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رسالة مؤرخة 30 كانون الأول/ديسمبر 2021 موجهة إلى الأمين العام من الممثل الدائم لإستونيا لدى الأمم المتحدة

يشرفني أن أحيل طيه المذكرة المفاهيمية لاجتماع مجلس الأمن بصيغة آريا بشأن موضوع "المساءلة في الجمهورية العربية السورية"، الذي عقد في 29 تشرين الثاني/نوفمبر 2021 في قاعة المجلس الاقتصادي والاجتماعي (انظر المرفق الأول)، إضافة إلى تجميع للبيانات التي أدلي بها في الاجتماع (انظر المرفق الثاني).

وأرجو ممتنا تعميم هذه الرسالة ومرفقيها بوصفها وثيقة من وثائق مجلس الأمن.

(توقيع) سفين يورغنسن
السفير، الممثل الدائم



**المرفق الأول للرسالة المؤرخة 30 كانون الأول/ديسمبر 2021 الموجهة إلى الأمين العام
من الممثل الدائم لإستونيا لدى الأمم المتحدة
مذكرة مفاهيمية للاجتماع بصيغة آريا بشأن موضوع "المساءلة في الجمهورية العربية
السورية"**

1 - ستعقد إستونيا، وفرنسا، والمملكة المتحدة والولايات المتحدة، الدول الأعضاء في مجلس الأمن، إلى جانب ألمانيا، وبلجيكا، وتركيا، وجورجيا، والسويد، وقطر، وكندا، وليختشتاين، وهولندا، بوصفها دولا أخرى مشاركة في رعاية الاجتماع، اجتماع إحاطة غير رسمي لمجلس الأمن بشأن الحاجة إلى زيادة جهود المجلس من أجل أعمال المساءلة الكاملة عن أخطر الجرائم الدولية المرتكبة في الجمهورية العربية السورية. ومن المقرر عقد الاجتماع في 29 تشرين الثاني/نوفمبر 2021 في قاعة المجلس الاقتصادي والاجتماعي.

الأهداف

- 2 - يتمثل الهدف من الاجتماع في تسليط الضوء على الإفلات من العقاب السائد في سورية فيما يتعلق بارتكاب أخطر الجرائم التي تثير قلق المجتمع الدولي، بما في ذلك جرائم الحرب والجرائم ضد الإنسانية، في الماضي وحاليا. ويجب على المجتمع الدولي أن يكتف جهوده وأن يبذل المزيد من الجهود لمنع ارتكاب هذه الجرائم البشعة ومحاسبة مرتكبيها. فالضحايا وأفراد أسرهم يستحقون العدالة. ولئن كان قد أحرز تقدم محمود في مكافحة الإفلات من العقاب من خلال دعاوى مقامة في محاكم خارج سورية، فإن تلك التطورات بالكاد تشرع في معالجة جزء صغير من الحالة.
- 3 - وسيتناول المشاركون في الاجتماع الحاجة إلى تنشيط المناقشات في مجلس الأمن بشأن المساءلة في سورية وضرورة اضطلاع المجلس بمسؤولياته في هذا الصدد.

معلومات أساسية

- 4 - بعد أكثر من 10 سنوات، يتواصل احتدام النزاع الذي بدأ في شكل قمع عنيف للاحتجاجات السلمية للشعب السوري المطالب بالديمقراطية واحترام حقوق الإنسان والحريات الأساسية الواجبة له. ولا يزال السكان المدنيون يتعرضون لجرائم حرب وجرائم ضد الإنسانية يرتكبها النظام السوري وأطراف أخرى في النزاع. ويواصل الجناة أفعالهم مع الإفلات من العقاب، ولا يوجد رادع ملموس مع استمرار الانتهاكات والجرائم حتى هذا اليوم.
- 5 - وعلى سبيل المثال، بدأت وحدات جرائم الحرب في السويد، وفرنسا وألمانيا تحقيقات هيكلية في الحالة وأنشأت أفرقة تحقيق مشتركة. وفي السويد، تركز التحقيقات والقضايا على التعذيب، وجرائم القتل وغيرها من الجرائم التي ترتكبها جماعات مسلحة غير تابعة للدولة، ومسؤولون في الدولة ومنتسبون إلى تنظيم الدولة الإسلامية، والتي ينطوي كثير منها على جرائم حرب.
- 6 - وفي فرنسا، فُتح تحقيقٌ أولي فيما يتعلق بارتكاب النظام السوري جرائم ضد الإنسانية، استند في جملة أمور إلى عشرات الآلاف من الصور لجثث النقطها "قيصر"، وهو مصور عسكري سوري سابق، بين عامي 2011 و 2013. وتقام حاليا عدة دعاوى قضائية ناشئة عن هذا التحقيق، بما في ذلك في ألمانيا.

- 7 - وفي شباط/فبراير 2021، أدانت محكمة ألمانية في بلدة كوبلنز مسؤولاً سابقاً في نظام الأسد بتهمة المساعدة والتحريض على ارتكاب جرائم ضد الإنسانية. وكان هذا أول حكم بشأن التعذيب برعاية الدولة الذي يرتكبه النظام السوري، والذي يشكل اعتداء على السكان المدنيين. ومن المتوقع أن يصدر حكم ثانٍ في كوبلنز بحلول نهاية العام أو أوائل العام المقبل.
- 8 - وقد تعزز هذا النوع من التعاون والتنسيق بين الدول بفضل زيادة التفاعل بين الجهات الفاعلة القضائية المحلية وكيانات الأمم المتحدة، من قبيل التفاعل من خلال الشبكة المعنية بمنع جرائم الإبادة الجماعية/وكالة الاتحاد الأوروبي للتعاون في مجال العدالة الجنائية.
- 9 - وتشمل الجهود الجارية الأخرى مبادرة لهولندا، انضمت إليها كندا، للدعاء بأن سورية أخلت بالتزاماتها كدولة طرف في اتفاقية مناهضة التعذيب وغيره من ضروب المعاملة أو العقوبة القاسية أو اللاإنسانية أو المهينة.
- 10 - ويتحمل مجلس الأمن المسؤولية الرئيسية عن صون السلام والأمن الدوليين (ميثاق الأمم المتحدة، المادة 24) ويضطلع بدور أساسي في تعزيز وتحقيق مقاصد الأمم المتحدة، بما في ذلك مبادئ العدالة والقانون الدولي (الميثاق، المادة 1، الفقرة 1). ويجب أن تستتبع ذلك مساءلة شاملة ونزيهة عن أخطر الجرائم الدولية التي ارتكبتها جميع أطراف النزاع في سورية. غير أن المجلس لم يتمكن من اتخاذ إجراء مشترك. وعارض بعض الأعضاء الدائمين في المجلس قراراً في عام 2014 يهدف إلى إحالة الحالة إلى المحكمة الجنائية الدولية. وقوبلت بنفس المصير عدة قرارات تهدف إلى تحديد المسؤولين عن استخدام الأسلحة الكيميائية.
- 11 - وتواصل لجنة التحقيق المعنية بسورية، التي أنشأها مجلس حقوق الإنسان في عام 2011، تقديم تقارير عن الانتهاكات الجسيمة لحقوق الإنسان. وتحرز أيضاً الآلية الدولية المحايدة المستقلة المعنية بسورية، التي أنشأتها الجمعية العامة، تقدماً في عملها للمساعدة في التحقيقات المتعلقة بالملاحقات القضائية عن الجرائم الدولية الأساسية.
- 12 - ولئن كانت هناك جهود جديدة بالثناء وكانت الأمم المتحدة، والدول، والمجتمع المدني وجهات أخرى تبرز أوجه تقدم نحو مكافحة الإفلات من العقاب، فإن تلك الجهود لا ترقى إلى مستوى تناول الأزمة السورية الضخمة. وحتى لو انتهت الأعمال العدائية، فإن الحالة في سورية لن تحل ما دامت الجرائم ضد السكان المدنيين مستمرة. ويؤدي مجلس الأمن دوراً أساسياً في ضمان المساءلة والعدالة، وهو ما يشكل شرطاً مسبقاً غير قابل للتفاوض من أجل تحقيق السلام والأمن المستدامين في سورية.
- 13 - ويستند الاجتماع بصيغة آريا إلى الاجتماعات السابقة بشأن الحالة في سورية. وفي الفترة الأخيرة، تناولت اجتماعات مجلس الأمن عناصر مختارة من الحالة السورية، في حين لم تعقد أي مناقشات تركز لأهمية تحقيق المساءلة. ويتعين على المجلس أن يعترف بالفجوة القائمة في مجال المساءلة في سورية، وبالحاجة القائمة على المبادئ إلى تحقيق العدالة بصورة نزيهة وشاملة وبواجبه اللاحق في اتخاذ إجراءات مجدية ومتابعة التنفيذ.
- 14 - وسيتيح الاجتماع فرصة للاستماع إلى معلومات عن الحالة في سورية من منظور الجهات الساعية إلى معالجة الفجوة في المساءلة، بما فيها المجتمع المدني السوري. وستسنع للدول الأعضاء في الأمم المتحدة فرصة للتفكير ملياً في الحالة في سورية والتطورات القضائية ذات الصلة، وكذلك للتأكيد على دور

المجلس والمجتمع الدولي ككل في ضمان المساءلة الشاملة والنزاهة عن الجرائم المرتكبة، الآن وفي المستقبل.

مقدمو الإحاطات

15 - يقدم إحاطة كل من:

- السيدة كاترين مارشي - أويل، رئيسة الآلية الدولية المحايدة المستقلة لسورية
- السيد كلاوس كريس، أستاذ القانون الجنائي والقانون الدولي العام في جامعة كولونيا (يؤكد لاحقاً)
- ممثلو المجتمع المدني السوري

الشكل

16 - سيعقد الاجتماع المفتوح بصيغة آريا في 29 تشرين الثاني/نوفمبر 2021، من الساعة 15:00 إلى الساعة 18:00، بالحضور الشخصي، في قاعة المجلس الاقتصادي والاجتماعي. وسيؤسس الاجتماع الممثل الدائم لإستونيا لدى الأمم المتحدة، سفين يورغنسن.

17 - وستكون هناك بيانات يدلي بها مقدمو الإحاطات وأعضاء في مجلس الأمن، وكذلك دول أعضاء أخرى في الأمم المتحدة ومراقبون دائمون لديها. ومن أجل إتاحة الإدلاء بأكبر عدد ممكن من الكلمات، تقتصر مدة كل بيان على ثلاث دقائق. ويدعى مقدمو الإحاطات إلى التكلم لمدة لا تتجاوز سبع دقائق.

18 - ويمكن توجيه طلبات الإدراج في قائمة المتكلمين إلى البعثة الدائمة لإستونيا عن طريق البريد الإلكتروني (mission.newyork@mfa.ee). والموعد النهائي للإدراج في قائمة المتكلمين هو يوم الثلاثاء 23 تشرين الثاني/نوفمبر 2021، نهاية ساعات الدوام. وستوزع قائمة المتكلمين على المشاركين قبل الاجتماع.

19 - وجميع المتكلمين، بمن فيهم المتكلمون المدرجون في قائمة المتكلمين، الذين لا يستطيعون أخذ الكلمة بسبب ضيق الوقت مدعوون إلى تقديم بياناتهم خطياً عن طريق البريد الإلكتروني على العنوان mission.newyork@mfa.ee في 29 تشرين الثاني/نوفمبر، خلال اليوم. وستوزع وثيقة تُجمع فيها البيانات المقدمة خطياً على الدول الأعضاء في الأمم المتحدة بعد الاجتماع.

وستبث وقائع الاجتماع على التلفزيون الشبكي للأمم المتحدة (يؤكد لاحقاً). وسيعقد الاجتماع باللغة الانكليزية مع توفير الترجمة الشفوية الفورية إلى اللغات الرسمية الست للأمم المتحدة (يؤكد لاحقاً).

ولمزيد من الأسئلة، يرجى الاتصال بالبعثة الدائمة لإستونيا على العنوان

[.mission.newyork@mfa.ee](mailto:mission.newyork@mfa.ee)

المرفق الثاني للرسالة المؤرخة 30 كانون الأول/ديسمبر 2021 الموجهة إلى الأمين العام من الممثل الدائم لإستونيا لدى الأمم المتحدة

Statement by Mr Omar Alshogre

UNSC SPEECH

It is an honor for me to address the Members of the UN Security Council, and I would like to thank the Estonian Ambassador and all the co-sponsors for making this important meeting possible.

If you were presented with the opportunity to save an innocent life, without risking your own, would you do it?

- most people would.

Ladies and gentlemen, the opportunity is presenting itself today. So did it yesterday, the day before yesterday and everyday since March 15 of 2011. That is 3912 missed opportunities to save innocent lives. In that time, more than 350,000 souls have been killed in Syria, according to United Nations data.

I could have been one of those 350,000 people. As a child, I was detained by the Syrian regime. For three years, I was subjected to starvation and tortured within an inch of my life.

Instead, I'm standing before you today as an example of an innocent life saved. I am able to do so because of my mother, Hala.

- Despite her husband -- my father -- and two of her sons -- my brothers -- being slaughtered in front of her eyes during a massacre in my village where the Assad regime and its Iranian allies murdered every man, woman and child, burned even the trees and killed the animals, she led hundreds to safety. In doing so, she had the courage to stand up to the brutal dictatorship that held me captive.
- Instead of complaining about her limitations, she found a way to take action.
- And despite many failed attempts to get me out, she persisted until I was free.

Her actions may seem like an isolated event. But I believe that by saving me from prison, my mother set an example for how we all must act to stop the Syrian regime from taking more innocent lives, and hold its leaders accountable for the countless lives it has already taken.

It doesn't require a miracle. It just requires courage, action and persistence.

During my time in detention, specifically in Branch 215, I was tasked with numbering the dead bodies, including those of my own family members, in a room where they were collected every day. During the hellish years in Assad's dungeons there was a single month of some relief. All of a sudden less torture more food i was even numbering less dead human beings. After my release I realized that month was the same month the world learned of the Caesar file. The War criminals were terrified that the world would act upon the public release of this evidence but unfortunately the world turned away and the machinery of death continued. I have had the honor of meeting with Caesar a brave man that in 2 and a half years and in damascus alone documented almost 55 thousand pictures of men women children and elderely tortured to death. Today we have the photos, the documents of command responsibility, the photographer, the

camera and the flash drives. We have stronger evidence today than we had against the nazis in Nuremberg. But still no international court, and no end to the ongoing slaughter of innocents.

Recognizing the effect of the regime's actions on their interests, some countries, like Germany, have already taken legal action against key members of the Syrian regime. In doing so, they have challenged the limitations of the international system, using the power of their national courts to

uphold basic principles of human rights and international law. However, these efforts are simply not enough.

I understand that there are barriers to action, but I also still believe in the international system, in the United Nations and the principles they were founded on.

Ladies and gentlemen, today more than half of the Syrian people are displaced, inside and outside the country. Well over 350,000 people have been killed, and hundreds of thousands remain in Assad's political prisons.

Earlier today, I spoke on the phone with another individual who I am honored to call my friend. A man who, from 2011 until late 2017, was tasked by Assad regime intelligence to bury civilians murdered in and around Damascus. Every single week, he buried hundreds and hundreds of innocent victims of Assad's machinery of death. His testimony is proof that what Caesar documented continues to this day. We know where the mass graves are located.

There are countless Syrians who are willing to bear witness to our "never again" moment.

The United Nations should support organizations like the Syrian Emergency Task Force and others that are working on documentation and prosecution, and continue to support mechanisms like the IIIM. As long as the International Criminal Court is not an option to pursue justice for Syrians, the United Nations and individual Member States should support every national effort for the pursuit of justice and accountability, and should support the establishment of a court for the same purpose.

The people I numbered, including my best friend, the people that Caesar photographed and the people that the gravedigger buried are all gone; it is too late to save them. My family -- my father and my brothers -- were massacred; it is too late to save them. The victims of the many chemical weapons attacks perpetrated by the regime are gone; it is too late to save them. But there are millions that can still be saved, and this is my biggest ask: that you save them. That you stop the ongoing crimes; that you stop the killing in Syria.

So when you wake up tomorrow, before you check your phone, I invite you to ask yourself this question: if you were presented with the opportunity to save an innocent life, without risking your own, would you do it?

Thank you!

Statement by Prof. Claus Kress

Thank you, Mr President,

It is an extremely *precious* and *important* opportunity to brief members of the Security Council and all other attendees today on the contribution of Germany's criminal justice system to accountability for international crimes committed in Syria.

I.

In February this year, a German court in the city of Koblenz convicted a former member of one of the Syrian intelligence services for *participation in crimes against humanity*.

The accused was found guilty of having *aided*, in 2011, in the commission of multiple acts of *torture* and *imprisonment*.

Those acts, the Court held, formed part of a *widespread and systematic attack against a civilian population*.

Regarding this *attack*, the Court determined that, as from – at least – the end of April 2011, Syria's security forces and, in particular, several *intelligence services* of that State have been carrying out a campaign of *killing, arbitrary detention* and *torture* against members of – or even only *presumed* members of – a peaceful movement of opposition to the Assad regime.

The Court *further* determined that *this campaign* was carried out pursuant to a *policy* to *eliminate* the rapidly growing *peaceful protest* and to *intimidate* the Syrian population in order to prevent possible *future protests*.

This policy, the Court determined further, was the policy of the State leadership of Syria, that is the Assad regime.

In my view, the Court's finding that, as from April 2011, the Assad regime has been orchestrating a *criminal campaign of killing, arbitrary detention and torture against its own civilian population*, constitutes the *most important* element of the Koblenz judgment.

To the best of my knowledge, it was for the *first* time at all, that such a finding was reached by a *court of law* as a result of a *criminal trial* which involved the taking and the evaluating of an extensive body of evidence.

The judgment was declared in open court and it is currently on appeal. As of yet, the written judgment is not public.

II.

The criminal proceedings, which resulted in the judgment of the Koblenz Court, were *challenging* because, *obviously*, *no* investigative measures could be taken *in Syria*.

So how could the Court *nevertheless* arrive at its carefully reasoned decision?

1.

Importantly, the *accused* person was *cooperative* to a very large extent.

And quite a *few more* former deserted members of Syrian intelligence services testified as witnesses during the proceedings.

Also, numerous *victims* were present in Germany as refugees and could provide witness testimony.

I should add that, not *infrequently*, those courageous victims have been benefitting from measures of *witness protection* because of credible threats of retaliation by the Syrian regime against relatives that had remained in Syria.

Furthermore, when it came to prove the *overall* criminal campaign against the civilian population, the so-called *Caesar*-files played an important role.

These files consist of more than 25.000 picture files displaying the dead bodies of about 6.800 human beings.

They were put together by a Syrian *military photographer* commonly referred to as *Caesar*.

The *Caesar* files had been made available to Germany's Federal Prosecution Office and they had been subjected to a *meticulous* examination by an eminent *forensic physician* at the University of Cologne in Germany.

The expert found that the pictures do *indeed* display *dead* bodies and that those bodies, in their overwhelming majority, show traces of *very serious mistreatment*.

I have seen some pictures myself.

There are no words to describe their horror.

The unspeakable pain inflicted on the victims concerned must shock the conscience of humankind.

The Court found the expert opinion by the forensic physician entirely persuasive with respect to the existence of a criminal *pattern* of killing and torture in detention facilities run by Syrian intelligence services.

The Koblenz trial thus provides yet another example for the importance of *forensic pathologist expertise* in trials for international crimes.

The Koblenz trial *also* demonstrates the usefulness of *modern forms of transnational co-operation* when it comes to the investigation into international crimes.

To name just *one* example, the German authorities could *themselves* take certain witness testimonies in *France* because a so-called French-German *joint investigation team* had been formed.

In addition, the Koblenz trial benefitted from the work of the *Commission of Inquiry* established, in 2011, by the United Nations Human Rights Council and by the work of several non-governmental organizations.

2.

Those proceedings have been the most important instance to date of the application of Germany's *Code of Crime Against International Law*.

This Code exists since 2002 and its basic idea is to enable Germany to make a contribution to the prosecution of crimes of concern to the *international community as whole*, such as crimes against humanity.

The Code contains a comprehensive codification of crimes under customary international law.

And crucially, the Code allows Germany's Federal Prosecutor to activate, where *practically feasible*, its so-called *universal jurisdiction* over international crimes committed *abroad*.

It is *this* jurisdictional power that enabled the *highly professional international crimes experts* within Germany's Federal Prosecutor's Office to open investigations of a more general scope into crimes allegedly committed in Syria *as early as in September 2011*.

Germany's Federal Prosecutor as well as Germany's Federal Police Agency were thus well prepared when, several years later, the accused flew to Germany.

Apart from the power of *universal* jurisdiction, the Koblenz proceedings were possible because the suspect did not enjoy *immunity* despite having acted in official capacity.

The *fundamental* international legal principle of *non-applicability* of functional immunity in proceedings for international crimes was recognized as early as in the ground breaking judgment delivered at *Nuremberg* in 1946. The same principle had been confirmed by Germany's Federal Court of Justice in a *landmark* judgment just a *month before* the Koblenz judgment.

The Koblenz trial provides yet another piece of evidence of just how *important* it will be for the UN *International Law Commission* to *also* confirm this principle in its current work on immunities in foreign criminal proceedings.

III.

The Koblenz judgment does not constitute an *isolated* exercise of Germany's criminal jurisdiction.

A *second* judgment in a case against a former Syrian intelligence service member is expected to be delivered in the months to come.

And German criminal courts have *not only* been proceeding against *former organs of the Syrian State*.

Importantly, a number of criminal proceedings have also been conducted or are ongoing against members of the so-called *Islamic State*.

With respect to the crimes against humanity committed pursuant to a policy of the *leadership of the State of Syria*, the Koblenz judgment is no doubt encouraging.

At the same time, this judgment constitutes no more than a *very modest* contribution to ensure accountability for those crimes.

This is all the more so as the former Syrian official convicted at Koblenz was no Syrian *leader* and hence certainly *not* among those *most* responsible for the crimes against humanity committed in Syria.

Hence, one can only hope that national criminal proceedings in countries *other* than Germany will *proceed*, where *already ongoing*, and will be *instituted*, wherever *practicable*.

For those purposes, the Koblenz judgment could be made available to other States on request through inter-State judicial assistance and the same applies, for example, for the *expert opinion* submitted by the *forensic pathologist* in that trial.

This *same* opinion has *already* been shared with the International, Impartial and Independent Mechanism,

which, very helpfully, has translated that opinion into English to facilitate its use beyond the German proceedings.

The Mechanism has also been of great assistance to *German* judicial authorities on a number of occasions in the course of investigations in Syrian cases.

All this is to suggest that inter-State *co-operation*, as *complemented by the Mechanism*, will remain *crucial*.

And it is high time for States to *enhance* such co-operation by moving forward on the International Law Commission's Draft Convention on Crimes against Humanity.

And yet, *national* proceedings will often face *limitations* in their reach and those limitations may be felt most *painfully* when it comes to those allegedly *most* responsible.

The most obvious forum for *those* suspects remains the *International Criminal Court*.

The potential of a Security Council referral of the Syrian conflict to this Court has therefore lost nothing of its *very strong desirability*.

I thank you Mr President.

Address by Ms. Catherine Marchi-Uhel
Head of the International, Impartial and Independent Mechanism – Syria
Security Council Arria-Formula meeting on Accountability in the Syrian Arab Republic
29 November 2021, 3 pm, ECOSOC Chamber (UNHQ)
(check against delivery)

Excellencies, Ladies and Gentlemen,

Today's meeting is important. It is important for the victims and survivors of the tragic events in the Syrian Arab Republic. Important for the many courageous civil society actors risking their lives to document atrocities. Important for the prosecutors and judges in other countries piecing together events that happened far away to contribute some elements of justice to a devastating situation. First and foremost, today's meeting is important because it reiterates the role of the Security Council and serves as a firm reminder of the need to discuss, to find solutions and to take action. Justice and accountability, respect for human rights and compliance with international humanitarian law is not a question of politics. It is and should always be a question of principle. It is part of the *raison d'être* of this Council: the guardian of international peace and security.

The atrocities in Syria are among the most devastating and barbaric since the end of World War II, reflecting contempt for human rights and fundamental freedoms. Ten years after protests began, a German court of justice in Koblenz found that crimes against humanity were committed pursuant to a policy to eliminate the rapidly growing peaceful protest and to intimidate the Syrian population to prevent future protests. The Court confirmed that killings, arbitrary detention and torture formed part of a widespread and systematic attack by the Syrian State, its security forces and secret services against the civilian population. An ongoing armed conflict in Syria provided the breeding ground for further core international crimes allegedly perpetrated by individuals affiliated with various state and non-state actors, including ISIL/Daesh. The international community, especially this Council, has been unable to effectively address the situation. In the

meantime, parties to the conflict continue to make use of all available means to pursue their objectives, at all costs, disregarding rules and norms of humanity and lawful warfare.

We have just heard from Professor Kress about the systematic imprisonment, torture and killing of protesters and opponents. The list of alleged crimes is much longer: unlawful attacks, including against schools, medical facilities and personnel; the use of chemical weapons; violent discriminatory acts based on ethnicity, gender, religion, politics and other grounds; the pervasive use of gender-based crimes, including sexual violence; as well as crimes committed against and affecting children.

The documentation of the situation is overwhelming and insufficient at the same time. Many States, civil society actors and international organizations, including the UN Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons, have documented violations and crimes for the past decade. The information is diverse in format, including witness statements, photos, videos, satellite imagery, physical evidence, forensic samples, intercepted communications, analytical expert reports and more. However, many actors have not gathered or analyzed the information using criminal law methodologies. Its provenance has not always been sufficiently documented to make it useable in court as evidence and original sources cannot always be traced. Further analysis is needed to establish the crime base, including contextual requirements, to charge and prove war crimes and crimes against humanity. There are gaps in the information required to establish crucial linkage between individuals and the crimes. In other words, in spite of an abundance of documentation, critical elements are missing to facilitate the investigation and prosecution of core international crimes committed in Syria since March 2011.

This is why, in 2016, 105 States in the General Assembly decided to create the International, Impartial and Independent Mechanism on Syria, which I have the honor to lead. We apply criminal law methodologies and standards, preserve and aggregate evidence, fill in gaps and prepare analytical products and case files to support existing and future justice avenues. For now, and in the absence of ICC jurisdiction or the creation of another international court or tribunal,

our work predominantly supports national jurisdictions. To date, we have received 162 requests for assistance in relation to 133 distinct investigations from 13 different jurisdictions. Many of the national war crimes units cooperate with each other, for instance through the Genocide Network hosted by Eurojust, and in the form of joint investigations. Such coordination led to international arrest warrants of selected senior Syrian intelligence officials. Investigations and trials concern current and former members of the Syrian state apparatus, members of ISIL/Daesh and members of other non-State armed groups, including foreign terrorist fighters. We know that in addition to jurisdictional challenges, national war crimes units have limited resources and operational capacities. We make every effort to assist them. We conduct searches in our central repository of information and evidence. We have developed adaptable evidentiary modules to enable charging war crimes and crimes against humanity. We connect domestic judicial authorities to witnesses and also carry out interviews for those authorities upon request. We assist in the geo-location of crimes scenes and other relevant sites. We commission relevant expert reports, for example in relation to the use of chemical weapons. At the same time, we are developing strategies and actions plans to ensure that we can better surface gender-based crimes, including sexual violence, that we can address the full range of crimes committed against children, and that the information already in our possession can benefit the search for missing persons in Syria. By doing so, we hope to implement practical approaches, informed by the voices of victims and survivors and their demands for justice and accountability. Besides ongoing criminal processes, there are also efforts to examine whether Syria has violated its obligation as a State Party to the Convention against Torture.

Excellencies, Ladies and Gentlemen,

All of these judicial developments are welcome, but they are insufficient to address the scale and gravity of the Syrian situation or to decisively deter future crimes, whether in Syria or elsewhere. More is required to ensure that, one day, a peaceful Syria can be built based on the rule of law. For this, we need action by the international community and the Security Council. Any Council member, whether elected or permanent, whether from the Northern, Southern, Eastern or Western part of the globe, should be able to agree on the need for impartial and comprehensive

accountability as a point of principle. It has been several years since the Council has had any dedicated discussion about accountability in Syria. What signal does it send to the world and to the Syrian people if we do not even engage to find solutions? The worst option for the Council is to stop talking and deliberating because it means you have stopped trying and given up.

This is why I sincerely thank the Mission of Estonia for hosting today's meeting and all of the co-sponsors. I hope today's discussion will help reinvigorate debates of the international community, first and foremost the Security Council. We owe it to the victims, survivors and the Syrian people. We must keep trying. My team and I pursue our work because we are convinced that the day for comprehensive justice and accountability will come – it is only a question of time!

Thank you.

Statement by Ms Waad Al-Kateab

Good after noon,

I am expected to start this session today by telling you how it is an honour to be here. But I can't. Not if I want to be genuine to the suffering of my people.

My biggest honour was and still is that I am part of the Syrian revolution. Which made me hold onto hope with my fellow Syrians - chanting in the streets, daring to dream of dignity, freedom, and a state of law.

I am known by Waad alkateab - a name I choose to protect my identity from the security forces'' the same mokhabrat that arrested Omar for 3 years and tortured him. (select from Omar).

I talk to you today as an activist, who protested, who was beaten and was shot at, demanding democracy for my country.

I talk to you as a mother, who gave birth to my first child in a makeshift hospital in East Aleppo where I was living with my husband Hamza. Hamza, who is here today, was an emergency doctor managing the last remaining hospital in east Aleppo, which was deliberately targeted many times by the Syrian regime and Russia.

I am talking to you as a refugee who was forcibly displaced after the besiegement of Aleppo in 2016. And now, hearing so many of your countries' officials and media talking about how safe it is for us to return to Syria. Syria is not safe as long as Assad is in power.

And I talk to you as a filmmaker, who thought my mission was to deliver the injustice I documented to the world.

I and many Syrians used to have faith that the world won't let us down - that you, the security council would do everything to stop the war crimes and the genocide in Syria.

One of the women I filmed while we were in besieged Aleppo, shouted to deliver this to the world.

Video

In that moment, I was worried I would let her down. That I was not going to survive, and her message might die with me.

However, the major disappointment came after I shared her shouting out, to the world, and to you. And you refused to acknowledge. this council refused to act.

I talk to you today as one of millions of Syrian witnesses and survivors of what is defined as war crimes and crimes against humanity by laws that you, states, have created.

But where is the outrage when your laws are broken?
Where is the action?

This Council remains a spectator to the suffering of the Syrian people. And if you think I am angry - you are right. You have let us down.

Your council held countless meetings through all those events of my life. There are 42 reports only by the UN commission of inquiry - this does not include Amnesty, Physicians for Human Rights, OPCW or tens of Syrian organizations reports.

And yet, some of you now discuss renewing diplomatic relations with the Syrian regime and granting lucrative contracts to rebuild the country that Asaad's regime has destroyed.

Because this council has failed to hold those responsible to account, we Syrians, along with states and international lawyers, have been exploring alternative ways to do so ourselves.

For example, closely with the legal team at Guernica 37, we are working to hold Russia accountable for its targeting of hospitals and medical workers before the European Court of Human Rights, a court stemming out of a treaty that Russia agreed to.

The Russian State, the Russian judicial authorities have done nothing to investigate and prosecute such conduct into the intentional loss of life.

So, we must now seek to hold the State accountable for its failures.

And we will do so.

We are also working, with some states present here, to establish collective international action against individuals responsible for the use of CW in Syria.

The evidence is there, the perpetrators are known, all that remains is the will.

It is essential that there is a credible international process to investigate and prosecute the use of chemical, biological, and other forms of prohibited weapons in Syria, and we have identified ways to do so.

I am here to ask you, how are you going to be part of the accountability efforts?

We are here today to seek accountability, not only to heal the past but also to protect the political hope for the future.

One day Syrians will take to the streets again. They will shout again "الشعب يريد اسقاط النظام"

It is our responsibility to make sure they won't face war crimes again. It is your responsibility, in your power, to prevent genocide not only in Syria but in the whole world.

What message are you sending to us, to your people, to your children? What will the next conflict look like if impunity persists?

It is OK to torture people! It is OK to bomb hospitals! To kill children?!!

What sort of legacy are you leaving behind for the next generation?

Over 3 million people are still living in IDLIB today, facing the daily threat of their schools and hospitals being targeted, and their towns being bombed.

We don't want one of them to brief you next year. We want you all to do your part and to save them now.

Sama, my 6-year-old daughter, asked me why I had to travel to NYC. I said, do you remember Idlib? The children that the monster have killed? I have to go to speak about them.

She sadly said, but they are already dead? Why do you need to go?

For a second, I didn't know what to say, then I told her, I'm trying to do my part so other children won't be killed.

So, I leave you today with this question:

If your children asked you the same thing. Will you be able to look them in the eyes and say that you as state members of the security council are doing your part?



United Kingdom
Mission to the
United Nations

UK Statement

**The United Nations Security Council Arria-formula meeting on Accountability
in the Syrian Arab Republic**

29 November 2021 in the ECOSOC Chamber (UNHQ)

Thank you to the briefers for the powerful testimony we have heard today.

As the General Assembly emphasised in resolution 71/248 when it set up the IIIM, accountability for violations and abuses in Syria, many of which may be war crimes or crimes against humanity, is vital. Accountability would ensure justice for victims, would contribute to the prevention of future violations, and would help to bring about reconciliation and sustainable peace, as part of the political process aimed at resolving the conflict in Syria.

The UK commends those committed to the painstaking task of documenting and collecting evidence throughout the conflict. This includes the IIIM, the Independent International Commission of Inquiry, the Organisation for the Prohibition of Chemical Weapons, and the work by Syrian and international civil society actors. The UK has recognised the importance of accountability through its cooperation with investigations and its funding.

In the face of a Security Council that has too often been blocked from taking effective action, we welcome accountability efforts under domestic jurisdictions which have led to the first conviction of a former member of Daesh, and the conviction in a German court for aiding and abetting crimes against humanity in Syria.

But the Security Council needs to do more on accountability. In this regard, the Security Council should:

1. Insist that justice and reconciliation be a central part of the political process. The importance of accountability was recognised in the 2012 Geneva Communique.
2. Continue to demand that all parties in Syria comply with their obligations under international law.
3. Resolutely uphold its resolutions on Syria. This includes insisting on accountability for use of chemical weapons, demanding full compliance with resolution 2118, actively supporting the OPCW and standing up to those who seek to undermine it.
4. Put justice for victims of violations and abuses first, and reconsider a referral of the situation in Syria to the International Criminal Court.
5. Demand answers on the missing. Families and survivors have suffered for long enough, they deserve access to information about their loved ones, which in itself is a step towards justice.

Ambassador Linda Thomas-Greenfield
U.S. Representative to the United Nations
New York, New York
November 29, 2021

AS DELIVERED

Thank you, Estonia, for your leadership in organizing today's discussion, and we are pleased to be a co-sponsor. I also want to thank, as well, all of the briefers, today.

The United States holds deep admiration and gratitude for the Syrian civil society participants who bravely continue to document atrocities and demand justice for victims. Your work is not easy. I am personally inspired by your tireless efforts to bring attention to the prevailing impunity in Syria for past and continued international crimes, including war crimes and crimes against humanity. Your harrowing testimony should shock all members of this Council and other UN Member States to take action.

Just a few days ago, I walked through Zaatari Refugee Camp in Jordan and I met with Syrian refugees who are working to put the pieces of their lives back together after being devastated by the atrocities committed by the Assad regime. Hearing their hopes and dreams made me hopeful, but also sad. Hearing their fears reaffirmed for me that the situation in Syria is not safe for return at this moment. Hearing their and your stories has made me even more committed to ensuring that they and you receive justice.

In 2012, Hayan Mahmood had just graduated from medical school. He had great promise ahead of him, a life full of saving and preserving the lives of others. But after attending a street protest against the brutal Syrian regime, he was arrested and taken to the notorious Damascus detention center: Branch 251. Only 12 days later, his family was called to collect Hayan's body. He had died in custody. In less than two weeks, the lives of the Mahmood family had changed forever. Years later, his brother was called upon to testify in a courtroom in Germany against a regime official. But he and others were seriously, and rightfully, concerned about the safety of his family who remained inside Syria, as the regime sought to intimidate potential witnesses.

The search for accountability in Syria has been lengthy, it has been challenging, and fraught with risk for those speaking out. Those who have sought to share the stories of the Assad regime's crimes and human rights violations have faced retribution from the long arms of the regime's security apparatus.

In the end, after some of the family was able to safely exit, Hayan's siblings testified in a German court. But their story is a rare exception. While the Mahmood family finally received a measure of justice, accountability has proved far too elusive for most of the hundreds of thousands killed, the many wounded, and the millions who have been uprooted from their homes since the Syrian uprising. Families should not have to pay bribes to retrieve information about their loved ones. They should not have to wait for years to obtain the remains of their family

members, or learn where they had been buried. They should not have to beg for death certificates.

We must support the ongoing efforts by national authorities to investigate and prosecute, within their jurisdiction, crimes committed in Syria. And while the road ahead remains long, we are encouraged by the progress made in this area, notably in Germany, where regime officials have been convicted for crimes against humanity. Accountability, justice, and respect for human rights are imperative for securing a stable, just, and enduring peace in Syria. The Assad regime's abuses – particularly its campaign of arbitrary detention and torture – affect every Syrian family.

The United States strongly supports the work of the Triple I-M, the Commission of Inquiry, and other organizations and UN mechanisms that work to collect, consolidate, preserve, and analyze evidence of the atrocities the Assad regime, ISIS, and others have perpetrated against the Syrian people. But the international community must do more than just listen to testimonies and read reports. We have an obligation to act. After all, not only is accountability essential to bringing long-overdue justice to the victims and their families, but it is also key to building confidence in the broader political process, as called for in Resolution 2254.

President Biden said in October that “the lesson at the heart of the Nuremberg Trials [was] finding truth, [and] documenting it so it could never be denied.” We must do the same for the Syrian people. The Triple I-M and the COI, with the support of states and brave Syrian human rights defenders, have not only found and documented the awful truth of the Assad regime's atrocities, but they have also meaningfully helped ensure criminal justice systems could not deny this truth, through investigations, prosecutions, and convictions in independent national courts. We must maintain our unwavering commitment to them, and to justice for all of the Syrian regime's victims.

Thank you very much, Mr. President.

REDDITION DE COMPTES EN SYRIE

INTERVENTION DE MME NATHALIE BROADHURST,
REPRESENTANTE PERMANENTE ADJOINTE DE LA FRANCE AUPRES DES
NATIONS UNIES

REUNION DU CONSEIL DE SECURITE EN FORMAT ARRIA

New York, le 29 novembre 2021

Je vous remercie Monsieur le Président,

J'aimerais aussi remercier Mme Catherine Marchi-Uhel et le Professeur Claus Kress pour leurs présentations ainsi qu'Omar Alshogre et Mme Waad Al-Kateab pour leurs témoignages puissants et poignants qui nous permettent d'ouvrir cette séance avec toute la solennité qui s'impose.

Après plus de dix ans de conflit, la Syrie est ravagée : la moitié de la population est déplacée ou réfugiée dans les pays voisins, plus de 13 millions de personnes ont besoin d'aide humanitaire, des dizaines de milliers de personnes ont disparu. Le Haut-Commissariat des Nations unies aux droits de l'Homme (HCDH) a publié le 24 septembre dernier un bilan actualisé du nombre de victimes du conflit en Syrie : 350 209 victimes comptabilisées entre mars 2011 et mars 2021.

La résurgence de Daech, dans le désert de la Badiya et dans la vallée de l'Euphrate, mais également la poursuite des hostilités dans le Nord-Ouest et dans le Nord-Est constituent des signaux extrêmement inquiétants.

Des actes susceptibles de constituer des crimes de guerre et des crimes contre l'humanité continuent d'être commis, tout particulièrement par le régime syrien. Il est primordial d'obtenir des avancées rapides s'agissant du sort des personnes détenues par le régime syrien et des personnes disparues.

Les crimes commis en Syrie ne peuvent pas rester impunis. Tous les efforts doivent être faits pour que justice soit rendue à toutes les victimes de ce conflit.

Depuis sa création, la France apporte son plein soutien au Mécanisme d'enquête (le IIIM) qui joue un rôle de répertoire central d'informations, d'éléments de preuve, de facilitateur de la justice et nous saluons la prise en compte systématique des questions qui sont liées au genre et aux violences contre les femmes dans l'ensemble de ses travaux.

Les défis sont nombreux pour le IIIM, en particulier dans le contexte sanitaire actuel et nous nous félicitons de voir que malgré cela, le IIIM a progressé dans son mandat. La France continuera de se mobiliser en lien avec ses partenaires pour que le financement de ce Mécanisme soit maintenu sur le budget régulier des Nations unies, conformément aux recommandations du Secrétaire général.

La France restera également pleinement engagée dans la lutte contre l'impunité, qui constitue une condition essentielle d'une paix durable en Syrie.

Nous saluons le courage infini, remarquable des acteurs de la société civile syrienne. Nous les invitons à poursuivre leur coopération avec le IIIM, car leur contribution à la justice est essentielle.

De même, les mécanismes onusiens, notamment la Commission d'enquête indépendante, ainsi que les mécanismes de l'OIAC, comme l'enquête indépendante d'identification, doivent continuer à coopérer avec le IIIM, dans le cadre de leurs mandats respectifs. Nous rappelons également que la France a lancé et qu'elle préside le Partenariat international contre l'impunité d'utilisation d'armes chimiques, qui réunit aujourd'hui 40 Etats ainsi que l'Union européenne.

Enfin, nous invitons tous les Etats concernés par la lutte contre l'impunité en Syrie à coopérer avec le IIIM. La France a signé, le 29 juin 2021, une convention de coopération judiciaire internationale avec le IIIM et nous encourageons les juridictions compétentes à travailler ensemble, pour échanger les informations, pour mutualiser les moyens, en s'appuyant sur le IIIM. Une telle coopération a permis la tenue du procès historique de Coblenz en Allemagne qui a été présenté plus tôt et plus d'une quarantaine d'enquêtes et d'informations judiciaires sont actuellement en cours en France.

Pour conclure, permettez-moi de réaffirmer qu'il ne peut y avoir de paix durable en Syrie ni de retour des réfugiés ou des déplacés sans justice ni solution politique.

Seule une solution politique crédible, durable, inclusive, en conformité avec la Résolution 2254 du Conseil de sécurité permettra à la Syrie dans son ensemble de se relever et d'éviter une nouvelle décennie perdue. Il devient plus que jamais urgent de mettre en place l'ensemble des volets de cette résolution adoptée à l'unanimité par les membres du Conseil et qui demeure aujourd'hui encore la feuille de route du Conseil. Nous soutenons à cet égard le travail de l'Envoyé Spécial en ce sens. La France est déterminée à obtenir des progrès sur l'ensemble de ces volets et en particulier sur la question des personnes détenues par le régime syrien et des personnes disparues.

Je vous remercie./.

NEW YORK, 29 NOVEMBER 2021

SECURITY COUNCIL - ARRIA-FORMULA MEETING ON ACCOUNTABILITY

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

I want to pay tribute to those who have survived atrocities committed by the regime in Syria and those who have not given up in the fight for a peaceful and free country in the future and to our two briefers who very well represent all these people.

Today's discussion should have a focus on the interplay of peace and justice. The armed conflict in Syria is the best possible illustration that sustainable peace can only be achieved if supported by genuine accountability efforts. Those who bear the greatest responsibility for attacks on the civilian population and for countless war crimes cannot be part of a political arrangement that charters a peaceful future for the country. A look at other situations – Sudan or Myanmar – makes it clear what happens when those who commit atrocity crimes with impunity are allowed to occupy political leadership positions. So most importantly in discussing solutions to the conflict in Syria, the Council should stop discussing this in a silo approach that treats the humanitarian, political and accountability dimension separately.

The task of ensuring sustainable peace is undoubtedly not the sole responsibility of the Security Council. Nevertheless, its actions are decisive for laying the basis for the relevant long-term efforts. Meaningful accountability work must be part of this. It is well known and has been mentioned here that the Council has the possibility of referring situations to the International
2

Criminal Court. But past experience also shows that such referrals have been a mixed blessing for accountability efforts, as they were not backed up by the necessary resolve in the Council to ensure the required cooperation. In addition, the current political climate in the Council is not conducive to additional referrals – while it must be said again that the ICC was established precisely for the purpose of holding those most responsible for mass atrocity crimes committed in situations like Syria. But the Council has various other options to do meaningful accountability

work. Other ways to prevent and end atrocity crimes. It can call on conflict parties to respect international humanitarian law, call on States to investigate and prosecute crimes committed in their national systems and take measures if these calls are not heeded. This would have gone a long way to bring about a different dynamic in the situation of the Syrian conflict. But the message that was heard by the regime was the opposite, namely that committing war crimes and crimes against humanity is a winning political strategy.

The Council should also welcome efforts undertaken in accordance with the principle of universal jurisdiction – incomplete and indeed imperfect, as we have just seen, as they can be. But in the case of a situation like Syria these remains for the time being the only path to accountability. A key player in these efforts is of course the IIIM which the General Assembly created five years ago, not least in light of the vetoed ICC referral in the Council. We welcome the briefing by the Head of the IIIM today and express our strong support for its excellent work. Its template has been replicated in other situations. The IIIM has established itself quickly as part of the institutional landscape in the UN system. But for the work of the IIIM to take its full effect, accountability must be part and parcel of the political track and all serious efforts to chart a path for the country to sustainable peace. Voices from outside the Council are crucially important to support the relevant efforts inside the Council, and we will continue to be very vocal in this respect.

Thank you.

[check against delivery]



Arria Formula meeting

“Accountability in the Syrian Arab Republic”

**Statement by H.E. Mark Zellenrath
Deputy Permanent Representative of the Kingdom of the Netherlands to the United Nations**

NEW YORK, 29 November 2021

Mr President,

Let me start by thanking Estonia for the organization of this event that we proudly co-sponsor, and for bringing back the attention of the Security Council to the prevailing impunity for horrific crimes in Syria.

If a universal rule exists that a downward spiral must ultimately reverse for the better, Syria is a tragic exception. Ten years after the start of peaceful protests in Syria and their subsequent violent repression, gross human rights violations still persist to this day.

For all those Syrians affected by a decade of atrocities, accountability is long overdue, but, we hope, not out of sight. They need, they deserve, an international community that is committed to shared universal rights. A community that does not accept impunity.

Mr President,

The Kingdom of the Netherlands therefore commends the key role the International Impartial and Independent Mechanism has in ensuring accountability for the people of Syria. The IIIM has proven to be a unique international criminal justice entity, to ensure that the crimes committed in Syria will not be forgotten. The collection, consolidation, preservation, and analysis of evidence - and the preparation of casefiles - are all indispensable steps in the fight against impunity. The work of the IIIM is crucial in supporting accountability efforts at the national, regional and international level.

Through national and international accountability measures, including through prosecution based on universal jurisdiction, we are trying to fill the void of impunity and seek justice for those who suffered and continue to suffer.

The Netherlands and Canada have jointly invoked Syria's responsibility for human rights violations under international law, specifically holding Syria responsible for torture under the UN Convention against Torture. We will not accept a solution that fails to do justice to the victims.

It is these creative steps that keep the accountability effort alive.

But more is needed as unfortunately there is neither peace nor security in Syria. Here we look at the Security Council, which has a very clear task to maintain international peace and security and should consider *all* the tools at its disposal on the table. That still includes, in the opinion of my delegation, a referral of the situation in Syria to the International Criminal Court.

We should remain adamant in reminding the Security Council of its duty and the mandate that it has taken on. We owe it to the people of Syria. *They* are the reason we are here today. We must never forget that.

Thank you.

**The United Nations Security Council Arria-formula meeting on
Accountability in the Syrian Arab Republic**

29 November 2021

***Intervention by H.E Ambassador Magnus Lennartsson,
Deputy Permanent Representative of Sweden***

Mr. Chair,

I would like to thank Estonia and the briefers for today's important and insightful Arria-formula meeting which Sweden is proud to be co-sponsoring.

The Swedish government deems accountability for the crimes committed in Syria to be a longstanding priority. This is an international human right imperative and a matter of justice for the victims.

In the case of Syria, our government also has a responsibility towards the Syrian diaspora in our country. Since the conflict began, Sweden has received over 180 000 refugees from Syria – many of them carry harrowing stories of abuse and crime, as we have heard from Mr. Alshogre today.

It is clear that the Syrian regime carries the overwhelming responsibility for the crimes committed against its population. Meanwhile the Commission of Inquiry (COI) and others have repeatedly reminded us that all parties to the conflict have committed, and continue to commit, the most serious international crimes.

We have nevertheless we have so far not seen a comprehensive international effort to secure justice for what has happened, and continues to happen, in Syria today.

That's why multilateral mechanisms such as IIIM and Commission of Inquiry (Col) play such a critical role.

Due the failure to secure international accountability for the heinous crimes committed, national prosecutions on the basis of universal jurisdiction have also become an important part of international efforts. This has been the case in Sweden and the Swedish prosecutor's approach to crimes in Syria.

Swedish courts delivered the first sentence against a Syrian citizen for war crimes committed abroad in August 2016.

From the first war crimes trial to the first conviction of a regime soldier, Sweden has been a pioneer in Europe in the prosecution of crimes committed in Syria. Today, the Swedish Public Prosecutor's has a number of investigations open on Syrian cases. Thus far, five convictions have been handed down since 2016, against perpetrators from all sides to the conflict.

This final fact bears repeating: the Swedish courts have dealt with cases where the alleged perpetrator has fought for or been associated with terrorist groups, local

militias, so called opposition forces, and the regime. The principle of universal jurisdiction is applicable in Sweden regardless of who perpetrated the crime.

The cooperation between our authorities and IIM has so far achieved tangible results. Sweden and IIM is currently discussing how to further strengthen our cooperation into information and evidence sharing.

Even if national prosecutions outside Syria, for crimes committed during the conflict in Syria constitute an important effort, they do not come close to addressing the magnitude of the Syrian crisis.

This is why Sweden also continues to call for a referral of the situation in Syria to the International Criminal Court.

Thank you again for organising this important meeting.

STATEMENT BY THE PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF TURKEY
THE UNITED NATIONS SECURITY COUNCIL ARRIA-FORMULA MEETING ON
ACCOUNTABILITY IN THE SYRIAN ARAB REPUBLIC
29 NOVEMBER 2021, NEW YORK
ECOSOC CHAMBER

Mr. Chair,

First, as the representative of a neighboring country witnessing daily the pain endured and the bravery displayed by the Syrian people for over ten years now, and providing care for and hosting 9 million Syrians,

I would like to salute Omar and Waad for their courageous and powerful testimonies.

I also thank Prof. Claus Kreß and Catherine Marchi-Uhel of IIIM for their briefings.

I wish also to thank you personally for spearheading the organization of this timely meeting. It is critical that we keep the topic of accountability high on the agenda of the Security Council.

Mr. Chair,

For more than a decade now, Syrian people have suffered greatly in their unrelenting quest for freedom and dignity. They have endured unspeakable pain and loss due to the atrocities of the regime. Hundreds of

thousands of innocent civilians have been killed. The Syrian regime has abducted, besieged, bombarded, tortured, sexually abused, and forcefully disappeared the people of Syria. They have been denied food and

medicine, and their children have been recruited as child soldiers. Tens of thousands more have perished

and continue to languish in prisons without due process.

Throughout the conflict, the regime has also resorted to chemical weapons in the war it waged against its

own people. The audacity of the Assad regime clearly demonstrates the grave consequences of impunity.

Such war crimes and crimes against humanity cannot and should not go unpunished. We must utilize all

available avenues to pursue accountability for the use of chemical weapons and therefore welcome IIIM's

expanding work.

Mr. Chair,

You have underlined that the Security Council needs to acknowledge the prevailing accountability gap in Syria. For over a decade, it has failed to do so. Despite well-known disagreements within the Council, Syrian people's call for justice and accountability did not fall on deaf ears.

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The creation of the IIIM by the General Assembly demonstrated the membership's unwavering commitment to ensuring accountability for crimes committed in Syria. After all, it is the collective legal and moral obligation of the entire membership to protect Syrian civilians against the atrocities of the regime, and to hold the perpetrators accountable.

There can be no lasting peace without accountability and transitional justice. This is also the only way to foster reconciliation among Syrians, to prevent the re-occurrence of such crimes in the future and allow for a genuine political transition to a new Syria. This will also enable the return of Syrians to their homes in a voluntary, safe and dignified manner.

As a co-sponsor of the General Assembly resolution which established the IIIM, Turkey welcomes the impressive progress of IIIM's operations across all aspects of its mandate, despite many challenges.

We also applaud the cooperation between the IIIM and the OPCW as well as civil society. Collaboration with civil society has proven crucial for the effective implementation of the Mechanism's mandate. Indeed,

civil society actors remain main agents for documenting the most serious crimes committed by the regime

and terrorist organizations. We commend their bravery and express our appreciation to the Netherlands and Switzerland for their support to the Lausanne Platform.

Together with OPCW, IIIM plays a key role in ensuring that these crimes will not go unpunished, and that impunity does not take root in the post-conflict Syria. The landmark ruling of the Koblenz Court in February which sentenced a former intelligence agent of the Syrian regime on charges of aiding and abetting crimes against humanity, is an important step in the right direction. We also recognize the

importance of the Caesar photos which documented the systematic nature of torture in Assad prisons, the

subsequent trials in Koblenz, and the ongoing investigation in France.

However, the road ahead to justice for atrocities committed in Syria will be both long and arduous. We

will need to be steadfast in our commitment to ensure comprehensive and impartial accountability for years

to come.

Mr. Chair,

In September, the UN published the first official death toll since 2014. Therein, more than 350 thousand

individuals killed in Syria are identified. The UN High Commissioner for Human Rights declared that this

is a conservative estimate indicating the minimum verifiable number of deceased. Despite this fact, these

Syrians were identified by their full name, their place and date of death. It is only right that we accord them

the dignity in death that the Syrian regime took from them in life and recognize the unjust and unwarranted

deaths of many more innocent Syrian civilians.

The onus is upon all of us to hold the regime to account. Turkey will continue to fight for accountability

in Syria and work towards achieving a political settlement in accordance with the Security Council

Resolution 2254.

Thank you, Mr. Chair.



بيان
سعادة السفيرة الشيخة علياء أحمد بن سيف آل ثاني
المندوب الدائم لدولة قطر لدى الأمم المتحدة

في
اجتماع مجلس الأمن بصيغة آريا

حول
المساءلة في سوريا

29 نوفمبر 2021
3 عصرا
قاعة المجلس الاقتصادي والاجتماعي

Permanent Mission of the State of Qatar to the United Nations
809 UN Plaza, 4th Fl., New York, NY 10017 - Tel: 212-486-9335 - Fax: 212-758-4952

Excellencies, Dear Colleagues,

First of all I thank our partners in organizing this Arria meeting, and the distinguished briefers.

We have joined in cosponsoring the meeting considering that this subject continues to be worthy of close international attention, based on our collective moral responsibility to address the countless atrocities and serious crimes which have been committed in Syria during what has now become a decade-long crisis and which are still awaiting accountability. International reports continue to come out which document serious crimes, including the repeated use of chemical weapons against civilians, not to mention the continued gross and systematic abuses and even war crimes, such as the attack on the Atareb and Al-Shifa hospitals earlier this year.

In fact, the atrocities committed in Syria are the most documented of any conflict, and range from the use of prohibited chemical weapons, to killings, disappearances and arbitrary detention on a large scale and other patterns of unspeakable abuses and atrocities.

In this context, accountability is as crucial as ever for the prevention of recurring crimes in addition to reconciliation and sustainable peace which can put an end to the incalculable suffering still afflicting millions of Syrians.

Excellencies,

The State of Qatar continues to be supportive of the distinguished work undertaken by Judge Marchi-Uhel and her team which is crucial to collect evidence and make it available to facilitate existing and future accountability efforts. We welcome the

assistance offered by the IIIM to assist several judicial authorities in prosecuting perpetrators of crimes in Syria.

Through these efforts the IIIM has proven to be the exemplary impartial and independent international mechanism that Qatar, Liechtenstein and our partners had first envisioned when we considered how to best discharge the International Community's legal and moral responsibility to address the most serious crimes committed in Syria. Those efforts of course eventually culminated in the UNGA resolution establishing the IIIM.

Dear Colleagues,

The State of Qatar has been consistent in calling out crimes against humanity and war crimes and calling for accountability for these crimes. Similarly, it has continued to be a top humanitarian donor, while also being consistent in emphasizing that the only way to overcome the serious humanitarian and human rights crisis is a sustainable political solution, through an inclusive Syrian-led political process under UN auspices which leads to a political transition in accordance with the Geneva Communiqué and the full implementation of Resolution 2254, so as to meet the aspirations of the Syrian people and preserve Syria's unity and independence.

Thank you.



KINGDOM OF BELGIUM

Intervention of H.E. Karl Lagatie, Ambassador, Deputy Permanent Representative of Belgium to the United Nations

**United Nations Security Council Arria-formula meeting
on Syria and accountability**

New York, 29 November 2021

Mister President,

We welcome the organization of this important arria-formula meeting.

I would like to thank Ms. Catherine Marchi-Uhel for her enlightening presentation and commend her work and that of her team. I also thank the briefers for their powerful interventions.

Today I will address three points: justice as a key element in the process leading to durable and sustainable peace in Syria; the much-needed cooperation and support of all IIIM stakeholders; and, finally, the importance of comprehensive and inclusive justice.

Firstly, I would like to stress the relevance and importance of the mandate of IIIM in the search for a durable and sustainable peace in Syria. Since the start of the Syrian conflict ten years ago, the parties have continuously and repeatedly violated international humanitarian law and international human rights law. The victims number in the hundreds of thousands. Relatives and survivors continue to demand that all perpetrators be held accountable for their acts, a significant number of which can be characterized as war crimes, crimes against humanity and even the crime of genocide. Peace and justice should not be seen as opposing goals, but rather as mutually reinforcing.

Secondly, the effective implementation of the IIIM's mandate depends on the good cooperation of all member states, civil society, as well as the United Nations system and other international organizations. Belgium encourages all States which have not yet done so to adopt a framework for cooperation with the IIIM. Belgium for its part updated its legislation in 2019. The cooperation with the IIIM

is proceeding with regularity, speed and efficiency. Since last year, the number of cooperation requests has risen. Furthermore requests are becoming more and more specific. My country will continue to support adequate funding for the IIIM from the UN regular budget.

Thirdly, I would like to commend IIIM's commitment to a comprehensive and inclusive approach to justice, in particular with regard to different categories of victims and survivors. Belgium welcomes the development of specific strategies with respect to sexual and gender-based crimes as well as crimes against children. This approach contributes to the recognition of all the victims and survivors and as such to the achievement of lasting peace in Syria.

Mr President,

In conclusion, I wish to highlight that it is crucial for furthering the essential work done by the IIIM that the financing proposal for the mechanism is adopted by all Member States. Belgium remains committed to dialogue with all parties involved on the continued financing of IIIM under the regular budget.

Permanent Mission of Canada
to the United Nations



Mission permanente du Canada
auprès de l'Organisation des Nations Unies

**Statement to the UN Security Council Arria Formula Meeting on Accountability in Syria
(3 mins)**

Delivered by Béatrice Maillé, Minister-Counsellor and Legal Adviser
November 29 15:00-18:00, ECOSOC Chamber
AS DELIVERED (+EN TRANSLATION)

Thank you Mr. President for convening this important discussion, which Canada is pleased to co-sponsor.

At the outset, allow me convey my appreciation to all co-sponsors and participants here with us today – my delegation believes there is value in taking stock of and refocusing our efforts on accountability in Syria. We hope that this discussion will be a positive and practical step in examining how we can work together, particularly with our civil society partners, to fill what has been called Syria's "accountability gap".

I also want to thank our briefers for speaking to both the Council and the broader membership today, and particularly to Omar and Waad for their testimony. It is an immense privilege to hear from you, and I have to only agree with my Dutch colleague on the moving images we had the privilege to see today.

Je tiens à remercier Mme Marchi-Uhel pour sa mise à jour sur l'important travail du mécanisme international, impartial et indépendant. Le Canada demeure inébranlable dans son soutien du mécanisme et à la Commission d'enquête, et nous saluons le rôle important que ces entités jouent dans la poursuite de la responsabilité en Syrie.

(EN: I would like to thank Ms. Marchi-Uhel for her update on the important work of the International, Impartial and Independent Mechanism. Canada remains unwavering in its support for the IIMM and for the Commission of Inquiry, and we welcome the important role these entities play in pursuing accountability in Syria.)

Depuis leur création, ces entités ont joué un rôle clé en témoignant des causes profondes du conflit en Syrie. La Commission a signalé qu'au cours de la dernière décennie, « la détention et les disparitions, la torture, le déni de la liberté d'expression, la discrimination, les inégalités, les problèmes de logement, de droits fonciers et de propriété non résolus », entre autres, se poursuivent et restent malheureusement toujours d'actualité, alors que la guerre en Syrie « continue sans relâche ».

(EN: Since their creation, these entities have played a key role in bearing witness to the root causes of the conflict in Syria. The Commission has reported that in the past decade, "detention and disappearances, torture, denial of freedom of expression, discrimination, inequality, unresolved housing, land and property rights issues," among many others, continue and remain unresolved and unaddressed, and so war in Syria "continues unabated".)

Canada

The value of these mechanisms is highlighted even more in the absence of a Security Council referral of the situation in Syria to the International Criminal Court, which many of our colleagues have already referenced today. Canada is proud to be among those Member States that supported and co-sponsored the draft referral in 2014, which was unfortunately vetoed.

While we face many challenges in the pursuit towards achieving tangible accountability outcomes for Syria, Canada remains steadfast in its commitment to support all efforts to investigate human rights violations, war crimes and crimes against humanity in Syria, and to pursue justice for such crimes, including for sexual and gender-based violence, and the use of chemical weapons.

Waad, in response to your question, that is why in March 2021, this year, Canada joined the Netherlands in an effort to hold the Syrian regime accountable for human rights violations under the UN Convention Against Torture. And I join my colleague's resolve in our action in the accountability space.

It is clear from our discussion today that we must continue efforts such as these, towards breaking the cycle of impunity in Syria and filling the "accountability gap".

Accountability is a key component to achieve a sustainable peace in Syria, and these efforts are necessary to defend and uphold a rules-based international order.

Thank you Mr. President.

Check against delivery

**Statement by Mr. Akaki Dvali
Senior Counsellor, Mission of Georgia to the United Nations**

**UN Security Council Arria-Formula meeting on
Accountability in the Syrian Arab Republic**

New York, 29 November 2021

Mr. Chairman,

First, let me state that we are honoured to be joining you in co-sponsoring of today's meeting on such an important and challenging issue - accountability in the Syrian Arab Republic.

We share the concern over the blatant violations of international law, committed war crimes, targeted killings, hostage-taking, torture, inhuman and degrading treatment, and other forms of violence committed in Syria, primarily by the Syrian regime, but also by other parties to the conflict.

We are extremely concerned, that after a decade since the beginning of the conflict, people of Syria continue to suffer enormously, while impunity is still prevailing.

Despite some progress in the last period to hold perpetrators accountable, owing to the strong efforts by individual countries, UN entities and civil society, without unanimity in the UN Security Council on this matter, international community thus far has been unable to fully uphold Syrian people's fundamental right to Justice. The issue of impunity also sets a dangerous precedent for the other current or future crises in other parts of the world.

In this situation, we believe that revival and intensification of discussions in the Security Council on the accountability in Syria in various formats is utterly important and timely.

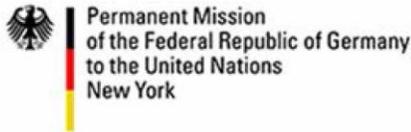
Given these serious obstacles to the international efforts for systematic and comprehensive solution, we commend national measures taken by some countries, including investigations and court proceedings against perpetrators. While these measures do not account for an ultimate solution, they send clear message to those responsible for the crimes against humanity, as well as to the victims.

In 2016, Georgia co-sponsored and fully supported UNGA Resolution establishing International, Impartial and Independent Mechanism for investigations and prosecutions of crimes in Syria (IIIM).

We believe that this Mechanism, together with the Independent International Commission of Inquiry on the Syria, will continue to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards. We also believe it is crucial that Security Council addresses the persistent accountability gaps in swift and comprehensive manner.

In conclusion, let me reiterate Georgia's support to the sustainable and peaceful solution to the conflict in Syria. We also remain committed to continue our support and engagement with international community in its endeavour aimed at ending impunity and bringing justice for the Syrian people.

Thank you!



Check against delivery

Statement by Ambassador Günter Sautter, Deputy Permanent Representative of the Federal Republic of Germany, at the United Nations Security Council Arria-formula meeting on Accountability in Syria on 29 November 2021

Whenever we address the situation in Syria, we must not forget how the Syrian conflict began almost eleven years ago: ordinary Syrians took to the streets in order to peacefully call for reform, freedom, justice and respect for their rights. But the Syrian regime responded with even more oppression, violence, torture, murder – and by waging a war against its own people.

Indiscriminate detention, forced disappearance, torture, physical and sexual violence and other human rights violations continue to take place on a daily basis in Syria. The regime in Syria has killed its own people using chemical weapons. This is why millions of Syrians have fled their country and are in fear of returning home.

Systematic and wide-scale violations of international humanitarian law and abuses of international human rights continue to occur in Syria. The Commission of Inquiry confirmed that such violations and abuses might constitute crimes against humanity, war crimes and other international crimes.

National reconciliation and sustainable peace in Syria will not be possible without justice and accountability for the most serious crimes and atrocities committed during the Syrian conflict.

Clearly, the penal courts in Syria will not bring the perpetrators of these crimes to justice. We therefore continue to urgently call on the Security Council to refer the situation in Syria to the International Criminal Court. Russia and China must stop vetoing such a referral.

Yet, in the absence of prosecution by the ICC, there are important efforts to fill the void: different organizations and entities are documenting violations and abuses of international law, the International, Impartial and Independent Mechanism (IIIM) on Syria continues to collect and analyze evidence of international crimes.

We fully support global efforts, in particular through the mechanisms created within the OPCW, to ensure accountability for perpetrators of chemical weapons' attacks in Syria. The international community must demonstrate that those responsible for chemical weapons' attacks cannot act with impunity.

Also, national courts have started prosecuting the most serious crimes committed in Syria. The conviction of a former Syrian regime official by a court in Germany in February 2021 for aiding and abetting crimes against humanity in connection with torture in prisons run by the Syrian regime was only a first step towards providing justice and accountability. But it has sent a clear message: those responsible for crimes, atrocities and abuses in Syria will be held accountable.

This and other judicial developments in national jurisdictions represent a symbol of hope for the tens of thousands who have suffered at the hands of the Syrian regime.

Truth, justice and accountability are also necessary with regard to the tens of thousands arbitrarily detained, missing and disappeared persons. The Syrian regime must release all arbitrarily detained persons, allow immediate, unconditional and unhindered access to all its prisons and detention facilities, and inform the families of the fate of their loved ones.

In this context, we also welcome the Commission of Inquiry's recommendation for the creation of an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons as well as the mandate in the Third Committee resolution on the situation of human rights in Syria for the Secretary-General to conduct a study on how to bolster efforts to clarify the fate and whereabouts of missing people in Syria.

For us it remains clear: in order to reach a political solution to the Syrian conflict and to achieve sustainable peace and stability in Syria, we need justice, accountability and the respect for human rights as well as the full implementation of UN Security Council Resolution 2254 in all its aspects.

Statement by Ambassador Sven Jürgenson at UN Security Council Arria-formula meeting on Accountability in the Syrian Arab Republic

The armed conflict in Syria has entered its second decade. What began as demonstrations and demands for democratic reforms was met with brutal force by the Syrian regime. Since then, Syrian people have gone through unimaginable suffering, and experienced violations of international humanitarian and human rights law. Hopes for the respect of human rights and the rule of law, and an end to corruption were shattered by violence and extremism. The killings, torture, sexual violence and forced disappearances continue to this day. We thank the briefers for their insights, in particular the Syrian civil society representatives for sharing their personal accounts on torture and political detention.

We join previous speakers in expressing our unwavering support to the fight against impunity and need to bring to a conclusion the atrocities in Syria. We recall that all those responsible for war crimes or crimes against humanity must be held accountable. Considering that the regime is also perpetrating many of these crimes, there needs to be clear response from the international community. This is a common responsibility.

However, a meaningful response has been lacking from the Security Council. Over the years, 16 Security Council resolutions have been vetoed, including on increasing humanitarian access to Syria. The vetoes also included a referral of Syria to the International Criminal Court in 2014, a draft resolution that Estonia among 65 countries cosponsored and over a hundred NGOs supported. The threat of vetoes has been constant and disruptive.

The Security Council is mandated to stop atrocities and to ensure that the perpetrators of atrocities are held accountable. The vetoes have prevented this from happening. The case of Syria is one of the starkest examples of why we need to limit veto power in cases of atrocity crimes being committed. The Security Council needs to take its responsibility.

To fill the accountability vacuum, the international community has continued to seek to document atrocities for the future, when those responsible would be brought to justice. Estonia commends the work of all of the independent investigative bodies that have been established by the international community both in Geneva and in

New York to assist domestic and international justice efforts. We are especially grateful to IIIM for their tremendous efforts and engagement with civil society representatives.

Estonia commends the investigations by extra-territorial jurisdictions, including the important developments taking place in Germany that we heard about today. The universal jurisdiction investigations and prosecutions underway in several European countries and elsewhere will carry forward the hope for justice for victims.

While considerable efforts to gather and maintain evidence into these atrocities are made, inaction by the Security Council continues to fuel the horrific actions in Syria. To regain credibility in the eyes of the international community, this and the upcoming membership of the Security Council needs to hear the victims, stop the ongoing atrocities and ensure the prosecution of perpetrators



Arria on Accountability in the Syrian Arab Republic

29 November 2021

1. Thank you Sven for bringing us together today. We welcome the opportunity to discuss this critical issue.
2. I would also like to thank our briefers for their important contributions and their valuable insights.
3. During more than a decade of conflict in Syria, the most heinous crimes have been committed. The perpetration of war crimes and crimes against humanity has shocked us all. Accountability for these crimes is vital. This is not only key to ensuring the right of the Syrian people to truth, justice and effective remedies, but is also essential for a just and sustainable political solution in Syria .
4. It is our common responsibility as members of the international community, and in particular as members of this Council, to ensure accountability for those responsible for war crimes and crimes against humanity. Combatting impunity would not be

possible without the documenting of crimes. We commend the International, Impartial and Independent Mechanism, as well the Independent International Commission of Inquiry on Syria for their work to date in gathering extensive and detailed evidence of crimes committed in Syria. Ireland remains committed to supporting the work of the IIIM (triple IM) and the Commission of Inquiry, as well as the OPCW's Fact Finding Mission and Investigation and Identification Team.

5. Along with these international mechanisms, the role of civil society in documenting human rights abuses, assisting victims, and promoting accountability for those responsible, is absolutely vital. Groupings such as the International Partnership against Impunity for the use of Chemical Weapons keep accountability issues high on the international agenda. We also commend those States who have initiated proceedings to prosecute war crimes and crimes against humanity in their domestic courts.

6. The situation of detainees and missing persons remains one of the greatest tragedies in this conflict. The psychological impact on the victims and their families is unconscionable. Ireland continues to call on the Syrian authorities, and on other parties, to release all those who have been arbitrarily detained and abducted, and to make the fate of missing persons known.

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INTERVENCIÓN DE MÉXICO EN LA REUNIÓN CON ARREGLO A LA FÓRMULA ARRIA SOBRE RENDICIÓN DE CUENTAS EN LA REPÚBLICA ÁRABE SIRIA

Nueva York, 29 de noviembre de 2021.

Agradecemos a Estonia y a las delegaciones co-patrocinadoras por convocar a esta reunión, así como a los expertos y miembros de la sociedad civil por sus presentaciones que conmueven o deberían conmover la conciencia.

En marzo de este año se cumplieron diez años desde el inicio del conflicto en Siria. Durante esa década se han cometido incontables crímenes graves de trascendencia para la comunidad internacional en su conjunto.

Como ya se ha mencionado, los esfuerzos de algunos miembros del Consejo de Seguridad por remitir la situación de Siria a la Corte Penal Internacional (CPI) – posibilidad que se contempla en el artículo 13(b) del Estatuto de Roma– se han visto bloqueados por el veto.

El veto no debería ser utilizado cuando se trata de evitar o poner fin a la comisión de atrocidades en masa. La iniciativa franco-mexicana de restricción voluntaria del veto, a la cual se han adherido 105 Estados, cristaliza esta premisa. Desde la perspectiva de México, el veto tampoco debería ser utilizado para impedir la remisión de situaciones a la CPI en las que pareciera que se han cometido crímenes que son competencia de esa Corte.

Es precisamente ante la imposibilidad del Consejo de remitir la situación de Siria a la CPI, que surge el Mecanismo Internacional, Independiente e Imparcial para Siria, o IIIM (*triple IM*). México ha apoyado la creación del Mecanismo desde su establecimiento hace casi cinco años y lo seguirá haciendo.

Subrayamos que el mandato del IIIM permite que su trabajo como repositorio de evidencia se utilice en procesos penales en cortes nacionales, regionales o internacionales. Esto resulta relevante puesto que la gravedad de los actos cometidos en Siria y sus consecuencias para la población civil, requieren que se exploren todas las vías de acceso a la justicia, incluyendo el ejercicio del principio de la jurisdicción universal, como lo hacen ya algunos Estados, notablemente con los juicios de Koblenz,

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Tel: (212) 752-0220 <http://mision.sre.gob.mx/onu/>



en Alemania. Los procesos penales en jurisdicciones nacionales confirman el valor del Mecanismo, cuya labor de investigación, compilación y análisis resulta central para la formación de expedientes judiciales sólidos.

Reconocemos también el trabajo del Equipo de Investigación e Identificación (IIT) de la Organización para la Prohibición de las Armas Químicas (OPAQ), el cual desarrolla una importante labor para identificar a los perpetradores de ataques químicos en Siria y evitar que dichos actos queden impunes.

Por su parte, las investigaciones de la Comisión de Investigación para Siria del Consejo de Derechos Humanos han documentado que se continúan cometiendo crímenes de guerra y crímenes contra la humanidad por las distintas partes involucradas en el conflicto. Todos estos mecanismos deben trabajar de manera coordinada y con unidad de propósito para la rendición de cuentas en Siria.

Muchas gracias.

Norway's statement at the Arria on Syria and accountability:

- Thank you to Estonia and the co-sponsors for convening this meeting.
- The fight against impunity is a central element of Norway's foreign policy. The effective, independent and credible prosecution of the serious crimes that have been committed in Syria is of utmost importance.
- Fundamentally, all parties to armed conflicts must fully respect international humanitarian law and international human rights. Allegations of violations of international humanitarian law and violations and abuses of human rights must be thoroughly, impartially, and effectively investigated.
- There also has to be accountability for the perpetrators, and the needs of the victims must be ensured. This should be a part of a larger reconciliation process in Syria.
- Human rights defenders and civil society voices, including women, need to be heard, both when documenting what is happening in Syria and in order to find a lasting and inclusive solution to the conflict.
- In this regard we stress that support to survivors of conflict-related sexual violence must be age- and gender sensitive and include access to health care, sexual and reproductive health and rights, psychosocial support, as well as access to justice.
- Last year Syria was among the situations with the highest numbers of verified grave violations against children. According to UNICEF, intensified hostilities in Northwest Syria have led to the death or injury of at least 54 children since the beginning of July. Explosive ordnances continue to be a risk for children and others in Syria.
- We know that depravation of basic needs and violation of human rights are two key drivers of radicalization and that the lack of protection of civilians can fuel spirals of violence and hamper sustainable peace.

- The use of chemical weapons in Syria is deeply troubling. The fact that chemical weapons attacks have been committed with impunity is unacceptable. These attacks have been well documented. Norway condemns all use of chemical weapons, by anyone, under any circumstance.
- The Commission of Inquiry, the International, Impartial and Independent Mechanism on Syria (IIIM), and the OPCW have Norway's full support.
- Victims and survivors deserve justice. Norway welcomes all efforts to ensure accountability in Syria.
- Thank you.

**Arria-formula meeting on Accountability in the Syrian Arab Republic
[Monday, 29th November 2021]**

Remarks delivered by Mr. Pratik Mathur, Counsellor, PMI New York

Thank you, Mr. Chair,

We have taken note of the points made by various briefers.

2. The conflict in Syria has been continuing now for more than a decade. The discussions in the Council began in March 2011, during the initial days of India's previous stint in the Council. From the beginning, the politicization and militarization of the conflict negatively impacted the regional and international mediation efforts.
3. The persisting and repeated calls for regime change; external support to the armed groups in Syria, complicated the situation and resulted in the growth of terrorism. Violence has been along sectarian lines, and terrorist groups, including Al-Qaeda, have entrenched themselves more than ever.
4. India has always condemned all acts of violence in Syria as well as violations of international humanitarian and human rights law, irrespective of who their perpetrators are. We have also condemned in the strongest terms all terrorist acts that have been and continue to be committed in Syria. India has been consistent in highlighting how acts of external players have contributed to growth of terrorism in Syria.
5. Against this background, the issue of accountability cannot be discussed in isolation, nor can it be seen from narrow perspective of acts committed by one side. Such an approach will be politically divisive, only exacerbate the problem and should therefore be avoided, particularly when the Council has made some progress by acting together to adopt resolution 2585 in earlier this year.
6. The accountability for acts committed within the territory of Syria fall under the ambit of sovereignty of the state. This is a matter for Syrians themselves to deliberate and establish accountability for crimes committed. This cannot be done by external players. The external players need to introspect about their own actions that are driven largely by political and strategic motives, particularly its negative fallout over more than one decade on the Syrian population, particularly women, elderly and children.
7. The external players need to do everything possible to support the efforts of the Special Envoy.

8. Lastly, let me reaffirm our commitment to advancing a Syrian-led and Syrian-owned UN facilitated political process in line with UN Security Council Resolution 2254. India firmly believes that long-term security and stability of the region can only be achieved by preserving the sovereignty and territorial integrity of Syria.

I thank you.

Выступление представителя Российской Федерации В.С.Кирпиченко в ходе неформальной встречи членов СБ ООН по «формуле Арриа» по вопросу ответственности в Сирии

Уважаемые коллеги,

Важность задачи привлечения виновных к ответственности трудно переоценить. Ее успешное выполнение может помочь достичь долгосрочной стабильности и мира. При этом, однако, должен соблюдаться ряд важнейших условий.

Во-первых, усилия по борьбе с безнаказанностью должны быть вписаны в более широкий контекст национального примирения и не могут предрешать его исход. Во-вторых, подходящие механизмы для расследования и привлечения виновных к ответственности должны определяться соответствующим государством и его народом.

Увлечение международным уголовным правосудием, особенно в его «переходных» или «постконфликтных» формах, привело к ряду экспериментов, которые не отвечали этим важным условиям и едва ли могут считаться успешными. Во многих случаях такие механизмы служили инструментами смены режима.

В концептуальной записке к сегодняшнему заседанию упоминается «неспособность» СБ ООН передать сирийскую ситуацию в МУС.

Вспомним ситуации, когда такая передача состоялась – Ливию и Дарфур. Можно ли назвать работу МУС на этих треках полезной? Едва ли. Все, что мы наблюдаем на протяжении десятилетий – это смесь избирательного правосудия и абсолютной безрезультативности. Политизированный и предвзятый подход МУС не способствовал стабилизации ситуации ни в одной из упомянутых стран.

Ливийский сюжет заслуживает отдельного комментария. Дело против М. Каддафи было сфабриковано прокурором МУС за считанные дни. Страны НАТО использовали его как повод для свержения режима и осуществления масштабных бомбардировок, буквально уничтоживших некогда процветающую страну.

Как показало время, «неопровержимые доказательства», использованные в деле против ливийского лидера, оказались обычной подтасовкой. После скандальных публикаций в прессе это – общеизвестный факт. Легче ли от этого Ливии, которая все еще находится в руинах? Или, может быть, МУС приступил к расследованию случаев незаконных авиаударов НАТО, которые привели к жертвам среди мирного населения? Едва ли.

Роль МУС в ливийской ситуации это не просто история позора. Это преступление, приведшее к падению страны и многолетним страданиям ее народа. Те, кто допустил это своим участием в фабрикации ложных доказательств, должен понести ответственность. До этого все разговоры о будущей передаче СБ и других ситуаций в МУС – чистое лицемерие.

Вернемся к Сирии. Эта страна делает все возможное, чтобы положить конец насилию, бороться с террористами и нормализовать ситуацию на основе политического диалога.

Сирия не просила ООН о помощи в расследовании преступлений, совершенных на ее территории. Более того, в Дамаске недвусмысленно дали понять, что в таком содействии не нуждаются. В этой связи хотели бы напомнить о содержании пункта 7 статьи 2 Устава. ООН не имеет права на вмешательство в дела, входящие во внутреннюю компетенцию любого государства.

Создание так называемого «Беспристрастного и независимого механизма по расследованию международных преступлений в Сирии» в отсутствие согласия Сирийской Арабской Республики или резолюции Совета Безопасности, принятой по Главе VII Устава ООН, грубо нарушило принципы суверенного равенства всех членов Организации и невмешательства в их внутренние дела, закрепленных в Статье 2 Устава.

Продавливание рядом государств – членов создания такого «механизма» Генеральной Ассамблеей привело к ситуации, при которой один из главных органов ООН вышел за пределы своих полномочий, закрепленных в Уставе Организации.

С учетом этих факторов резолюция 71/248 должна считаться ничтожной. Как следствие, все, чем «механизм» занимается после принятия этой резолюции, находится вне рамок Устава ООН и международного права. Любые сведения или собранные таким «механизмом» доказательства, не могут использоваться для целей какого-либо возможного национального или международного уголовного процесса.

Мы с уважением относимся к позиции делегаций, которые искренне хотят способствовать установлению справедливости в Сирии. Мы стремимся к тому же.

Российская Федерация последовательно отстаивает принцип, согласно которому решение вопросов привлечения к ответственности и наказания не должно идти в ущерб политическому урегулированию. Наоборот, эти два процесса должны содействовать друг другу. Российская Федерация привержена задаче скорейшего достижения мирного урегулирования в Сирии и прилагает для этого максимум усилий.

Благодарю Вас.



**THE SOCIALIST REPUBLIC OF VIET NAM
PERMANENT MISSION TO THE UNITED NATIONS**

**Statement of Viet Nam
at the United Nations Security Council Arria-formula meeting
on “Accountability in the Syrian Arab Republic”**

New York, 29 November 2021

Thank you, Mr. Chair,

We are concerned over the fact that this decade-long crisis and the current deadlock have brought nothing but sufferings to the Syrian people. Millions of them are now struggling with daily life due to persistent insecurity, economic recession, food insecurity, COVID-19 impacts, among others.

Without a sustained solution, it is undoubted that future generations in Syria will continue to bear the burden of the protracted socio-economic consequences of this conflict.

Mr. Chair,

The only one way to overcome the current crisis is to set aside the past and the differences, and exert every effort towards the advancement of the long-awaited peace process in Syria.

The unanimously-adopted Resolution 2254 clearly sets out a political solution, which is led by the Syrians, facilitated by the UN, fully adhered to international law and the UN Charter, including commitments to the sovereignty, independence, unity and territorial integrity of Syria.

It is now high time to promote dialogue and confidence building measures to this end, both among the Syrians themselves and international interlocutors.

While differences still prevail, my delegation takes note of the fact that efforts towards finding a political solution have been made by relevant parties as well as international partners, including regional countries. These efforts

necessitate the unwavering support from the international community, including the Security Council.

We are at a turning point to do so for the Syrian people, taking advantage of this longest period of calm since 2011.

Mr. Chair,

The alleviation of the dire predicaments of the Syrians is also a matter of urgency.

Protecting civilian and civilian infrastructure is critical. Therefore, obligations under international law, particularly humanitarian law, must always be respected by all parties on the ground.

My delegation also calls for the enhancement of humanitarian response in order to cope with the current alarming situation. We also fully support efforts towards strengthening recovery capability and resilience of the Syrian people.

Mr. Chair,

All those goals cannot be achieved as long as the international community remains deeply divided. We call for renewed efforts, in a most constructive and non-politicized manner, with a view to fulfilling the aspiration for peace and development of the Syrian people.

I thank you./.

中方代表在阿里亚模式会议上的发言

主席先生：

首先我要说明，中方参加这次会议，不代表我们赞成或认可会议概念文件的叙事和立场。事实上，叙利亚常驻团已经就这次会议散发了备忘录，认为这样的会议干涉了叙利亚的内政，违反了联合国宪章的宗旨和原则，扭曲了叙利亚内战的真相，选择性地忽视了一些不容忽视的重要问题。

叙利亚内战已经延宕十年。十年来，非法入侵、外部占领、恐怖主义、单边制裁给叙利亚人民带来巨大灾难。对这十年的悲惨历史进行回顾和追责，有许多深刻教训值得汲取。一个国家选择什么样的政治制度和发展道路，这个国家的人民最有发言权。尊重主权和领土完整、不干涉内政是联合国宪章确立的基本原则，必须始终坚决维护，破坏这些原则只会造成国际关系混乱，引发动荡甚至灾难。恐怖主义没有好坏之分，搞选择性反恐，甚至为了政治利益对恐怖分子绥靖利用，最终将搬起石头砸自己的脚。民主是全人类共同价值，同时民主的实现没有固定模式，外部强加民主是对民主价值的最大破坏。人权是各国人民的共同追求，生存权、发展权是首要的基本人权，把人权问题政治化、工具化，以保护人权为由干涉别国内政，制造分裂、对抗和冲突，是对

人权理念的莫大讽刺。

主席先生，

主办方散发的概念文件似乎认为，安理会在追责问题上做得还不够，安理会还需要进一步强化自身在这方面的作用。这样的看法如果不是错误的，也是过于简单化的。在叙利亚问题上，安理会的首要责任是推动落实第 2254 号决议，支持联合国秘书长特使开展斡旋，协助叙利亚各方加强对话、增进互信，共同推进“叙人主导、叙人所有”的政治进程。解决有罪不罚和追责问题应当是整个政治进程的一部分，应当由叙利亚作为当事国主导开展。关于将国别局势移交国际刑事法院，已经有个案证明，移交国际形势法院并不等于司法公正的完成，有时候对恢复和平安宁并不能起到促进作用。中方对未来任何将国别局势移交国际刑事法院的提议都会继续采取十分谨慎的态度。

最后，关于“叙利亚国际公正独立调查机制”，我愿重申，中方对这个机制始终持保留意见，我们的立场没有变化。

谢谢主席先生。

Remarks

by

H. E. Mr. FERIT HOXHA

Ambassador and Permanent Representative of Albania

Arria Formula Meeting

“Accountability in the Syrian Arab Republic”

29 November 2021

I would like to thank the organizers of the Arria Formula Meeting and the briefers for their insightful presentations.

Mr. Chair,

In a few months, there will be 11 years since the peaceful uprising against the Syrian regime. 11 long years of war and repression, widespread destruction, massive loss of innocent lives, vast displacement of people, severe breaches of human rights, terrible pain and suffering.

The very severe human rights situation in Syria remains a cause for deep concern. Albania reiterates its strong condemnation of the indiscriminate killing and deliberate targeting of civilians, including humanitarian workers. The Commission of Inquiry on Syria continues to report on gross human rights violations. This is utterly worrying and intolerable.

We call on the Syrian regime, its supporters and all parties to the conflict to stop the violations of human rights and humanitarian law and fully engage in the Syrian-led political process, including the Constitutional Committee’s work, in full compliance with SC Resolution 2254 (2015).

Mr. Chair,

The culture of impunity from within the Syrian regime for the most serious violations and abuses of international law and human rights law committed during the conflict, is unacceptable.

Violations that rise to the level of war crimes and crimes against humanity, remain unpunished.

Past conflicts have shown that peace and reconciliation are difficult to reach without genuine and continued efforts to address the culture of impunity, without proper accountability for the crimes committed. Therefore, every effort to collect evidence in view of future legal action must be supported.

Mr. Chair,

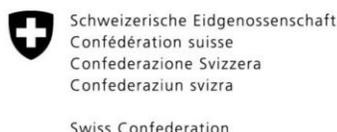
Albania welcomes the steps taken by some countries to fight impunity in Syria through proceedings in their national courts and we encourage a more coordinated action among countries toward this end.

Mr. Chair,

We know that efforts to address impunity in Syria will fall short if the Security Council remains idle. Lack of action by the Council in response to the gross human rights violations in Syria, particularly from the Regime, would be seen, wrongly but unavoidably, as a license for further violations and abuses. It is therefore vital that SC assume its responsibilities in this regard and help address the culture of impunity in Syria. The Council needs to be more responsive toward situations of gross human rights violations and Albania will work in this respect.

To conclude, Mr. Chair, we strongly believe that accountability remains of utmost importance for finding a sustainable and peaceful solution to the conflict. We join others in calling for the situation in Syria to be referred to the International Criminal Court. Albania will continue supporting the activities of the international, impartial and independent mechanism (IIIM) for Syria, as well as the Commission of Inquiry.

Thank you!



Conseil de sécurité

Réunion selon la formule Arria

Accountability in the Syrian Arab Republic

New York, le 29 novembre 2021

Déclaration par Mme. Pascale Baeriswyl,
Représentante permanente de la Suisse

Monsieur le Président,

La Suisse remercie les organisateurs pour cette réunion ainsi que les intervenants et intervenantes, surtout celles et ceux issus de la société civile syrienne, de leurs contributions.

Il y a près de dix ans, la Suisse, avec près de 60 États, a lancé les appels à déférer la situation en Syrie à la Cour pénale internationale. Le message reste pertinent: il ne doit pas y avoir d'impunité pour les crimes internationaux commis en Syrie.

Assurer la conformité avec le droit international et les responsabilités de toutes les parties au conflit restent des priorités pour la Suisse. La reddition des comptes doit servir en premier lieu les victimes, les survivants et survivantes et leurs familles. À cet égard, j'aimerais souligner trois points :

Premièrement, la société civile syrienne est un acteur clé sur la voie de la justice et la reddition des comptes. Beaucoup risquent leur vie en documentant les violations et

en aidant les victimes. Leurs voix doivent être entendues, y compris dans des formats comme celui d'aujourd'hui. Un groupe de victimes et survivants syriens a récemment exprimé sa vision de la justice. Celle-ci dit : « *la responsabilité pénale est un élément crucial de notre vision de la justice à long terme. Pour garantir cette responsabilité, il faut agir immédiatement et à l'avenir* ». En effet, si une justice compréhensive est encore lointaine, les bases doivent être jetées aujourd'hui.

Cela m'amène à mon **second point** : la coopération entre le Mécanisme international pour la Syrie (IIIM), les ONG syriennes et les procureurs nationaux commence à porter ses fruits. Plusieurs procès pénaux pour des violations graves du droit international ont été lancés et certains conclus. Avec les Pays-Bas, la Suisse a contribué à ces importantes étapes grâce au "processus de Lausanne" encourageant la coopération entre le IIIM et les ONG syriennes. Les résultats sont un début encourageant. Il faut aller encore beaucoup plus loin.

Par conséquent, et c'est **mon troisième point**, ceux et celles qui luttent pour la justice et la reddition des comptes ont besoin du soutien durable de la communauté internationale. Le Conseil de sécurité a un rôle clé à jouer. Cela vaut pour les efforts en faveur de la reddition des comptes, mais aussi pour d'autres questions importantes en matière de justice et humanitaires. Il faut ainsi faire davantage pour réaliser le droit des Syriennes et Syriens de connaître le sort de leurs proches disparus et détenus.

Monsieur le Président,

La paix et la justice étant interdépendantes, nous devons aussi assurer un avenir pacifique pour la Syrie. La Suisse continue de soutenir le processus de paix de l'ONU, y compris en accueillant les pourparlers de paix à Genève et en renforçant la

participation de la société civile. Seule une solution négociée saura mettre fin au conflit en Syrie et garantir les droits de tous les Syriennes et Syriens.

Je vous remercie.

UNOFFICIAL TRANSLATION

Mr. President,

Switzerland thanks the organizers for this meeting and the briefers, particularly the Syrian civil society representatives, for their interventions.

Almost a decade ago, Switzerland, together with close to 60 States, spearheaded the calls to refer the situation in Syria to the International Criminal Court. The message remains relevant: there shall be no impunity for international crimes committed in Syria.

Ensuring compliance with international law and accountability by all parties to the conflict remain priorities for Switzerland. Accountability should serve first and foremost victims, survivors and their families. In this regard, I would like to highlight three points:

First, Syrian civil society is a key actor in the path towards justice and accountability. Many risk their lives documenting violations and helping victims. The voices of civil society must be heard, including in formats like today's meeting. A group of Syrian victims and survivors has recently expressed their vision of justice. It states: "*Criminal accountability is a crucial part of our vision of long-term justice. To ensure accountability, action is needed both immediately and in the future.*" Indeed, while comprehensive justice is still far, the groundwork has to be laid today.

This brings me to my **second point**: the cooperation between the International Mechanism for Syria (IIM), Syrian NGOs and national prosecutors starts to yield results. Several criminal trials for serious violations of international law have been launched and some of them have concluded. With the Netherlands, Switzerland has

contributed to these important steps with the “Lausanne Process”, which promotes cooperation between the IIM and Syrian NGOs. The results are a hopeful beginning. Much more is needed.

Therefore, and this is my **third point**, those who strive for justice and accountability need the international community’s sustained support. The Security Council has a key role to play. This holds true for the efforts for accountability, but also for other important justice and humanitarian issues. More should be done to fulfill the right of Syrians to know what happened to their loved ones who are missing and detained.

Mr. President,

Peace and justice being interdependent, we must also ensure a peaceful future for Syria. Switzerland continues to support the UN Peace Process, including by hosting peace talks in Geneva and enhancing civil society participation. Only a negotiated solution can end the conflict in Syria and guarantee the rights of all Syrians.

Thank you.



AUSTRALIAN MISSION TO THE UNITED NATIONS

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The United Nations Security Council: Arria-Formula Meeting on Accountability in the Syrian Arab Republic

29 November 2021

Statement by H.E. The Hon. Mitch Fifield, Ambassador and Permanent Representative of Australia to the United Nations

Check against delivery

Mr. President,

Australia thanks the Council for today's discussion, and Ms Marchi-Uhel, Professor Kress, and the representatives from Syria's civil society for their briefings.

This meeting is an important opportunity to reiterate the Security Council's commitment to holding perpetrators of crimes against humanity and human rights abuses to account.

The Secretary-General's latest report paints a grim picture of the ongoing situation in Syria. Particularly disturbing is the death of 323 civilians – almost half of which are women and children – from hostilities in the period August - September 2021, and the ongoing violations of human rights, including reports of hostage taking, arbitrary detention and the continued use of siege tactics by regime forces.

Australia takes this opportunity to reaffirm our strong support for the International, Impartial and Independent Mechanism (IIIM) in its mission to collect and preserve evidence of the most serious crimes under international law committed in Syria, and calls for full cooperation with the IIIM by all parties to the conflict.

Australia further calls for the Assad regime's full cooperation with the Organisation for the Prohibition of Chemical Weapons (OPCW). The unaddressed discrepancies in Syria's initial declaration to the OPCW, and repeated attempts to hinder the work of the Technical Secretariat and Declaration Assessment Team, are unacceptable and represent further efforts by the Assad regime to avoid accountability for potential violations of international law and crimes against humanity.

Without accountability, there is no credible prospect of lasting peace in Syria. After a decade of violence and human rights abuses, it is the duty of the international community seek justice for victims.

Word Count: 262



**PERMANENT MISSION OF THE REPUBLIC OF MALTA
TO THE UNITED NATIONS**

Statement by Malta

Arria-formula meeting on Accountability in Syria

29 November 2021

Mr President

I begin by thanking Estonia, France, the United Kingdom, the United States, and all additional co-sponsors for organising today's Arria-formula meeting on accountability in Syria. We also thank Ms Marchi-Uhel, Head of the Triple I-M; Professor Kress; Mr Alshogre; and Ms Al-Kateab, for enriching today's discussion with their thoughts, insights, and experiences.

Malta aligns herself with the statement that will be delivered by the European Union and would like to make a few additional remarks in her national capacity.

Mr President

Last March we marked a grim milestone: the ten-year anniversary since the outbreak of the conflict in Syria. Ten years since the legitimate aspirations of the Syrian people for a better future were quashed by a devastating civil war. Ten years of bombings, shellings, torture, terror, oppression, forced disappearances, and violations of international humanitarian law. Ten years of sexual violence and rape of women, girls, men, and boys. Ten years of conflict, resulting in one of the most catastrophic and dire humanitarian situations on Earth. Ten years during which more than 12 million people have had to leave their homes, and as a result of which over 90% of the population now lives in poverty, and more than half is food insecure.

A decade is a long time. However, the passage of time should serve to reinforce our demands for justice and accountability in the face of such horror and brutality, and not desensitise us. Malta will continue to stress the need for justice and accountability, two essential elements if we want to achieve lasting peace in Syria. We owe it to the victims of these atrocious crimes

and their families. We owe it to ourselves, as members of the international community. Our message must be strong and clear: war crimes and crimes against humanity cannot **and will not** go unpunished. Perpetrators must never forget that justice will, ultimately, prevail.

In this context, we reiterate our deep appreciation for the tireless efforts of Ms Marchi-Uhel and her team to collect, consolidate, preserve, and analyse evidence of violations of international humanitarian law and human rights violations and abuses, and assist in the investigation and prosecution of those responsible for the most serious crimes under international law. In doing so, the Triple I-M is also offering hope for victims.

Malta has been a strong and proud supporter to this initiative from its inception. Today more than ever, it has become increasingly clear that we must join forces to make sure that the Mechanism is given all the necessary support to carry forward its mandate in a transparent and unhindered manner. In this context, we also underline the important work of the OPCW and welcome the prosecution of war crimes and crimes against humanity under national jurisdictions.

Mr President

Malta emphasises the need for a nationwide ceasefire in Syria, and a political solution based on Security Council Resolution 2254. This is the only way forward.

We also take this opportunity to underscore, once again, the importance of the cross-border mechanism, as it has provided a lifeline to millions of people in Syria. We stress that the needs of the Syrian people should be at the forefront of all our considerations, and that humanitarian actions must never be politicised.

I thank you.




Permanent Mission of Italy
UN - New York

Arria formula Meeting of the United Nations Security Council on

“Accountability in the Syrian Arab Republic.”

Statement delivered by H.E. Amb. Maurizio Massari

Permanent Representative

New York, 29 November 2021

Mr President,

Let me thank Estonia and the other co-sponsors for organizing this important and timely meeting on accountability in Syria. I am also grateful to the briefers for their compelling remarks.

While aligning ourselves with the statement that will be delivered by the European Union, I would like to give some remarks in my national capacity.

Mr President,

We are concerned about the continuing deterioration of the Syrian crisis in all respects. The tragedy that has been unfolding in Syria for more than a decade has taken an exceptionally heavy toll on the Syrian people, in terms of loss of lives, systematic violations of human rights, vast destruction of its livelihood and infrastructure, and massive displacement of millions of civilians. This enormous suffering is now further aggravated by the socio-economic impact of the COVID-19 crisis, while a full stabilization on the ground is far from achieved.

Humanitarian needs in Syria have continued to increase at levels even higher than during the armed conflict. As international community, we have the responsibility to do our utmost to support the Syrian people in terms of life-saving assistance and rehabilitation of basic services.

That, however, should not weaken our commitment to the principles of accountability and justice for victims, which remain essential requirements for a stable and peaceful Syria. At the same time, prosecution of war crimes and crimes against humanity under national jurisdiction, where possible, can make an important contribution to securing accountability.

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We reiterate our full support for the existing mechanisms to fight impunity, such as the IIM, the Organization for the Prohibition of Chemical Weapons Investigation and Identification Team, and the Commission of Inquiry. Our priority today is to have a proactive approach in supporting a credible, inclusive and viable political solution, in accordance with United Nations Security Council Resolution 2254. Therefore, we are committed to ensuring maximum support for UN Special Envoy Pedersen in the implementation of the provisions of Resolution 2254 that will follow a comprehensive approach and include issues of major relevance to any reconciliation effort, such as detainees and missing persons.

In this framework, and despite the setback at the Constitutional Committee's sixth session last October, due to the positions taken by the Syrian Government delegation, we fully support the relaunching of the Constitutional Committee track as a Syrian-led platform for constructive dialogue among parties.

I thank you.



European Union Statement

by

H.E. Mr. Olof Skoog
Head of the Delegation of the European Union
to the United Nations

At the Security Council Arria-formula meeting on
Accountability in the Syrian Arab Republic

United Nations
New York
29 November 2021

Mr. Chairman,

Thank you for giving the European Union the floor. Allow me to thank Estonia and the other co-sponsor for organising this very timely meeting on accountability in Syria. Allow me also to thank the three briefers for their interesting remarks.

The General Assembly has highlighted the continued commitment of the wider UN membership to press for justice and accountability for the serious crimes committed in Syria during the last decade by all parties.

The European Union and its Member States promote and stand for a global order based on the rule of law. We believe that there cannot be sustainable peace without justice, in Syria or elsewhere.

We are determined that the crimes perpetrated during the last ten years, since Syrians took to the streets to demand democracy and the respect of their human rights and fundamental freedoms, will not defeat the Syrian people's aspiration for dignity, justice and for peace.

Accountability and justice for victims are essential for a stable, peaceful Syria, based on a credible, inclusive and viable political solution in accordance with United Nations Security Council Resolution 2254.

This is our common responsibility as international community: those responsible for war crimes, or crimes against humanity, must be held accountable. The atrocities committed, including the tragedy of the disappeared, for which the regime and its supporters bear the main responsibility, need to be brought to a conclusion.

Therefore, we once again call upon the Security Council to refer the situation in Syria to the International Criminal Court

With a view to prepare and facilitate future proceedings before international and domestic tribunals, the European Union and its Member States strongly support efforts to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights.

This includes our continuing support to the IIIM (*triple I M*), as well as to the work of the Independent International Commission of Inquiry, in order to ensure that facts surrounding the crimes committed in the course of the conflict are well documented, including the enforced disappearances described in the reports of the Commission of Inquiry.

We will continue to fully support and cooperate with the IIM, as well as complementary mechanisms contributing to the fight against impunity, such as the Commission of Inquiry and the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons (OPCW).

The prosecution of war crimes and crimes against humanity under national jurisdiction, where possible, can make an important contribution to securing accountability. A number of such proceedings are under way in several European Union Member States, and the initiative of the Netherlands to invoke Syria's responsibility for human rights violations represents an important contribution towards securing justice.

Unquestionably, while joining in the call for justice and accountability, we must continue to support the Syrian people in need. Humanitarian needs in Syria have continued to increase: from 11 million people in 2020, there are now 13.4 million people in need in 2021. The European Union, as the largest donor to this cause, has provided 22 billion euro during the last 10 years - an average of 2.2 billion euro every year. We will continue to show our solidarity.

We must also continue to press for the political process to move forward and support the efforts of the UN Special Envoy for Syria, Geir Pedersen, to advance all aspects of Security Council Resolution 2254 in a comprehensive approach. This includes the issue of detainees in the hands of the regime and missing persons, and the establishment of a safe and neutral environment in order for free and fair elections to be held under United Nations supervision. And we continue to encourage the work of the Syrian-led Constitutional Committee.

Thank you.



GRAND-DUCHÉ DE LUXEMBOURG
Représentation permanente auprès
des Nations Unies

Réunion « Arria » du Conseil de sécurité des Nations Unies sur la responsabilité en Syrie

New York, le 29 novembre 2021, salle de ECOSOC

Intervention de S.E. M. Olivier Maes, Ambassadeur, Représentant permanent du Luxembourg

Monsieur le Président,

Le Luxembourg salue l'organisation de cette réunion « Arria » du Conseil de sécurité sur la responsabilité en Syrie et remercie tous les intervenants pour avoir partagé leur expertise et leur expérience à ce sujet. Nous saluons en particulier le courage et la persistance d'Omar et de Waad. Votre appel à l'action au nom des victimes de la guerre en Syrie nous a profondément touchés et nous espérons qu'il sera entendu.

Le Luxembourg souscrit pleinement à la déclaration de l'Union européenne. Permettez-moi d'ajouter quelques éléments à titre national.

Depuis dix ans, la Syrie s'enfoncé chaque jour un peu plus dans l'horreur d'une violence aveugle qui tue dans un climat d'impunité. Cette impunité est une des raisons pour lesquelles le régime syrien et les autres parties au conflit en Syrie continuent de commettre des crimes dont les populations civiles sont les premières victimes.

Alors que le Conseil de sécurité discute régulièrement des volets politique, humanitaire et relatif aux armes chimiques de la crise syrienne, la lutte contre l'impunité doit faire partie intégrante de ces discussions. La promotion de la responsabilité pénale est en effet essentielle pour assurer et maintenir la paix et la sécurité internationales. Nous sommes profondément convaincus que la justice est un ingrédient indispensable pour ramener la paix en Syrie.

Les preuves des atrocités commises en Syrie s'accumulent au fil des rapports, que ce soient les rapports de la Commission d'enquête internationale indépendante mise en place par le Conseil des droits de l'homme, les rapports du Mécanisme international, impartial et indépendant (IIIM) pour la Syrie ou encore les rapports d'ONG. L'important travail de documentation en cours est crucial pour que, le moment venu, justice puisse être rendue. Nous sommes fiers d'avoir soutenu le IIIM dès sa création en 2016 et nous saluons les efforts entrepris par des juridictions nationales au sein de l'Union européenne.

Dès le début de son mandat en tant que membre élu du Conseil de sécurité pour la période 2013-2014, en janvier 2013, le Luxembourg avait plaidé, avec 56 autres États, pour que le Conseil de sécurité saisisse le Procureur de la Cour pénale internationale de la situation en Syrie. La CPI a été créée précisément pour mettre un terme à l'impunité des auteurs des crimes les plus graves qui touchent l'ensemble de la communauté internationale, et pour assurer effectivement la répression de ces crimes quand un État n'en a pas la volonté ou en est incapable. Tel est bien le cas de la Syrie. Nous avons fortement regretté le fait que le Conseil de sécurité n'ait pas été en mesure d'adopter une résolution déférant la situation en Syrie à la CPI le 22 mai 2014 en raison du vote négatif de deux membres permanents du Conseil. Plus de sept années plus tard, les crimes hélas continuent.

Pour mettre fin au conflit et aux atrocités en Syrie, il est indispensable d'œuvrer à une solution politique. Tout le monde le reconnaît. Lutter contre l'impunité n'est pas incompatible avec la recherche d'une telle solution politique, bien au contraire. Lutter contre l'impunité, c'est lutter précisément contre ce qui attise la guerre et la violence. Nous devons aussi continuer de répondre aux énormes besoins humanitaires en Syrie. Le Luxembourg continuera là aussi d'apporter sa part.

Face aux crimes de guerre et aux crimes contre l'humanité commis en Syrie, nous ne cesserons d'appeler à la justice pour les Syriens.

Je vous remercie.



STATEMENT

by

H. E. Mr. Michal Mlynár

**Permanent Representative
of the Slovak Republic to the United Nations**

**UN Security Council Arria-Formula Meeting on
Accountability in the Syrian Arab Republic**

New York, 29 November 2021

(check against delivery)

Mr. President,

While aligning my delegation with the statement of the European Union, I would like to make a few remarks in national capacity.

Slovakia thanks Estonia, France, the United Kingdom, the United States and additional co-sponsors for organizing this Arria-formula meeting and all the briefers for their valuable insights.

We concur with the objective of this meeting. Indeed, the Security Council needs to reinvigorate the accountability discussions and assume its responsibilities in this regard. Slovakia believes that accountability is an intrinsic part of a successful peace-building process leading to a sustainable peace. This assertion is not only anchored in the past experience, but recognisable also when looking at the conflict in Syria, which is in its eleventh year. We remain witnesses of prevailing impunity for the most serious crimes of concern to the international community, including war crimes and crimes against humanity. Yet, the Security Council, bearing the primary responsibility for maintenance of international peace and security, remains silent.

Mr. President,

Slovakia appreciates the work of the Independent Impartial Investigative Mechanism for Syria under the leadership of Ms. Catherine Marchi-Uhel in collecting, analysing and preserving the evidence of the crimes committed in Syria and thus, preparing the cases for ensuing prosecution. The number of requests for assistance received so far clearly manifests the value of the Mechanism. As the Mechanism lacks jurisdiction to try cases or prosecute the perpetrators, Slovakia underlines in this context that all jurisdictional grounds, including universal jurisdiction, have to be taken into account by national authorities. We note that several States have started structural investigations of the situation in Syria, which have, in a specific case, already led to a ground-breaking decision issued earlier this year.

Alongside the IIIM and national prosecutions, the Independent International Commission of Inquiry on the Syrian Arab Republic together with the initiative of the Netherlands, joined by

Canada, to invoke the responsibility of Syria under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, represent another valuable contribution towards accountability in Syria.

While all these efforts of different actors are laudable, they do not come close to addressing the magnitude of the Syrian crisis, and cannot lead to a comprehensive accountability for serious international crimes in Syria. The Security Council has the power and the responsibility to do so, for instance, by referring the situation in Syria to the International Criminal Court. We reiterate our call in this regard.

Mr. President,

Allow me to conclude by thanking the Syrian civil society for their endless commitment to ensuring accountability and alleviating the humanitarian crisis in Syria. They have a crucial role to play in the peace process in Syria.

I thank you.

Statement of the Delegation of Ukraine at the Arria formula meeting on the accountability in the Syrian Arab Republic
(29 November 2021, New York)

Mr. Chair,

We express our appreciation to you and other Members of the Security Council for convening this timely Arria formula meeting to discuss the way forward for ensuring accountability for those who committed heinous crimes on the territory of Syria. We are also grateful to our today's briefers for their presentations on recent progress in this regard.

Ukraine resolutely condemns the Assad's regime and its allies, primarily the Russian Federation, for massive, systematic, widespread and grave violations of human rights and international humanitarian law. Tens of thousands of people are missing, detained and subjected to torture. Women and children keep bearing the brunt of a brutal decade-long conflict. There is no place for impunity for the perpetrators of such heinous crimes. All of them, with no exceptions, must be held accountable for their actions. Victims and their families deserve justice.

We have been following the activities of the Commission of Inquiry and Independent International Commission of Inquiry and the International, Impartial and Independent Mechanism on Syria (IIIM), who present reports and collect evidence of different crimes, including murders, torture and inhuman treatment of people in Syria. As one of the co-sponsors of the Mechanism back in 2016, my delegation strongly supports the IIIM in implementing its extremely important credible mandate.

In this regard, Ukraine also reiterates the need for the referral of the situation in Syria to the International Criminal Court.

Unfortunately, the Security Council remains in a deadlock. As it has been stated by my delegation on many occasions, the right to veto remains a major obstacle for resolving many conflicts worldwide, since some permanent members, foremost Russia abuse their rights and privileges. Therefore, we need to think about how the primary

UN organ responsible for the maintenance of international peace and security can ensure justice and accountability, the most essential elements for sustainable peace and security in Syria.

It is worth noting that there has been some progress in addressing the dire humanitarian situation in Syria with the adoption of resolution 2585 (2021), which extended the use of the Bab al-Hawa border crossing for the delivery of humanitarian aid for six months. An important step forward, but still insufficient. The Syrian Government must allow safe and unhindered humanitarian assistance to all those in need.

Ukraine emphasizes that a sustainable political solution of the conflict in Syria and the political transition should be implemented in line with the UN Security Council Resolution 2254 and the 2012 Geneva communiqué.

In closing, Ukraine reiterates its full support to the IIM, the Commission of Inquiry and the OPWC Investigation and Identification Team in their crucial task of collecting evidence of crimes committed in Syria since 2011.

Thank you, Mr. Chair

Permanent Mission of Denmark to the United Nations

New York



**PERMANENT MISSION
OF DENMARK TO THE UN**
New York

Statement

**Delivered by Ambassador Marie-Louise Koch Wegter on the occasion of the
Arria-formula meeting of the UN Security Council on Accountability in the Syrian Arab
Republic**

29 November 2021

Mr President,

Thank you to the organizing member states for convening this meeting and to the briefers for their important work and their insightful remarks.

Denmark aligns fully with the statement made on behalf of the EU and will add a few remarks in national capacity.

Sadly, the subject of accountability in Syria remains as important as ever. Since the beginning of the conflict more than 10 years ago, we have witnessed countless atrocity crimes committed against the Syrian people. These crimes involve the use of chemical weapons, indiscriminate attacks on civilians, targeted killings, torture and gender-based violence. These atrocities have been committed first and foremost by the Syrian regime.

Reporting and documenting these crimes are crucial first steps towards accountability. Fortunately, important work has already been done in this regard. Not least by the International, Impartial and Independent Mechanism on Syria and the Commission of Inquiry. Denmark continues to strongly support these mechanisms.

However, we are still a long way from accountability. The regime continues to act with impunity. Denmark is deeply concerned by the continued widespread and systematic violations and abuses of human rights and international humanitarian law committed across Syria.

We applaud the efforts of member states to ensure accountability through national mechanisms. However, these efforts are not by themselves sufficient and cannot stand alone. It is crucial that the international community can hold accountable any party to the conflict, who has been responsible for atrocities and crimes against the Syrian people.

Denmark, therefore, calls on the Security Council to assume its responsibilities when it comes to ensuring justice and upholding respect for international law. Denmark strongly supports

Permanent Mission of Denmark to the United Nations

New York

referring the situation to the International Criminal Court. And we note with deep concern the failure of the Security Council to take decisive action on this issue so far.

Thank you.

Intervention by Ibrahim Olabi, Guernica 37 Chambers

Thank you Mr President.

As the last speaker, I feel an incredible amount of pressure to leave this Council with a message of hope. I will try to do so.

Prior to joining Guernica as a lawyer, growing up as a Syrian, I never, ever, thought that I will be witness to the mass historic injustice that I once read about in textbooks.

Today the world still has a chance to hold perpetrators to account in Syria, as we have not yet become a distant historical history, we are very much in the present.

This present depends on what the world does today. By world I mean states, and by states, I mean *you*, individuals here with us in this room today.

In the past we may have had an excuse to do nothing, we did know enough about the crimes. Today, we heard over and over about the evidence available. We have the UN created IIIM, we have the UN created commission of Inquiry with 42 reports, 1270 pages and thousands of interviews. Let alone the OPCW the JIM and the enormous evidence with IIIM

All the presented evidence demonstrates how the Assad regime is the main, not the only, but the main perpetrator of atrocity crimes that you, States present here today, agreed to known as crimes.

And so when the Assad regime commits those crimes, it is not a message to us Syrians. It is a message to every member state party to that treaty, that I can break those laws, and I can get away with it.

Yet, somehow through deliberate disinformation tactics, Syria became a war where death is somehow inevitable

As if refugees fled war, not due to persecution by a brutal regime.

Mr President,

Syria is not a warzone; it is a crime scene.
Whilst wars may end, crimes linger on.

With the crime scene known, the evidence wildly available, the perpetrators clearly identified and named, why has this Council not acted?

We are grateful that some countries acted in their individual capacities

- Netherlands and Canada towards the ICJ for Syria's systematic torture, a process we which we at Guernica are proud to assist with,
- Germany and France with arrest warrants and cases under universal jurisdiction,
- The UK police with investigations into high profile individuals accused of encouraging crimes, the foreign office exploring new international initiatives against holding individuals responsible for the use of CW.

Why have I only mentioned western states?

Why have I not mentioned the Syria State as member states mentioned today?

Well, with all the evidence, not a single prosecution in Syria Mr President, and a continuous blocking of an ICC referral .

We grateful to Estonia for hosting the meeting today. The council should keep calling for meetings on accountability like this one to keep accountability on the table.

The council should not shy away from naming the perpetrators, starting with the Syrian regime but not ending with it.

Crimes are not committed by themselves, or by states in abstract. They are committed by people, and these people must be held to account.

In response to the States that talked about sanctions. 14 Syrian NGOs and victim groups called upon Assad to end sanction. Yes Assad. His crimes attracted sanctions, and it if he submits to justices and to the UN agreed political solution, they will end. We call upon Assad's allies to get him to end the sanctions on Syria.

It has been said that you if you torture one person, you may end up in prison, but if you torture hundreds of thousands, use CW, forcibly displace, you end up in a peace conference. We Syrians will fight to prove this saying wrong and change the course of history.

We hope that you all will join us.

Thank you.
