and others such as the United States, Canada and Australia. The European Union also designated PKK as a terrorist entity in 2004. North Atlantic Treaty Organization (NATO) also refers to PKK as a terrorist entity. - PKK has also offshoots and affiliates in Iran, Syria and Iraq. Its Syrian offshoot PYD/YPG's affiliation with PKK is clear. PYD/YPG was set up under the control of PKK in 2003. They share the same leadership cadres, organizational structure, strategies and tactics, military structure, propaganda tools, financial resources and training camps. - The so-called "Syrian Democratic Forces" (SDF) is dominated by PKK/YPG and operates under its command. - PKK/YPG/SDF does not represent the people of Kurdish origin living in Syria. - It uses a wide range of methods to carry out acts of terror ranging from oppressing the local population including Kurds, attacking infrastructure, recruiting children and engaging in unconventional tactics, assassination to drive-by shootings, executing uncooperative civilians, ambushes, kidnapping etc. - OPS was a counter-terrorism operation which aimed at, among others, eliminating the PKK/YPG/SDF threat to Turkey's national security and liberating the local population from the oppression and tyranny of terrorists.
Paragraph 11&12	- The paragraphs ignore the counter-terrorism aspect of OPS and describe the Operation as if it was conducted against "Kurds" by using phrases such as "Turkish forces, supported by the Syrian National Army, began attacking Kurdish positions." -While no abbreviation is used for "YPG", its affiliation with PKK, which is listed as a terrorist organization by many countries including the US and the EU, is ignored. This fact could have been mentioned at least as a note.
Paragraph 12	- The formation of the Syrian National Army (SNA) is mentioned as a footnote (no. 3). However, the report lacks any information on the composition of YPG and SDF as well as their affiliation with PKK. This approach conceals the real composition and nature of YPG/SDF.

	- The paragraph ignores the fact that more than 70% of the people displaced after the launch of OPS returned back to their homes according to UN OCHA figures. Disregarding the figures on returnees confirmed by the UN while selectively focusing on displacements is an unacceptable factual error of the report. - DEASH-affiliated fighters and their families who had been held in Ayn-Issa camp were set free by PKK/YPG before the arrival of the Turkish Armed Forces (TAF) and SNA elements to the region. Turkey's official explanation regarding this case, which was shared with the Commission of Inquiry (CoI) on Syria during the meeting held on 9 January 2020 in Ankara, is not even referred to in the paragraph.
Paragraph 13	The report selectively focuses on the negative reactions to OPS from some countries while completely ignoring the positive ones. The solidarity and support with the OPS expressed by some countries such as Qatar, Pakistan, Azerbaijan, Bosnia-Herzegovina and Hungary as well as representatives of an important part of the Syrian people such as the Syrian Interim Government, the Syrian Turkmen Assembly, the Supreme Council of Syrian Tribes and Clans and the Independent Kurdish Rabita were ignored in the paragraph due to a selective approach to the responses given by the international community.
Paragraph 14	- This paragraph too ignores the counter-terrorism aspect of OPS and describes the Operation as if it was conducted against "Kurds" by using the following phrase: "Despite the announcement by the Russian Federation of the complete withdrawal of the Kurdish People's Protection Units, clashes between Turkish forces and Kurdish groups…continued" - The phrase which refers to the continuation of "clashes between … the Syrian army and Turkish-backed forces", after the withdrawal of PKK/YPG is not correct. In fact, elements of the regime were deployed to the region after OPS was halted, and no clashes with the regime elements took place during the Operation.
Paragraph 43	As explained at the meeting between the CoI and the Turkish authorities on 9 January in Ankara, the "groups opposing the Syrian National Army" that commit terror acts "including shooting incidents, car bomb explosions and other attacks using improvised explosive devices that led to civilian casualties" in Afrin should be specified as PKK/YPG. The CoI was provided with a detailed list of the attacks on civilians perpetrated by PKK/YPG during the aforementioned meeting and later on by a Note Verbale of the Permanent Representative (dated 15.01.2020 with No: 30889024). These explanations as well as many official statements of the Ministry of National Defense of the Republic of Turkey pointing out to the perpetrators of the terror attacks on the local residents in Afrin area were ignored in the report.

Paragraph 44	While the paragraph mentions instances of “regular shelling” in Tall Rifat, it disregards the attacks carried out by PKK/YPG from Tall Rıfat to the civilian locations in Operation Olive Branch and Operation Euphrates Shield areas. The use of such a selective approach begs explanation.
Paragraphs 45-59	Compared with the paragraphs regarding the “Government held areas” (paras 67-80), the paragraphs regarding “Operation Peace Spring” (paras 45-59) are written more comprehensively and extensively. This creates an impression that the focus of the report is OPS instead of the horrendous human rights violations of the Syrian regime. Considering the fact that the CoI does not have any access to any region in Syria, including OPS, the reason behind focusing on the OPS area in the report is incomprehensible.
Paragraphs 45	While a brief background on “SDF” is provided in this paragraph, the fact that PKK/YPG constitutes the backbone of “SDF” is ignored in the paragraph.
Paragraph 46	The terror attacks referred to in the paragraph (sporadic artillery shelling, ground skirmishes, car bombs and the use of other improvised explosive devices) were perpetrated by PKK/YPG. This fact is once again ignored in the report. Even if the CoI is seeking to confirm the identity of the perpetrators through its own channels, the report at least should have included Turkish official statements on the matter.
Paragraph 47	At the meeting with the CoI on 9 January 2020 in Ankara, the details of the support provided to SNA by the Turkish Armed Forces (TAF) apart from training were not discussed. Therefore, the phrase “The Syrian National Army, financially and logistically supported by Turkish forces” is not officially-confirmed information. Even if CoI assumes to have had reasonable grounds to reach such a conclusion, the report should have included the official position of the Turkish authorities which was explained to the CoI at the aforementioned meeting.
Paragraph 48	Similar to para 12, this paragraph ignores the fact that more than 70% of the people displaced after the launch of OPS returned back to their homes according to UN OCHA figures. Disregarding the relevant UN figures about the begs further explanation.
Paragraphs 49-52	- Clarifications with regard to all of the allegations in these paragraphs were provided at the meeting with the CoI on 9 January 2020 in Ankara and later on by a Note Verbale of the Permanent Mission of Turkey to UNOG. - Despite the fact that the CoI committed, at the aforementioned meeting, to provide supporting evidence regarding the allegations in paras 51-52, the additional “information” supplied by the Commission was composed of press reports only. Any press report, especially those of social media, cannot be accepted by itself as evidence. - The CoI was comprehensively briefed and provided with ample supporting clarification regarding the allegations. In

	para 53, responses to these allegations are only briefly referred to. - The official Turkish written response to the allegation in para 49 has been comfortably omitted. - All these allegations were rejected and necessary explanations were given at the meeting, in Ankara and later on by a Note Verbale of the Turkish Permanent Mission. Therefore it is not acceptable that, while clarifications provided by the Turkish authorities were only briefly mentioned in para 53, the "sources" of the allegations were given more credit by the CoI. Unnamed "sources" bring unethical questions on the authors. - It was made clear to the CoI at the meeting of 9 January that these allegations were already being investigated by the relevant Turkish authorities. Thus "calling on the Turkish authorities to launch on its own investigations" in para 53 is not understandable.
Paragraph 50	- The Allouk Water Station has never been targeted during OPS. In fact, there are photos taken after OPS which clearly show that the Allouk Water Station did not suffer any structural damage that could be caused by an armed attack. On the other hand, energy lines supporting the station had been damaged by PKK/YPG, which rendered it out of service. These lines and energy infrastructure supporting the station were fixed, utilizing the existing humanitarian de-confliction mechanisms. The Turkish authorities responded positively to all de-confliction requests concerning the Allouk Water Station. - The CoI was provided with all this information at the meeting on 9 January 2020 in Ankara and later on by a Note Verbale of the Permanent Mission. - Unfortunately, all responses and explanations provided by the Turkish authorities were ignored by the CoI.
Paragraph 52	The incident referred to in this paragraph is clear evidence to the use of human shields by PKK/YPG during OPS. It is striking that the "source" referred to in the press reports provided subsequently by the CoI as "supporting evidence" is "SDF".
Paragraph 54	Regarding the terrorist acts perpetrated by PKK/YPG in the OPS area, the CoI was hesitant to include the Turkish official responses and statements in its report, and it stated instead that these acts were not verified by the CoI. However, as it is seen in Footnote no. 25, ("The Commission is unable to verify the authenticity of the footage.") the CoI did not display the same sensitivity in terms of confirmation regarding the allegations against the SNA in the report. Referring to an unverified press report only undermines the credibility of the report, while raising serious questions about its fairness.
Paragraph 55	The claim that "…checkpoints within the 'safe zone' were controlled by Turkish officers and staffed with Syrian National Army fighters." was neither raised by the CoI at the meeting of 9 January nor was it confirmed by the Turkish authorities. Once again the CoI chose to include an unverified allegation regarding the Turkish authorities

	without referring to the Turkish official position on the matter.
Paragraph 58-59	- The CoI was informed about the investigation being conducted by the SNA on this matter. This fact is ignored in the report. - The CoI was also informed that the SNA was not operating under the direct command and control of the TAF. - Therefore the phrase “If any armed group members were shown to be acting under the effective command and control of Turkish forces, these violations may entail criminal responsibility for such commanders who knew or should have known about the crimes, or failed to take all necessary and reasonable measures to prevent or repress their commission” is perceived as an attempt to accuse the TAF. - While referring to the violations perpetrated by PKK/YPG/PYD/SDF, as given in paras 65-66, a similar attribution of indirect responsibility was not raised for the countries which openly support this terrorist organization. This negative attitude against Turkey gives the impression that the report was prepared in a biased manner.
Paragraphs 60-66	- The paras regarding “Areas under the control of the Syrian Democratic Forces” were prepared with a softer approach, compared with the rest of the report. - PKK/YPG’s oppression and human rights abuses such as displacement of local Arab people, arbitrary detention, torture, confiscation, using civilians as human shields and using civil structures for military purposes in areas under their control have been either ignored or very remotely mentioned in the report. - Besides, the list of terrorist attacks perpetrated by PKK/YPG against civilians and its updated version, which were provided to the CoI by the Ministry of Foreign Affairs of Turkey as well as the Turkish Permanent Representation, respectively, were again disregarded in this section.
Paragraph 63	- DEASH-affiliated fighters and their families who had been held in Ayn-Issa camp were set free by PKK/YPG before the arrival of the TAF and SNA elements to the region during OPS. Turkey’s official explanation, which was shared with the CoI at the meeting held on 9 January 2020 in Ankara, is not referred to in the paragraph. On the contrary, OPS is portrayed as the reason for the release of the detainees in Ayn-Issa camp as opposed to the real responsible, which is PKK/YPG. - Besides, the fact that PKK/YPG has released militants and their families a dozen times and the terrorist organization was asking bribes to free DEASH-affiliated people from the camp was disregarded.
Paragraph 66	While this paragraph mentions civilian casualties due to the acts of “SDF”, terror attacks perpetrated by PKK/YPG/PYD/SDF against civilians in the areas of Operations Euphrates Shield, Olive Branch and Peace Spring were ignored once again also in this paragraph despite the fact that the CoI was provided with a list of

	these attacks by the Ministry of Foreign Affairs of Turkey as well as an updated version of the list by the Turkish Permanent Representation.
Paragraphs 88-92	The paragraphs on the situation of "women" in Syria were prepared in an attempt to put Turkey on target. While para 88 is referring to the "Kurdish administration's (once again, using the term "SDF" interchangeably with the "Kurdish administration" is not acceptable) efforts to advance women's rights", the OPS was pictured as if it disrupted these rights.
Paragraph 90	The phrase "Kurdish women recalled feeling increasingly insecure." in para 90 lacks any supporting evidence and, as such, stands extremely one-sided and subjective.
Paragraphs 93-98	At the meeting of 9 January 2020 between the CoI and the Turkish authorities, the CoI was provided with comprehensive information on the Turkish efforts to restore damaged schools in the OPS area which were used for military purposes by PKK/PYG. Such efforts of Turkey were completely ignored in the section on "children" whereas the placement of boys in juvenile rehabilitation centers by "SDF", which continues to recruit child soldiers, was welcomed in para 98.
Paragraph 103 (b)	Turkey takes note that this sub-paragraph is a call on all relevant countries, including the USA, France, the Russian Federation and Iran, considering the situation on the ground.