



THE SECRETARY-GENERAL

6 April 2020

Dear Mr. President,

During the course of the current conflict in the Syrian Arab Republic, a number of incidents have occurred in which facilities that were on the United Nations deconfliction list, or that were receiving support from the United Nations, were reported to have been hit or to have otherwise sustained damage in the course of military operations. A considerable number of these incidents are reported to have occurred in the north-west of the Syrian Arab Republic since the signing of the Memorandum on Stabilization of the Situation in the Idlib De-escalation Area by the Russian Federation and the Republic of Turkey on 17 September 2018.

In my capacity as Chief Administrative Officer of the Organization, I decided to establish a United Nations Headquarters Board of Inquiry to review and investigate a number of these incidents.

My aim in taking this step was to develop a clear record of the facts of these incidents, of their causes and of the persons or entities to which they might be attributable. This would make it possible for me, inter alia, to identify any gaps or shortcomings that there might have been in the Organization's procedures and to take any measures and put in place any arrangements that might be needed with a view to preventing the recurrence of such incidents in the future or at least to minimize their number and mitigate their effects. It would also put me in a better position to determine what steps I might need to take to protect and better manage the Organization's resources, in particular the funds that Member States entrust to the United Nations to finance programmes in the humanitarian field.

I would emphasize in this connection that a Board of Inquiry is not a judicial body or court of law: it does not make legal findings or consider questions of legal liability or legal responsibility.

His Excellency  
Mr. José Singer Weisinger  
President of the Security Council  
New York

The difficulties that any Board of Inquiry would face in developing a clear picture of precisely what occurred in the case of each incident, naturally placed limits on the number of incidents that the present Board could reasonably be expected to investigate within the time frame that is usual for such a body. This was all the more the case in view of the complexities of the situation in north-west Syria and the fact that the Organization did not have any personnel on the ground in north-west Syria that could have been potential eyewitnesses to the incidents under investigation. A decision was consequently taken to limit the number of incidents to be investigated to seven. Even then, it proved necessary to extend the mandate of the Board for nearly three months beyond the date that was originally set for it to complete its work.

I appointed Lieutenant General (retired) Chikabidia Obiakor as head of the Board. The other members of the Board were Ms. Janet Yuen Kheng Lim and Ms. Marta Santos Pais. I also appointed two senior experts to support the Board: Major General Fernando Ordóñez and Mr. Pierre Ryter. Ms. Hanna Dreifeldt Lainé served as Secretary of the Board, with the assistance of Ms. Carla Gomes Horner Hoe.

The Board was convened on 13 September 2019 and held its first meeting on 30 September 2019 in New York. From 2 to 16 November 2019, it conducted field visits to Amman, Gaziantep and Ankara. The Government of Syria did not respond to repeated requests for the issuance of visas to the members of the Board. The Board was therefore unable to visit Syria, in particular, the scenes of the incidents that it had been tasked to investigate. Obviously, this greatly complicated its work.

The Board submitted its report to me, through the Chef de Cabinet, on 9 March 2020.

As with all United Nations Boards of Inquiry, the report of the Board is an internal document and is not for public release. It contains significant amounts of information that external parties shared with the Board in strict confidence.

At the same time, I am aware that my decision to establish the present Board of Inquiry has generated considerable interest. In view of this, and in light of the seriousness of the events that have taken place over the past year-and-a-half in north-west Syria, I have accordingly taken the decision to release a summary of the Board's report, which is attached to this letter.

I wish to emphasize that this is a summary of the Board's report and not the report itself. Notwithstanding the difficulties that it encountered in obtaining evidence, that report runs to 185 pages and is accompanied by over 200 appendices and annexes of supporting materials.

I would also emphasize that this summary of the report of the Board was done by the United Nations Secretariat and that it has not been prepared, nor has it been reviewed, by the Board or by any of its members. It contains a faithful and objective reflection of the full report of the Board, including a description of six of the seven incidents that the Board was tasked to review and investigate, together with a summary of the key findings of the Board on the facts of each of those incidents, its causes and the entity to which it is attributable. The seventh incident, the Board found to fall outside of its mandate. The attachment also contains a summary of the Board's conclusions. The Board's recommendations to me have been reproduced in full from the Board's report.

I am satisfied that the Board has done a thorough and professional job in seeking to provide me with a clear record of the facts of the incidents, of their causes and of the persons or entities to which they might be attributable. Its report therefore provides a basis for me to consider what I might do to better protect and manage the Organization's resources, in particular the funds that Member States entrust to the United Nations to finance programmes in the humanitarian field.

The Board has made a series of recommendations which I am considering carefully. Some of the issues raised are complex, including the question of which parties to a conflict should be given information intended to support deconfliction. In order to help work out how best to address the recommendations of the Board, I am planning to appoint a senior independent adviser with expertise and experience in this area. I will also be open to receiving views from Member States on this matter.

The impact of the hostilities on civilian and humanitarian sites in north-west Syria is a clear reminder of the importance for all parties to the conflict to observe and ensure respect for international humanitarian law, in particular: the obligations at all times to distinguish between civilians and combatants and between civilian objects and military objectives and to direct attacks only against combatants and military objectives; the obligation to take all feasible precautions in conducting an attack to avoid, and in any event to minimize, incidental harm to civilians and civilian objects; the obligation not to conduct attacks that may be expected to cause incidental harm to civilians and civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated; and the prohibition of indiscriminate attacks, including the indiscriminate use of high explosive weaponry in populated areas. According to numerous reports, the parties have failed to do this.

I would emphasize in this connection, as the Security Council has done, that any measures that Member States may take to counter terrorism must be consistent with their obligations under international law, in particular international humanitarian law, international human rights law and international refugee law.

I would be grateful if you could bring the present letter and its attachment to the attention of the members of the Security Council for their information.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'António Guterres', with a long, sweeping horizontal line extending to the right from the end of the signature.

António Guterres