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### Prevention of armed conflict

## **International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the fourth report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

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\* [A/74/150](#).



## **Report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

### *Summary*

The present report is the fourth prepared by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 for submission to the General Assembly pursuant to Assembly resolution [71/248](#) and paragraph 50 of the report of the Secretary-General on the implementation of the resolution establishing the Mechanism ([A/71/755](#)).

The Mechanism continues to make progress on the implementation of all parts of its mandate in order to support the investigation and prosecution of the most serious crimes committed in the Syrian Arab Republic. To that end, the Mechanism has significantly enlarged its evidence collection, as a result, in part, of the steadily increasing cooperation frameworks concluded with States, international organizations and civil society organizations.

The growing evidence collection has permitted the Mechanism to further build its analytic and investigatory capacities. It has facilitated the development of the Mechanism's structural investigation of core crimes, facilitated more expeditious responses to a growing number of requests for assistance from competent jurisdictions and contributed to case-file building.

The value added by the Mechanism to the immediate and long-term accountability efforts of the international community at large is increasingly recognized and made use of by relevant stakeholders.

In developing its survivor-centred approach, the Mechanism is making sure that the experiences of Syrian society and affected communities at large are adequately reflected throughout its methodology and work.

## I. Introduction

1. The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 hereby submits its fourth report to the General Assembly. The report covers the Mechanism's activities during the period from 1 February to 31 July 2019.

2. With just over one year of operations completed, the vision for the Mechanism set out in the General Assembly resolution founding the Mechanism and its terms of reference, and developed by the Mechanism's leadership, is becoming a reality. Processes have been designed, implemented, tested and adjusted across all key aspects of the Mechanism's mandate.

3. The creation of a comprehensive central repository of information and evidence concerning serious crimes in the Syrian Arab Republic is well under way. The Mechanism continues to diversify its evidence collection: it has already engaged with 107 sources and is negotiating additional cooperation frameworks with information providers. To date, collection activities have resulted in the processing of 1,090,329 records in the Mechanism's evidence management system and the amount of information and evidence preserved by the Mechanism exceeds 24 terabytes. The Mechanism continues to follow a strategic approach to collection. It seeks to ensure that its collection and investigative activities are properly aligned with the analytical and case-file building components of its work, as well as the provision of support to national jurisdictions. The Mechanism's capacity to preserve evidence at risk of destruction and to aggregate data from many different sources is increasingly seen as a source of added value by the Mechanism's interlocutors.

4. The Mechanism's goal of integrating advanced technology and evidence management approaches into international criminal law methodologies is taking shape. In that context, the Mechanism is developing proactive strategies to ensure the alignment of its substantive work and its information and evidence system.

5. The Mechanism is developing analytical building blocks to support the prosecution of core international crimes committed in the Syrian Arab Republic as part of its structural investigation. National criminal justice actors have begun to request access to analytical work product prepared as part of the Mechanism's structural investigation. The Mechanism is also continuing to work on its two case files and anticipates that it will likely be in a position to open a third case file in the upcoming reporting period.

6. Work on the Mechanism's goal of promoting and supporting an integrated accountability strategy for the Syrian Arab Republic is advancing in three directions. First, the Mechanism has significantly increased the efficiency and effectiveness of its processes for responding to requests for assistance from national war crimes units. Second, the Mechanism is continuing to promote effective coordination with civil society actors. It engages with them individually and in groups, involving both non-governmental organizations (NGOs) more directly focused on documentation work and survivor associations. Third, the Mechanism is continuing to promote coordination with United Nations and other relevant fact-finding processes.

7. The Mechanism is pursuing an integrated approach to its goal of seeking accountability for sexual and gender-based crimes. During the reporting period, the Mechanism further developed the framework for its pilot project on sexual and gender-based crimes, which aims to test gender-informed methodologies crafted to suit the specific contours of the Mechanism's mandate. The Mechanism is now further progressing its strategy on accountability for crimes against children, extending some

of the relevant insights from the first phase of its strategy on sexual and gender-based violence.

8. The leadership of the Mechanism is acutely aware of the changing nature of the situation in the Syrian Arab Republic, ongoing debates directly affecting prospects for accountability and the frustrations of affected Syrians with the prevailing inability of the international community to hold those most responsible for atrocity crimes to account, as well as to stop and prevent the ongoing commission of crimes. The leadership recalls that in the resolution founding the Mechanism, the General Assembly stressed the need for any political process aimed at resolving the crisis in the Syrian Arab Republic to ensure credible and comprehensive accountability for violations of international humanitarian law and human rights violations and abuses committed in the country in order to bring about reconciliation and sustainable peace (resolution [71/248](#), para. 2).

9. In that context and in conformity with its mandate, the Mechanism endeavours to promote comprehensive justice and hopes that any efforts to prosecute individual perpetrators in hybrid, regional or international courts will focus on the gravest crimes committed, as well as their impact on victims, survivors and Syrian society at large. The Mechanism's ongoing dialogue, exchanges and cooperation with Syrian civil society organizations and individuals help to ensure that its work adequately reflects the realities of those directly affected. They also assist the Mechanism in developing its survivor-centred approach.

10. At the end of the reporting period, the Mechanism's team numbered 37 members. The Mechanism is making every effort to reach full staffing capacity during the upcoming reporting period. It is an essential precondition for pursuing the above-mentioned goals.

11. On 23 April 2019, the Head of the Mechanism, Catherine Marchi-Uhel, addressed the General Assembly for the first time in a formal debate, under the agenda item "Prevention of armed conflict", and provided an update on the Mechanism's progress in the implementation of its mandate. It was followed by a debate of the membership, in which the majority of States voiced their support for the Mechanism and its work, as well as for the Secretary-General's proposal that the Mechanism should be funded from 2020 through the United Nations regular budget. Other States criticized the creation of the Mechanism in their interventions.

12. Following the publication of the proposed programme budget for 2020 ([A/74/6 \(Sect. 8\)](#) and [A/74/6 \(Sect. 8\)/Corr.1](#)), the Mechanism complied with the relevant procedures and appeared before the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions. At the time of reporting, the Mechanism was waiting to hear the outcome of the deliberations of the Committees. The Mechanism expresses its hope that the States Members of the United Nations will implement the decision already passed to ensure that the Mechanism will be funded from the Organization's regular budget from 2020 onward (see [A/72/764](#), para. 68).

## **II. Progress on key aspects of the Mechanism's mandate**

### **A. Creation of a comprehensive central repository of information and evidence of serious crimes committed in the Syrian Arab Republic**

13. Efforts to achieve the Mechanism's goal of creating a comprehensive central repository of information and evidence concerning serious crimes in the Syrian Arab Republic are well under way. Specifically, to date, the Mechanism has conducted 78

collection activities, and has engaged with 107 sources. As a result of those activities, 1,090,329 records have been processed in the Mechanism's evidence management system. The amount of information and evidence preserved by the Mechanism to date exceeds 24 terabytes. While early predictions concerning the enormity of relevant material for the Mechanism to collect have proved accurate, the Mechanism notes that the amount of computer disk space consumed by the collected data is not a direct measure of the volume of information and evidence collected. For example, 1 terabyte of scanned documents might comprise several million pages, whereas 1 terabyte of high-definition video might consist of only a few hundred hours.

14. The Mechanism has followed through on its undertaking to approach collection broadly, with materials gathered so far from civil society actors, United Nations entities, international organizations, States, national criminal justice actors and individuals. The types of materials collected are also diverse, including documents, photographs, videos, satellite imagery, victim and witness statements and open source materials. Consistent with its mandate, the Mechanism has given significant priority to engagement with Syrian NGOs that have been carrying out crucial documentation work over many years (see paras. 47–50). To date the Mechanism has engaged with more than 40 Syrian NGOs in relation to collection issues.

15. More generally, the Mechanism's continuing investment in establishing information-sharing and evidence-sharing frameworks with an array of actors is bearing fruit, providing an important foundation for a richer and more comprehensive evidence collection in the future. Consistency with United Nations practices and policies has been promoted thanks to advice from the Office of Legal Affairs in relation to the sharing frameworks. At the end of the reporting period, 33 information-sharing and evidence-sharing frameworks were in place, with an additional 19 in the process of being established. Frameworks have ranged from verbal arrangements and exchanges of letters to memorandums of understanding, protocols and legislation. The Mechanism has adopted a flexible approach to ensure responsiveness to the different circumstances of each information provider. At the same time, the development of templates has facilitated and expedited the conclusion of sharing frameworks and promoted consistency, where possible. These templates govern issues such as the nature, modalities of transmission and conditions of use and sharing of the materials provided to the Mechanism.

16. With respect to information-gathering from States in particular, the Mechanism has worked closely with competent national authorities to inform the adoption of new national legislative frameworks or to set up arrangements allowing those authorities to cooperate with it. The Mechanism has continued its efforts – so far without result – to collect relevant information and evidence from officials of the Syrian Arab Republic and other States who potentially hold highly relevant materials and who have publicly opposed the Mechanism. In keeping with its commitment to independence and impartiality and its determination to address allegations of offences on all sides, the Mechanism will continue to engage with all stakeholders.

17. The preservation of evidence at risk of destruction continues to be a significant priority and serves as an important illustration of the value that the Mechanism can add for future accountability processes. Operating within the United Nations framework and with the benefit of digital and other preservation and storage capabilities, the Mechanism has worked on several large-scale preservation activities to safeguard high-value material at risk of being lost. During the reporting period, such operations have included both field missions and remote collections. The work often entails risk and the Mechanism has prioritized the adoption of security procedures to safeguard its team and the courageous individuals involved in assisting the Mechanism in preserving crucial evidence.

18. To date, a significant focus of the Mechanism's work has been on collecting materials already collected by other actors in relation to past crimes. However, the tragic reality is that allegations of serious crimes continue to stream out of the Syrian Arab Republic as the conflict goes on. In that regard, cooperative frameworks with relevant actors both inside and outside the United Nations system are crucial. Public calls for coordinated action among all relevant actors to address ongoing crimes in the Syrian Arab Republic have resonated strongly and the leadership is working towards ensuring that the Mechanism facilitates such action, consistent with its mandate.

19. While the Mechanism's approach to collection is broad, it is also strategic. The Mechanism has implemented a prosecution-led model for its collection and investigation work, designed to ensure that collection activity is properly aligned with the analytical and case-file building components of its work, as well as the provision of support to national jurisdictions. The Mechanism has commenced a practice of sending targeted requests for materials to a broad range of information and evidence providers, including civil society, to assist with the strategic development of its evidence collection. The early results of this practice are encouraging. Part of the Mechanism's strategic approach to collection also involves ensuring that gender bias and other biases in the material collected are identified and corrected. That involves techniques such as generating sex-disaggregated statistics regarding the sex of information providers and ensuring broad engagement to increase the prospects of collecting material that covers diverse perspectives that have historically been underrepresented in accountability processes.

20. Collecting high-value evidence from a conflict zone is challenging and the Mechanism is striving to maximize the likelihood that the information and evidence collected will be admissible and of high evidentiary quality, despite current uncertainties about the precise jurisdictions in which such evidence may be presented. That is done, for example, by implementing rigorous chain of custody procedures and seeking to gather as much information as possible about the provenance of the collected material.

21. Overall, the concept of a comprehensive central repository of information and evidence is increasingly taking hold with a broad range of the Mechanism's interlocutors. National criminal justice actors see the efficiency benefits of being able to channel requests for information and evidence to a single actor, rather than numerous different actors. Introducing evidence into court that has been obtained from a formally mandated entity working in accordance with criminal law standards is also advantageous in many national systems. The Mechanism's capacity to aggregate data from many different sources improves the chances that the relevance and probative value of a single piece of evidence will be recognized because it can be viewed in the context of a large amount of other evidence. It also increases the chances of accurately detecting and countering misinformation, thereby promoting stronger criminal law case files overall. The fact that the Mechanism is resourced specifically to ensure the long-term, secure storage of evidence, whether physical or digital, in accordance with criminal law standards is also a significant advantage. The fact that material is given to the Mechanism does not generally mean that the providers no longer have access to the material for the purposes of continuing their own work. Similarly, the establishment of a comprehensive central repository does not diminish the need for accountability work by Syrian civil society. On the contrary, the Mechanism can make sure that the information and evidence collected by civil society are put to the best possible use for accountability efforts in the long run.

## **B. Integrating advanced technology and evidence management approaches into international criminal law methodologies**

22. The Mechanism's goal of integrating advanced technology and evidence management approaches into international criminal law methodologies is taking shape. Doing so involves more than simply procuring and deploying the necessary hardware and software. It also requires establishing integrated working methods across the office, whereby information systems management expertise is integrated seamlessly into the collection, analysis, support and sharing work carried out. Likewise, it is crucial that substantive priorities drive the development of those systems. The Mechanism has identified proactive strategies to mitigate the risk of silos, including diverse team compositions, joint development and adoption of standard operating procedures and well-defined internal channels of communication. The Mechanism's lessons learned in these areas constitute a rich source of guidance for many other accountability-related actors, who are facing similar challenges and regularly seek counsel from the Mechanism.

23. The functionality of the Mechanism's core evidence management system is being continuously expanded. Innovative evidence management techniques, the automation of repetitive processes and strategic partnerships have significantly reduced the time and resources required. The Mechanism has also developed complex, multilingual search functionalities, ensuring that it is able to efficiently harness its increasingly diverse and voluminous evidence collection. At the same time, effectively reviewing digital images, including video and photographic material, remains a challenge for all international justice actors. The Mechanism is exploring innovative partnerships to overcome such challenges.

24. Over the reporting period, the Mechanism deployed technology to acquire evidence from diverse sources and in a wide range of formats. The Mechanism further developed its capacity to ingest information and evidence in a timely manner and in large volumes. That increase in capacity has matched the demand from civil society, States and other actors who wish to share information with the Mechanism. The Mechanism has also designed a series of tools and processes for the secure receipt of information and evidence submitted by contributors.

25. In other relevant developments during the reporting period, the Mechanism improved its evidence preservation assets and processes. The Mechanism has developed and adopted standard procedures for the ingestion, handling, and preservation of evidence. The Mechanism has also invested in obtaining and maintaining the training and certifications required for its information systems management staff.

26. The Mechanism is mindful of gender considerations when adopting technology. It has carried out research into gender differentials in the use of technology in the Syrian Arab Republic to help to inform its collection and outreach strategies and as a key component in evaluating its own impartiality. The Mechanism has also identified potential avenues for harnessing technology to improve justice outcomes for sexual and gender-based crimes and has advocated that there should be a greater focus on that issue within the international criminal justice field. To that end, the Mechanism participated in an expert round table that brought together for the first time experts in technological innovation and experts working on prevention and response to conflict-related sexual violence. Follow-up work is under way to identify concrete strategies informed by the insights gained through this innovative discussion.

## **C. Developing the analytical building blocks to support the prosecution of core international crimes committed in the Syrian Arab Republic**

27. Progress on the Mechanism's goal of developing analytical work product to deploy as flexible building blocks to support criminal accountability processes now and in the future is advancing steadily. The need for a flexible approach arises from the reality that the Mechanism seeks to support accountability processes in a wide range of national jurisdictions with diverse substantive and procedural law frameworks, as well as in jurisdictions yet to be determined. Consequently, an approach focused on analytical building blocks that can be flexibly adapted and combined according to the needs of the recipient jurisdiction has many advantages. Over the past year of operations, the Mechanism has tested and refined procedures across the spectrum of its analytical activities, ensuring that relevant insights have, in parallel, informed the development of its information and evidence management system (see paras. 22–26).

### **1. Structural investigation**

28. The structural investigation was conceived as a principled analytical framework for informing the Mechanism's collection and investigative activities and for effectively organizing the voluminous information and evidence collected. It has also been designed to complement the more narrowly focused structural investigations conducted by a number of the national jurisdictions with which the Mechanism works.

29. During the course of the past year, the Mechanism has commenced building out components of the structural investigation, which has allowed it to clarify the most effective framework for proceeding. In particular, the Mechanism is now organizing the structural investigation into analytical blocks reflecting the main categories of evidence needed for building complex or high-level criminal law case files covering perpetrators on all sides. These categories primarily include: contextual elements; evidence of crime patterns; and the structures and systems – and the individuals playing key roles within them – connected with the commission of crimes. In this way, the Mechanism is aiming to construct a web of analytical blocks, which in turn can form the basis for the Mechanism's case files and support for cases in national systems. The Mechanism is initiating analytical projects, either within or across these blocks. At the end of July 2019, the Mechanism was engaged in one large-scale project and four mid-size analytical projects within its structural investigation, focused on profiles of structures of power, crime patterns and analysis relevant to the contextual elements necessary for the prosecution of core international crimes. For most of the projects, the Mechanism has had to conduct extensive searches within its evidence collection and developed multilayered evidence review protocols capable of serving individual project needs. In prioritizing these projects and defining their scope, the Mechanism takes into account the current known needs of national jurisdictions, but has also been mindful of advancing its own case-file building initiatives. In this way the Mechanism is seeking to support both shorter-term and longer-term accountability objectives.

30. The Mechanism opens strategic lines of inquiry within its structural investigation as a technique for precipitating specific criminal law case files focused on the responsibility of individuals. Strategic lines of inquiry are effectively made up of a selected combination of analytical blocks designed to identify a case hypothesis. The Mechanism is committed to developing a strategy on sexual and gender-based violence and a strategy on crimes against children as part of each strategic line of inquiry that it opens, to ensure that its approaches to gender-based crime and crimes against children are appropriately tailored to the specific contours of each inquiry.

The Mechanism is testing techniques in that regard and looks forward to being able to report in more detail on the insights gained from the process in the coming period.

31. The Mechanism's vision of analytical building blocks to support prosecutions is resonating with national criminal justice actors, who have begun to request access to work product associated with specific analytical projects. The Mechanism knows, however, that there may be some limitations on its ability to share material underlying its analytical work product if restrictions have been imposed by the information providers. For that reason, the Mechanism continues to encourage flexible sharing frameworks wherever possible. In the event that it is not possible to share all relevant material, the Mechanism will seek to proactively manage the expectations of its partners.

## **2. Criminal law case files**

32. The Mechanism opens a criminal law case file when it has identified a viable case hypothesis arising from sustained analytical work done as part of its structural investigation. The relevant analytical work product from the structural investigation forms the foundation of the case file and the Mechanism's continued analytical work becomes very directly focused on the evidentiary and legal arguments needed to establish the criminal responsibility of identified individuals for specific core international crimes. Currently, the Mechanism has one open case file arising from its structural investigation. Work will continue to further develop and strengthen this case file.

33. The Mechanism also opens a criminal law case file when it is providing sustained evidentiary and/or analytical assistance in connection with a case file in a national or other relevant jurisdiction. Currently, the Mechanism has one open case file in connection with an ongoing case in a national jurisdiction and has proceeded to share work prepared as part of that file with the jurisdiction in question.

34. At the case-file building stage, the Mechanism is committed to reviewing and adjusting its strategies to integrate a focus on gender and on crimes against children to ensure they are responsive to the progressive development in the case-file hypothesis in question.

35. The Mechanism anticipates that it will likely be in a position to open a third case file in the coming period, probably before the end of the year. The feasibility of this, and the pace of further work on any open case file, will depend upon the Mechanism's ability to further build up its staffing complement (see para. 65).

## **D. Promoting and supporting an integrated accountability strategy for the Syrian Arab Republic**

36. Work towards the Mechanism's goal of promoting and supporting an integrated accountability strategy for the Syrian Arab Republic is advancing. Within the framework of its independence and impartiality, there are three main strands to this goal: supporting the work of national war crimes units; establishing effective coordination with civil society actors; and working towards an integrated approach with United Nations and other relevant fact-finding processes.

### **1. Supporting the work of national war crimes units**

37. The Mechanism is mandated to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over the relevant crimes. Over the first year of its operations, the Mechanism has given substantial priority to developing its

framework for supporting work being done by national war crimes units, focusing on serious international crimes committed in the Syrian Arab Republic.

38. In the reporting period, the Mechanism significantly increased the efficiency and effectiveness of its processes for responding to requests for assistance from national criminal justice actors, thanks to adjustments based on insights from its initial testing phase. In its previous report (A/73/741), the Mechanism identified improving its capacity to respond to requests for assistance as a major priority for the subsequent period and the Mechanism is particularly pleased to report progress in that regard. In 2018, the Mechanism processed and closed three requests for assistance. As at the end of July 2019, it had processed and closed 6 of the 26 requests for assistance received to date. Seven additional requests for assistance are currently being addressed and are in the process of completion.

39. The Mechanism has now devised more comprehensive policies and procedures to govern the sharing of information and evidence in response to requests for assistance or on its own initiative, which are being implemented by a multidisciplinary team of information and evidence officers, analysts and lawyers. Improvements have also resulted from the fact that the Mechanism has increased its evidence collection and staffing resources. Procedures are being continuously enhanced through the use of advanced technology, including more sophisticated abilities to search through the Mechanism's growing evidence collection in more complex and productive ways. Those improvements have brought both efficiency gains in responding to requests for assistance and reduced overall costs. The Mechanism expects those efficiency gains to continue to increase in the next reporting period and pursuing such gains will remain a significant priority.

40. When seized of a request for information and evidence from its evidence collection, the Mechanism first determines whether the requesting entity is a judicial authority that has jurisdiction to investigate or prosecute international crimes committed in the Syrian Arab Republic since March 2011. In compliance with its terms of reference, the Mechanism ascertains next that the requesting judicial authority respects international human rights law and standards, including the right to a fair trial. Finally, the Mechanism ensures that the application of the death penalty would not apply for the offences to which the request for assistance relates. If these cumulative requirements are not met, the Mechanism is unable to respond positively to the request for assistance.

41. Where it has determined that it has jurisdiction to share information and evidence with the requesting authority, the Mechanism develops a search strategy and, as necessary, enters into a dialogue with the requesting authority to refine its understanding of the materials sought. Targeted searches are conducted in the evidence collection and are particularly complex given the volume and diversity of formats of the information and evidence collected, requiring the development of customized applications and platforms within the Mechanism's information and evidence management system.

42. The materials identified as potentially relevant following the targeted searches are analysed to determine their actual relevance and then reviewed against the confidentiality restrictions and sharing conditions attached to the materials by the provider. Respect for the safety and security of sources and of the conditions of use and sharing agreed upon with the providers are of the utmost importance for the Mechanism. The format and means of transmission of the shareable materials is decided on a case-by-case basis in the light of the specific request for assistance, the particularities of the investigation or prosecution in question, the needs of the judicial authority being serviced, and the nature and volume of the materials to be shared. Proactive sharing initiated by the Mechanism follows the same procedures.

43. Requests for assistance may also give rise to investigative activities by the Mechanism where both the requesting authority and the Mechanism believe it may be particularly valuable for the investigation or prosecution at issue. In this respect, the Mechanism has developed integrated end-to-end working methods within its teams and strives to exercise the highest possible degree of openness to assisting.

44. The Mechanism will continue to take a flexible approach to the types of material that may be provided to assist national jurisdictions. It sees considerable scope for sharing not just pieces of evidence on discrete factual questions, but also analytical work product, as well as complete case files, in the longer term.

45. The Mechanism is committed to maintaining its dynamic approach to engagement with requesting entities, through open dialogue and proactive problem-solving, in order to maximize its contribution to justice. In the reporting period, the Mechanism hosted national criminal justice actors from two requesting entities at its premises in Geneva. In addition to facilitating discussions on pending or anticipated requests for assistance, these visits offered the opportunity to national authorities to explain the challenges posed by their investigations and prosecutions and to identify ways for the Mechanism to assist their work. Such visits also allowed the Mechanism to further inform its collection strategy and to review its priorities for assisting national criminal justice actors. Working visits from criminal justice actors in other jurisdictions are planned in the coming period. The Mechanism encourages such visits, which foster the dynamic cooperation and ongoing dialogue that the Mechanism aims for.

46. The Mechanism has also continued to benefit significantly from its regular attendance at the meetings of the European Network of Contact Points for investigation and prosecution of genocide, crimes against humanity and war crimes (the 'Genocide Network'). These meetings are a crucial source of information for the Mechanism about ongoing priorities in national jurisdictions and is used to inform the Mechanism's collection activities and analytical priorities and to anticipate the content of future requests for assistance.

## **2. Promoting coordination with civil society**

47. The Mechanism continues to develop its interactions and two-way communication with Syrian civil society. This involves a multilayered strategy of engagement with relevant actors aimed at fostering awareness about the Mechanism's mandate, its ongoing collection activities and the services that it offers, as well as its limitations. At the same time, it permits the Mechanism to make sure that its work, especially in the long run, is informed by the experiences of victims, survivors and the Syrian communities at large, with the aspiration of incorporating and adequately reflecting their priorities and desire for comprehensive justice.

48. In doing so, the Mechanism continues to engage with NGOs individually and in groups, such as in the context of the Lausanne platform of meetings with Syrian NGOs. The platform has evolved to allow for greater diversity in terms of structure, content, gender balance and the range of NGOs participating. In particular, at the meeting held in Caux, Switzerland, in June 2019, there was significant participation by survivor associations, as well as by NGOs more directly focused on documentation work. Such engagements have also revealed the significant potential of Syrian NGOs to assist the Mechanism with the contextual information needed to properly situate crimes committed in the Syrian Arab Republic in their historical, gender, social, cultural and other relevant context. The Mechanism is now engaged in a coordinated effort with Syrian NGOs to collate such contextual information specifically in relation to sexual and gender-based crimes.

49. The Mechanism periodically reaches out to NGOs through a targeted bulletin that is sent to around 150 civil society activists and organizations. The Mechanism's leadership regularly participates in public debates, panels and workshops, together with Syrian civil society representatives, in order to assist in raising awareness about the need for comprehensive justice commensurate with the magnitude of the crimes committed in the Syrian Arab Republic.

50. Regarding its evidence collection and direct support for ongoing investigations and prosecutions in competent courts and tribunals, the Mechanism has concluded agreements with NGOs to allow for the transfer of data (see para. 15) and serves as an interlocutor to link relevant actors to each other to ensure that the potential use of relevant evidence can be maximized, while continuing to enable NGOs to access and work on the basis of their own data. The Mechanism is acutely aware of the risk of retraumatization when victims and witnesses are interviewed by many different mandate holders. Consequently, the Mechanism has begun to explore possible coordination strategies to help to mitigate that risk. In particular, as part of the discussion in Caux, the Mechanism and the NGOs in attendance discussed the possible use of screening statements in certain circumstances, as a coordination tool among different interviewers. The Mechanism is integrating insights from this discussion into the development of screening statements to aid its own work. In the upcoming reporting period, the Mechanism aims to review its current cooperation with NGOs, on the basis of feedback received, in order to use its resources strategically to continue to broaden its engagement with Syrian civil society.

### **3. Promoting coordination with United Nations and other relevant fact-finding processes**

51. The Mechanism continues to work across the United Nations system to ensure that it has access to relevant materials and information and to promote effective cooperation in line with its mandate. Those efforts include: engaging with the Office of the Secretary-General; consulting the Office of Legal Affairs for technical legal advice; implementing gender-sensitive approaches in close collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict; developing working relations with the Office of the United Nations High Commissioner for Human Rights; and liaising with relevant United Nations information providers.

52. The Mechanism has focused in particular on developing working relations with the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council. The Mechanism has incorporated the Commission's materials into its evidence collection and adds new material collected by the Commission on an ongoing basis. This allows the Mechanism to make use of the underlying information and evidence for confidential accountability-related processes. At the same time, the Mechanism is open to facilitating access for the Commission to the Mechanism's technology, which offers new possibilities for analysing the Commission's material to assist in the preparation of its public reporting, aimed at shedding light on the ongoing gross human rights violations in the Syrian Arab Republic.

53. The Mechanism and the Organisation for the Prohibition of Chemical Weapons (OPCW) have begun the process of implementing the memorandum of understanding concluded between the two organizations in September 2018. The Mechanism is also engaged with other providers of information and evidence in relation to the use of chemical weapons, including those formally compiled and analysed by the OPCW-United Nations Joint Investigative Mechanism, established by the Security Council.

54. The Mechanism seeks to promote close collaboration with relevant partners to provide mutual support in the implementation of relevant parts of their respective mandates and to make the most efficient use of resources. In this context, the Mechanism is looking into possible areas of cooperation with similar mandate holders, including the Independent Investigative Mechanism for Myanmar.

#### **E. Integrating accountability for sexual and gender-based crimes and crimes against children as a core part of the Mechanism's work**

55. The Mechanism is pursuing an integrated approach to its goal of seeking accountability for sexual and gender-based crimes and for crimes against children. In doing so, it acknowledges and seeks to build upon crucial practical insights and lessons learned emerging from the past two decades of practice from other accountability processes. Stand-alone gender focal points and/or teams focused solely on sexual and gender-based crimes have significant drawbacks, including the risk that these crimes will be marginalized in the work of the office and not properly contextualized as part of the overall pattern of crimes. The Mechanism takes very seriously the direction in its terms of reference to pay particular attention to these crimes, mindful of the historical silences surrounding them and the unfavourable justice outcomes too often experienced by victims of these crimes.

56. As part of its integrated approach, the Mechanism is ensuring: a focus on gender sensitivity in recruitment; a network of gender focal points throughout the office and across relevant professional categories (investigators, analysts and lawyers); a statement of commitment setting out the shared goals of Mechanism staff with gender equality as a central feature; performance goals for staff members related to the statement of commitment; for members of the substantive team, performance goals related to the integration of gender perspectives into the Mechanism's substantive work; training on gender-related concerns, including information on foundational issues, such as why gender matters in accountability processes and prevalent misconceptions; and a Mechanism-wide working group, endorsed by the leadership, to identify concrete initiatives regarding the integration of gender perspectives into the office environment and the Mechanism's substantive work.

57. With regard to its substantive work, the Mechanism is likewise moving forward with a comprehensive approach to integrating gender perspectives into all components, including: keeping track of sex-disaggregated data relating to its evidence collection to identify biases and gaps; creating gender-informed tagging and review protocols; ensuring gender perspectives are incorporated into the development of standard operating procedures; integrating gender considerations into the development of analytical projects forming part of its structural investigation; paying particular attention to patterns of gender-based crimes, their context, how they change over time and their connection with other crime categories; and developing strategies to incorporate gender perspectives tailored to the specific contours of its strategic lines of inquiry and case files.

58. During the reporting period, the Mechanism further developed the framework for its pilot project on sexual and gender-based crimes, which is aimed at accelerating the Mechanism's substantive work on these crimes and to test gender-informed methodologies crafted to suit the specific contours of the Mechanism's mandate. One component of this is a coordinated effort with Syrian NGOs to map existing contextual information regarding sexual and gender-based crimes in the Syrian context and transmit it to the Mechanism. The material will cover topics such as: the Syrian legal framework relevant to sexual violence and gender issues; gender roles in Syrian society, before and during the conflict; cultural and social norms concerning

gender; the impact of sexual violence on the individual and wider community; the differential impact of sexual violence for women and men; euphemisms commonly used when referring to sexual violence; assistance available for survivors; constructions of masculinity and femininity that influence the infliction of sexual violence; and the intersection of other factors that influence the experience of men and women in the conflict. Another aspect of the pilot project involves a concerted effort to collect and analyse material concerning sexual and gender-based violence crimes that has been collected by others. This will accelerate the Mechanism's ability to accommodate requests for feedback about the usefulness of existing material collected for accountability purposes and to make suggestions for strengthening approaches in the future.

59. Another tool the Mechanism has designed to inform its work on sexual and gender-based crimes is a comprehensive mapping of barriers to the investigation, analysis and prosecution of conflict-related sexual violence, drawing together insights from experience in past accountability processes at both the national and the international levels. This mapping is intended to raise awareness on these issues among the Mechanism's substantive team and will inform the development of strategies to help the Mechanism to circumvent these barriers as it moves forward with its work.

60. In its first year of operations, the Mechanism has been able to advance steadily on the development of its strategies to incorporate gender perspectives. In the coming period, the Mechanism plans to further build its engagement with sources of information and evidence focused on crimes against children and increase its in-house expertise on crimes against children. It will also seek to extend some of the relevant insights from the first phase of integrating gender perspectives into its work into accelerating the development of its strategy on crimes against children.

## **F. Developing a survivor-centred approach to the Mechanism's work**

61. Developing a survivor-centred approach is at the core of meaningful justice and is one of the Mechanism's core goals, which is also aimed at mitigating the present disillusionment of the affected communities when it comes to justice. In the reporting period, the Mechanism laid the groundwork for its survivor-centred approach through a multi-tiered strategy that included: collating available information about views on justice and accountability expressed by Syrians; consulting relevant United Nations and other actors across the humanitarian, human rights and accountability spectrum, such as the Victims' Rights Advocate, who are also involved in strengthening victims' rights frameworks; and increasing the Mechanism's direct engagement with the growing number of Syrian survivor associations.

62. With these initial insights in mind, the Mechanism has developed a specialized project to operationalize a more comprehensive framework for its survivor-centred approach. The Mechanism is grateful to UN-Women for supporting the project. Pending completion of the project, the Mechanism will continue to pursue already identified components of its strategy, including: seeking to empower survivors in the course of their interactions with the Mechanism, including through the use of effective humanitarian referral pathways; avoiding the retraumatization of survivors; managing expectations of survivors; creating more platforms for engagement with survivors aimed at incorporating and soliciting their perspectives on justice; keeping survivors as informed as possible about the Mechanism's work; and integrating gender perspectives into its survivor-centred approach.

63. A further component of the survivor-centred approach pursued by the Mechanism involves facilitating broader transitional justice objectives wherever

feasible and consistent with the Mechanism's mandate. In the present reporting period, the Mechanism moved forward with its proactive approach on the issue of missing persons by conducting sharing activities concerning information related to missing persons.

### **III. Ensuring a sustainable structure and working environment for the Mechanism**

#### **A. Funding**

64. In response to the call from the General Assembly (resolution 72/191, para. 35), the Secretary-General decided to include the Mechanism in the proposed programme budget for 2020 (A/74/6 (Sect. 8) and A/74/6 (Sect. 8)/Corr.1). The Mechanism has subsequently prepared and submitted the documentation necessary for the budget process and has appeared before the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions. Consistent with both the Secretary-General's decision and the commitment expressed by the membership to sustainable funding, the Mechanism stands ready to further engage in any budget-related deliberations, if required, and looks forward to the General Assembly further pursuing and finalizing the regular budget process at the end of 2019.

#### **B. Team**

65. During the reporting period, a number of new staff members joined the Mechanism team, bringing additional expertise in areas that are key to the Mechanism's mandate, including in its analytical component and with a view to fast-tracking the processing of requests for assistance. Colleagues were also brought on board to temporarily reinforce the section providing administrative support to the Mechanism. This brings the number of team members to 37. The recruitment process for additional staff members expected to join soon has been finalized, bringing the Mechanism closer to reaching full capacity during the upcoming reporting period.

### **IV. Recommendations**

66. Moving forward, the Mechanism will seek support to maximize the positive impact of its work, as set out below.

#### **A. Cooperation with the United Nations and other international organizations**

67. The Mechanism requests the United Nations and other international organizations:

- (a) To ensure that the Mechanism has maximum access to materials held within the United Nations system concerning crimes in the Syrian Arab Republic;
- (b) To ensure that relevant United Nations agencies coordinate and cooperate with the Mechanism as appropriate in accordance with their mandates;
- (c) To engage in dialogue with the Mechanism, as appropriate and consistent with their mandates, to promote coordination across the humanitarian, human rights and accountability spectrum;

(d) To share information with the Mechanism regarding effective humanitarian referral pathways to assist victims of crimes in the Syrian Arab Republic;

(e) To ensure that other initiatives within the United Nations system involving the documentation and prosecution of crimes committed in the Syrian Arab Republic are established in conformity with the Mechanism's mandate of comprehensive justice and can benefit from its work and expertise.

## **B. Cooperation with States**

68. The Mechanism requests Member States:

(a) To approve the United Nations budget for 2020 with the full inclusion of the Mechanism;

(b) To ensure broad cooperation and engagement with the Mechanism and, as required, implement frameworks to this end in consultation with the Mechanism;

(c) To ensure that any initiatives generated concerning the documentation, investigation and prosecution of crimes committed in the Syrian Arab Republic take into account the Mechanism's mandate to support impartial, independent and inclusive justice;

(d) To ensure that efficient and effective procedures are in place to facilitate access to their territories by the Mechanism when required for its work;

(e) For States hosting Syrian refugee communities, to provide information and facilitate introductions for the Mechanism with domestic agencies and local actors that are relevant to the Mechanism's work;

(f) To consider entering into cooperative agreements with the Mechanism to provide witness protection and support services in connection with the Mechanism's work.

## **C. Cooperation with civil society**

69. The Mechanism requests civil society:

(a) To ensure that the Mechanism has timely access to all relevant materials to facilitate accountability processes and, to that end, to transfer available information and evidence to the Mechanism;

(b) To engage with the Mechanism regarding coordination strategies concerning documentation work, regarding past and ongoing crimes in the Syrian Arab Republic;

(c) To engage in a two-way communication with the Mechanism in support of further developing and refining its victim-centred approach, its awareness and knowledge of affected communities' priorities and desire for comprehensive justice, and its integration of gender perspectives throughout its work;

(d) To assist the Mechanism in reaching out to civil society at large, in particular victim communities, and to foster the overall understanding of the Mechanism's mandate and work.

## V. Conclusion

70. The Mechanism's capacity to build a comprehensive central repository of information and evidence concerning serious crimes in the Syrian Arab Republic, to preserve evidence at risk of destruction, to aggregate evidence, to develop analytical building blocks and case files and to make the result of such work available to competent jurisdictions is a necessary component for achieving an integrated approach to accountability for these crimes. This report has outlined the Mechanism's progress across all of these areas, which are helping to support ongoing investigations and prosecutions in national systems in the short run and to lay the foundations for comprehensive justice in the long run.

71. The Mechanism's experience as it integrates advanced technology and evidence management approaches into its work is increasingly attracting the interest of other United Nations entities with mandates to support accountability efforts in relation to core crimes committed in other atrocity situations. To the extent possible, the Mechanism is already sharing lessons learned in integrating such features into international criminal law methodologies and it will continue to do so.

72. During the upcoming reporting cycle, the Mechanism will seek, among other things: to conclude additional cooperation frameworks with various stakeholders; to enlarge its evidence collection; to further build its structural investigation; to make progress on its two open case files and possibly add a third; and to implement a comprehensive framework for its survivor-centred approach to inform its work. Building its team to full strength is an essential precondition for moving forward on this ambitious list of priorities.

73. The Mechanism remains committed to making every effort to contribute to a comprehensive accountability process for the benefit of all the affected communities in the Syrian Arab Republic. It is grateful to States, the United Nations system, other international organizations, NGOs and individuals for supporting and assisting its work. Securing regular budget funding for 2020 will be a critical step for enabling the Mechanism to move forward with the successful implementation of its mandate and for reaffirming the international community's commitment to fighting impunity for the most serious crimes committed in the Syrian Arab Republic since March 2011.