

**Security Council**

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**Letter dated 24 May 2022 from the Permanent Representative of
Albania to the United Nations addressed to the Secretary-General**

I have the pleasure to inform you that Albania, in its capacity as President of the Security Council for the month of June 2022, will hold a high-level open debate on the theme “Strengthening accountability and justice for serious violations of international law”, under the item “Maintenance of international peace and security”. The open debate will take place on Thursday, 2 June, at 10 a.m.

In order to guide the discussions on this topic, Albania has prepared a concept note, which is contained in the annex to the present letter. I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ferit **Hoxha**
Ambassador
Permanent Representative



Annex to the letter dated 24 May 2022 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General

Concept note for the Security Council high-level open debate on the theme “Strengthening accountability and justice for serious violations of international law”, to be held on 2 June 2022

Location: Security Council Chamber

Participation: This meeting is open to all States Members of the United Nations, Permanent Observers, non-governmental organizations and the press

Background

Genocide, war crimes, crimes against humanity and other gross violations of human rights law and serious violations of international humanitarian law cause the most egregious violations human beings experience – undermining the very fabric of entire societies, destabilizing States and whole regions, threatening international peace and security and reversing hard-won progress in sustainable development.

The 2005 World Summit emphasized the responsibility of each State to protect its populations from genocide and other atrocities. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. The international community, through the United Nations, has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with the Charter of the United Nations, to help protect populations from such atrocities.¹

Article 24 of the Charter grants the Security Council primary responsibility for the “maintenance of international peace and security”. This includes taking collective measures to prevent and counter threats to peace and suppressing acts of aggression. On the basis of this mandate, there is a need for an in-depth discussion to strengthen and further develop accountability mechanisms at the national and multilateral levels to institutionalize and enforce accountability.

Accountability is central to collective measures to halt and prevent violations of international law, international criminal law, international humanitarian law and international human rights law.² State accountability for such violations and individual accountability under international or domestic criminal law are key to reinstating public trust in justice and security institutions to rebuild the rule of law and sustain peace. Justice and accountability are essential to tackle pervasive impunity, which is the major risk factor and driver for more conflict and violations. In a culture of impunity, where perpetrators are emboldened, and victims silenced, grievances will breed until they erupt in renewed violence.³

The vital efforts for accountability and justice should be accompanied by a broad range of complementary measures to support truth, justice, reparation and guarantees of non-recurrence, which help to break cycles of violence and establish durable peace. The Security Council emphasized this comprehensive approach in its resolution [2282 \(2016\)](#) on sustaining peace.

¹ General Assembly resolution [60/1](#), paras. 138–139.

² Security Council resolutions [2150 \(2014\)](#) and [2171 \(2014\)](#).

³ United Nations High Commissioner for Human Rights, statement to the Arria-formula meeting on the theme “Human rights, accountability and justice: contributions to international peace and security”, 11 March 2019.

The establishment of effective accountability mechanisms requires, from the outset, broad participation and involvement of all actors, including governments and members of civil society, the most notable victims of violations. Collective efforts will help to address knowledge and capacity gaps, as well as a lack of political commitment to establish accountability mechanisms to address serious violations of international law.

It is essential to reiterate that accountability is not only about establishing a commitment to end genocide, war crimes, crimes against humanity, other gross violations of human rights law and serious violations of international humanitarian law, but it also requires acting and assuming responsibility for strategic follow-through at all levels to establish truth and justice and end impunity, including through the implementation of the recommendations of accountability mechanisms.

On 10 January 2017, the Secretary-General emphasized in his remarks to the Security Council that preventive action is essential to avert mass atrocities or grave abuses of human rights. One of the principal ways in which we can do this is by strengthening accountability and ensuring the rigorous and open scrutiny of current practices.

The international community recognizes that, beyond States' primary responsibility to protect populations from genocide, war crimes, crimes against humanity and the crime of aggression, history has also shown the importance of strengthening the functioning of the international legal principles of accountability, justice and rule of law. But for the rule of law to ensure orderly and just society, equal treatment and human rights protection, international community actors must abide by it and establish necessary accountability mechanisms to enforce such an obligation.

Objectives

This open debate aims to draw on past practices and current challenges to develop a global strategy to enhance the role of the international community in holding States, and those who act on their behalf, accountable for serious violations of international law.

This open debate aims to explore ways to develop and strengthen accountability mechanisms, not only at the State level, but also at the regional and international levels, including by strengthening the interplay between different international legal frameworks with their own accountability mechanisms.

This open debate aims to bring the necessary attention to victims. Establishing the truth about international crimes and gross violations of international human rights and serious violations of international humanitarian law in breach of legal, political and moral commitments of the international community is essential also to restoring the rights and dignity of victims and their relatives. However, beyond the need to establish truth and justice, there is also a clear need for victims to obtain effective remedies for the harm that they have suffered.

Guiding questions

1. What are the steps that the Security Council could take in order to strengthen and institutionalize international legal principles of accountability and the related accountability mechanisms for them to have an impact in practice?
2. What are some of the best practices that could be replicated and/or enhanced in relation to documenting and mapping serious violations of international law and identifying the perpetrators of international crimes?

3. What are some of the possible venues to enhance accountability, including through the creation of an accountability network between the International Court of Justice, the International Criminal Court, the Office of the United Nations High Commissioner for Human Rights and different legal regimes and other regional justice institutions?
4. What are the practical steps to be undertaken to ensure the equal and meaningful participation of women and underrepresented groups, often in situations of vulnerability, at all stages of the development of accountability mechanisms, as well as in ensuring rigorous and open scrutiny of practice?
5. What is the role of media, civil society and victims' organizations in strengthening the concept of international accountability, establishing the truth about serious violations of international law and holding State institutions and individuals accountable?
6. How can we ensure the right to appropriate reparation for victims so that they can obtain effective remedies for the harm that they have suffered?

Briefers and format

- President of the International Court of Justice, Joan E. Donoghue
- United Nations High Commissioner for Human Rights, Michelle Bachelet
- A representative of civil society (to be confirmed)

Member States wishing to participate in person should inscribe their names on the list of speakers through the eSpeakers module of e-deleGATE. A letter addressed to the President of the Security Council, duly signed by the Permanent Representative or the Chargé d'affaires a.i., requesting to participate in accordance with rule 37 of the Council's provisional rules of procedure must be uploaded to the eSpeakers module of e-deleGATE. Inscription for said meeting will open on 27 May 2022, at 9.30 a.m. Please note that delegations speaking in person are not required to submit a written statement via e-deleGATE, as the delivered statement will be included in the provisional verbatim record of the meeting.

The list of speakers will be formed in the order in which requests are received. In accordance with the note by the President of the Security Council [S/2017/507](#), all participants and members of the Security Council are encouraged to deliver succinct statements, of no more than three minutes.
