



Security Council

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Provisional

President: Mrs. Van Vlierberge (Belgium)

Members:

China	Ms. Liu Yue
Dominican Republic	Ms. García Tapia
Estonia	Ms. Mägi
France	Mr. Dang
Germany	Ms. Lohmann
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Niger	Mr. Paraiso Souleymane
Russian Federation	Mrs. Zabolotskaya
Saint Vincent and the Grenadines	Mr. Bynoe
South Africa	Mr. Davies
Tunisia	Mr. Ben Lagha
United Kingdom of Great Britain and Northern Ireland	Mr. Brown
United States of America	Mr. Simonoff
Viet Nam	Mr. Pham

Agenda

Peacebuilding and sustaining peace

Transitional justice in conflict and post-conflict situations

Letter dated 4 February 2020 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General (S/2020/98)

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The meeting resumed at 3 p.m.

The President (*spoke in French*): I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with longer statements are kindly requested to circulate their texts in writing and to deliver a summarized version when speaking in the Chamber. The red light on the collar of the microphone will begin to flash after four minutes have elapsed.

I now give the floor to the representative Lebanon.

Ms. Mudallali (Lebanon): I would like to thank Belgium for convening this debate on a matter of paramount importance for all of us who hold dear the fundamental values of truth, justice, peace and the rule of law. We see it as an essential discussion and a logical follow-up to the debate (see S/PV.8668) held last November on the role of reconciliation in maintaining international peace and security.

Today's discussion is taking place at a particularly significant time for my country, as tomorrow will mark the fifteenth anniversary of the assassination of Prime Minister Rafiq Hariri. That led to the adoption in 2007 of resolution 1757 (2007), which established the Special Tribunal for Lebanon — a hybrid tribunal created to find the truth about, and bring to justice the perpetrators of, that heinous attack and end impunity.

In that regard, let me mention here the ministerial declaration adopted by our newly formed Government a few days ago, in which the Council of Ministers reaffirmed its commitment to the work of the Special Tribunal for Lebanon to ensure that law and justice prevail, free from any politicization or spirit of revenge, so that it does not have a negative impact on the stability of Lebanon, its unity and its civil peace. Unity and civil peace are not mere words in my country, which was torn apart by a 15-year long civil war during which thousands of people were killed or went missing. A study by the International Committee of the Red Cross (ICRC) concluded that 75 per cent of Lebanese citizens had personal experience of armed conflict.

A positive step towards restoring truth was taken in November 2018 when the Lebanese Parliament adopted Law 105, on missing and forcibly disappeared persons. That piece of legislation recognizes the right of families to learn the fate of missing loved ones and, to that end, seeks to establish an independent national commission.

Let me add that the adoption of that significant law was made possible thanks to the key role played by partners such as the ICRC, non-governmental organizations and the International Center for Transitional Justice, to name a few, as well as civil society. That type of collaborative partnership remains essential on our path towards sustaining peace. Such partnership evidences the necessity of implementing a comprehensive approach to transitional justice premised upon the inclusion of all relevant stakeholders.

Youth should be given the important role that they deserve to have in transitional justice, as agents of change, as the International Center for Transitional Justice stated. Their participation in transitional justice and reconciliation should be central, and not symbolic. Resolution 2250 (2015), on youth and peace and security, recognizes that role. In the same vein, we continue to believe that women's participation should also be central. In that connection, I would like to mention that Tunisia's Truth and Dignity Commission was headed by a woman. Furthermore, as conflicts and grievances take on varied forms, there is a need for context-sensitive, local transitional justice that is cognizant of national specificities and cultural sensitivities.

Throughout the world and across history, human rights abuses, humanitarian law violations, conflicts and cycles of violence have ravaged countries. Such proliferation of suffering tears apart communities and has the potential to entrench instability, which threatens the prospects for peace. Transitional justice is essential to move forward, but first a transition out of the conflict situation is needed in order to start the process of healing. In our region, continuous and perpetual conflicts are the major obstacle to transitional justice. Time is of the essence to transition from conflict to justice within a reasonable time frame. Justice delayed is justice denied.

Let us recall that this body has a great responsibility in ending conflicts, in order for peace to take hold and transition to begin. Instead of burying grievances and remaining enslaved by the chains of the past, transitional justice provides a range of mechanisms that allow first the citizen and then the country to achieve sustainable and meaningful peace.

The President (*spoke in French*): I now give the floor to the representative of Portugal.

Mr. Duarte Lopes (Portugal) (*spoke in French*): At the outset, let me commend you, Madam President, for

convening this open debate. Portugal attaches particular importance to transitional justice and endorses the statement that will be delivered by the observer of the European Union. In my national capacity, I would like to make a few additional remarks.

Transitional justice mechanisms play a crucial role in implementing peace agreements, preventing the recurrence of conflicts and maintaining peace in societies undergoing reconstruction. In that regard, transitional justice enables communities to address the legacy of large-scale violence and human rights violations, ensure accountability, secure justice and achieve reconciliation.

In that regard, it should be stressed that, without prejudice to international law, those processes should always take into account the specificity of different post-conflict contexts. To achieve that, the judicial system of each State must function effectively and independently, thereby enabling the International Criminal Court to assume its complementary role to national jurisdictions. It is therefore of the utmost importance that all relevant actors be involved, as well as civil society, which can play a major role in facilitating efforts to sustain peace. From that point of view, Portugal believes that young people are fundamental actors in reconciliation processes, as well as in the overall maintenance of peace and security.

Transitional justice mechanisms must be victim-centred in order to meet the specific needs of victims. We must also keep in mind that armed conflicts directly affect the most vulnerable, especially women, children and youth. Portugal is concerned about the issue of children in armed conflict situations, particularly concerning the recruitment and use of child soldiers. In that regard, we wish to reiterate the importance of the 2017 Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers. In addition, we must give priority to children when planning demobilization, disarmament and reintegration efforts.

Transitional justice mechanisms should also take into account the decisive role and full participation of women in conflict prevention and resolution, as well as their status as victims of sexual and psychological violence. In that connection, and in line with the women and peace and security agenda, it is essential that women be included in all stages of the peace

process, in particular in mechanisms for the prevention, management and resolution of conflicts.

In conclusion, it is important that the link between security and development guides the transitional justice process, as it plays a crucial role in the pursuit of Sustainable Development Goal 16.

The President (*spoke in French*): I now give the floor to the representative of Kenya.

Mr. Amayo (Kenya): I would like to begin by congratulating Belgium on its presidency over the Security Council for the month of February, as well as commending the Kingdom of Belgium for allocating time for the Security Council to discuss this timely and significant topic.

Given that peacebuilding is both a short- and a long-term process, it is beneficial for the Security Council to have regular discussions and exchanges on this topic in order to continue addressing persistent challenges facing fragile and conflict-affected situations around the world, as well as to develop implementable action points on transitional justice framed around sustainable peace processes.

Kenya aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see S/PV.8723).

Transitional justice and peacebuilding are, in our view, multi-dimensional phenomena that should embody several interrelated and critical elements. Those elements include, but are not limited to, the entrenchment of democracy and accountability, resilience-building, the enhancement of affirmative actions for peaceful coexistence and the introduction of programmes for the establishment of national reconciliation, restorative justice, restitution and reparations, *inter alia*.

When addressing a conflict situation, it is important for stakeholders to draw on the principle of inclusivity in seeking to build meaningful partnerships with the parties involved in the conflict. The inclusion of different voices and perspectives in a conflict situation provides stakeholders with an opportunity to consider the different structural root causes that might at times be side-lined by other approaches. In that regard, the involvement of witnesses, victims, minorities and individuals at risk of reprisal or intimidation, for instance, may be of crucial importance in building confidence and giving credibility to the process. Formal

and informal initiatives to support the transitional justice and national reconciliation processes by local actors, such as civil society, as well as private actors and academia, could make an important contribution. At the national level and of equal importance, mechanisms that play a critical role — including national truth and reconciliation commissions — deserve support.

Regarding groups perceived to be marginalized, such as minorities, women and young people, the Kenyan experience has taught us that investment in the training of women and youth for peace is not without reward. Women leaders in Kenya have been working in peace and bridge-building activities.

The Security Council should seek to systematically and contextually integrate regionally and nationally led transitional justice processes into its work within the broader framework of mission mandates.

Kenya joins other Member States in recognizing the African Union's (AU) adoption of its transitional justice policy in February 2019. It is a critical guide for AU member States to achieve essential transition components, including the political ones. My delegation welcomes that initiative.

The President (*spoke in French*): I now give the floor to the representative of El Salvador.

Mrs. González López (El Salvador) (*spoke in Spanish*): At the outset, I wish to thank the Belgian presidency for convening this open debate on transitional justice, which is a matter of high priority for El Salvador. At the same time, we thank and take due note of the briefings delivered earlier today (see S/PV.8723).

Our history has taught us that transitional justice is a fundamental pillar in the process of consolidating peace and democracy. One cannot move towards a future of peace and progress without addressing the troubles of the past and creating comprehensive strategies and mechanisms with a view to achieving truth, justice, memory, reparation and guarantees of non-recurrence.

Our 1992 peace accords ended an internal armed conflict that had lasted for more than 10 years. The agreements resulted in a reform process aimed at strengthening the legal and institutional framework of the State and transforming its political, judicial and security bodies. However, the agreements did not comprehensively address the other causes of armed conflict, such as poverty and social

inequality — and neither did they guarantee a path towards genuine reconciliation.

At the start of our transition and with the support of the international community, important advances were made in the areas of truth and guarantees of non-recurrence. A truth commission emerged from the peace accords in order to investigate and clarify the most serious human rights violations that occurred during the civil war. That commission, supported by the United Nations, published its report documenting cases of human rights violations in 1993. It also provided a series of recommendations for the investigation of those cases, as well as for institutional reform and national reconciliation measures.

However, days after the publication of the report, a general amnesty law was issued, completely voiding the possibility of complying with those recommendations. Moreover, the lack of economic opportunities and our vulnerable social fabric, on top of erroneous approaches taken in the past, served only to exacerbate the fundamental issues that caused the conflict in the first place. Those are the consequences of a partial approach to a conflict, and they continue to impact our search for peace today.

That is why the Government of El Salvador is firmly committed to ensuring that our population lives in dignity, while guaranteeing the protection of human rights and supporting actions that enable us to advance towards truth and reconciliation. That is how, just hours after taking up office, the President of the Republic gave the order to withdraw from the San Miguel Third Infantry Brigade an individual listed in the truth commission's report as one of those responsible for the El Mozote massacre in 1981. That was of symbolic importance for the victims of abhorrent human rights violations that took place during our armed conflict.

We consider it pertinent to note that a series of measures have been taken to reinvigorate efforts to promote the transitional justice process in my country. Those measures include the creation of two national search commissions, one for children and one for adults, as well as the small investigation unit within the Attorney General's Office for crimes against humanity and crimes that occurred during the armed conflict. Together with the United Nations, we promoted a virtual project for recovering historical memory, which arises out of the need for Salvadoran society to have an official space for building historical memory that

collects and recognizes various perspectives on the country's recent history.

We also enjoy an open and sincere relationship with other international human rights protection systems. In that connection, we hosted Mr. Fabian Salvioli, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in May 2019, and the Inter-American Commission on Human Rights, in December 2019.

We wish to emphasize that, when extending external support to a country in transition, it is essential to take into account its specific needs and the current state of the human rights protection systems in place, carry out a comprehensive analysis of the situation of vulnerable groups and promote the meaningful participation of women and young people.

Finally, El Salvador firmly believes that transitional justice is critical to any peacekeeping or peacebuilding process. We take this opportunity to renew my country's commitment to peace, justice, democracy and respect for international law, which are the only way to ensure lasting and sustainable peace.

The President: I now give the floor to the representative of Slovakia.

Mr. Mlynár (Slovakia): It is great to see you, Madam President, presiding over the Security Council. I congratulate Belgium on its presidency of the Council and thank your delegation for organizing this very important meeting today.

My delegation fully associates itself with the statement to be delivered on behalf of the European Union. We would also like to thank Ms. Bachelet and the other briefers for their insightful thoughts and contributions.

It has been said repeatedly that transitional justice initiatives need to be tailor-made and address the specific circumstances of each situation. For that reason, we are convinced that considerations on transitional justice have to become an integral part of Security Council deliberations on country-specific situations. Only such an approach can yield tangible outcomes, unlike the general discussions we sometimes have.

The broader concept of transitional justice represents an important part of peace operations' mandates, especially in the form of measures relating to accountability, the rule of law and a functioning

security sector that serves people, including the most vulnerable. Those efforts must focus in particular on women's rights and on ensuring the adoption of a child-sensitive approach. I am proud that Slovak police officers participated, for example, in the United Nations Mission for Justice Support in Haiti, which completed its mandate in October. The Mission had been mandated, inter alia, to assist the Government of Haiti in strengthening its rule-of-law and justice institutions. Of course, as we know, that particular work continues with the further political mission on the ground.

I now wish to address two specific issues, namely, accountability and security sector reform.

First, accountability has to be an integral part of the transition process in a post-conflict situation or when there is political change. There are various methods and ways to ensure accountability, such as criminal prosecution. However, it would not be appropriate to equate criminal justice with transitional justice. Transitional justice is a much broader concept that encompasses a broad range of elements, including criminal justice. We are convinced that bringing perpetrators of crimes, especially crimes under international law, to justice is a basic requirement for the solution of any conflict and for subsequent reconciliation efforts. That conviction may also have led the Security Council to establish the international criminal tribunals and various special courts.

In line with the principles of State sovereignty and complementarity, national authorities have the primary responsibility to prosecute crimes and adjudicate on innocence and guilt. However, if national authorities are not in a position to conduct investigations, recourse to the International Criminal Court (ICC), especially through a self-referral or a Security Council referral, may be sought. The ICC, with its unique institutional set-up, which grants a strong voice to the victims, is ideally placed to contribute to transitional justice. Bearing in mind the special institutional links between the Security Council and the ICC, Slovakia encourages Security Council referrals when war crimes, crimes against humanity or genocide are being committed and the national authorities bearing the primary responsibility for the prosecution of those crimes are not in a position to do so.

Turning to my second point, as an integral component of any political settlement, any transitional justice process must create synergies with other

relevant processes, such as security sector reform and governance, which has supported nationally led efforts to build resilient security institutions and prevent relapse into conflict, in line with resolution 2151 (2014). We must call for more people-centred approaches to security sector reform and governance, as well as aim for political solutions to conflict, the prevention of conflict or relapse into violence.

As a co-Chair of the Group of Friends of Security Sector Reform, Slovakia recently convened a high-level panel and discussion on security sector reform on the occasion of the launch of an important publication on the United Nations and security sector reform, in policy and practice. Over the past decade, significant progress has been made in the development of United Nations norms and principles on this important issue. However, gaps remain between the normative and operational dimensions in United Nations security sector reform support. We therefore need to strengthen the implementation of resolution 2151 (2014), including with regard to linkages and synergies between security sector reform and transitional justice.

As a member of the Peacebuilding Commission (PBC), Slovakia is also ready to promote partnerships and synergies with other transitions processes in the peacebuilding context. Our PBC priorities can be summed up in just a few short elements — participation, partnerships and people and coherence, coordination and complementarity.

In conclusion, global peace and security can be achieved only if sustainable solutions are found for current conflicts. Transitional justice is certainly a pivotal element in those aspirations. I once again thank the Belgian presidency for convening today's Security Council meeting on this very pertinent issue.

The President: I now give the floor to the representative of Italy.

Mr. Stefanile (Italy): We welcome this debate. We thank the Belgian presidency for organizing it and all the briefers for their interventions.

Italy also aligns itself with the statement to be delivered on behalf of the European Union on this subject.

Italy strongly believes in transitional justice as an effective means to address the after-effects of violent and divisive conflicts and to achieve sustainable peace and social harmony. As exemplified by the Colombian

peace process, the transformational drive required for inclusive and long-lasting peace flows primarily from a peace agreement that contemplates transitional justice as an inherent part of a comprehensive and interdependent architecture. In that framework, accountability for gross human rights violations and serious crimes under international law are key elements for the foundation of a just and peaceful society.

International tribunals, including the International Criminal Court and fact-finding and investigative international mechanisms, are fundamental tools in the fight against impunity. Italy has been a staunch supporter of the development of international criminal justice as a building block to support societies' march towards truth and reconciliation. We have regularly provided funding to the Special Tribunal for Lebanon and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. We have also provided political, technical and financial support for the work of hybrid criminal courts in Timor-Leste, Kosovo and Sierra Leone.

In those and other contexts, we have vigorously promoted the strengthening of law enforcement, the building of technical capacities for vetting processes and for the implementation of justice reform, and the reinforcement of the independence, efficiency, accountability and transparency of judicial systems. We believe that the success of transitional justice mechanisms also depends on the implementation of security-sector reform and disarmament, demobilization and reintegration (DDR) processes. We therefore support stronger United Nations standing capacities on security-sector reform, DDR, justice and correction and police — which are all hosted in the United Nations Global Service Centre in Brindisi — as effective tools to foster complementarity between transitional justice and these processes.

Striking a balance between victims' right to justice and the need for reconciliation and peaceful coexistence is a very delicate exercise. The search for historical truth on violence and abuses and the public acknowledgement of the responsibilities of each party are often a precondition for reconciliation and peaceful coexistence. In that light, truth and reconciliation commissions could serve the interests of truth without replacing criminal prosecution and should disseminate

their findings to society for the education of present and future generations.

Based on our experience, we would like to highlight three main points.

First, each transitional process should be nationally owned and inclusive. It should contemplate a careful consultation with civil society, including vulnerable individuals and groups, to assess the impact of conflict, meet the widespread expectation for justice and shape a common vision of the future. Women's participation is crucial to guaranteeing such inclusivity. Through the participation of women in reconciliation and mediation efforts, we can have more effective transitional justice processes. Women mediators networks such as the Mediterranean Women Mediators Network, which we actively promoted, have indeed bolstered a gender-sensitive approach to transitional justice.

Secondly, profound institutional reforms are often needed to affirm the rule of law, enhance human rights protection and reorganize the State in keeping with democratic values. However, constitutional transition and legal reforms cannot be effective without the dissemination of a culture of lawfulness among civil servants, citizens and local communities.

Finally, the importance of civil justice is often underestimated. It plays a crucial role in the daily lives of families, enterprises and individuals. In the aftermath of a conflict, efficient and independent civil courts should be able to grant redress for the damages suffered and to re-establish economic, social and cultural rights, which are often gravely violated.

The President (*spoke in French*): I now give the floor to the representative of Colombia.

Mr. Rugeles (Colombia) (*spoke in Spanish*): I thank you, Madam President, for having convened this debate. I welcome the briefers, especially Father Francisco de Roux, President of the Commission for the Clarification of Truth, Coexistence and Non-Repetition of my country.

Colombia has been a significant reference point in the implementation of transitional justice. Through the signing of the Final Agreement for the Termination of Conflict and the Construction of a Stable and Lasting Peace in 2016, the Comprehensive System of Truth, Justice, Reparation and Non-Repetition was created in order to realize the rights of the victims.

That system was created on the basis of the lessons learned not only from international examples but also from processes involving other illegal groups in Colombia. The processes involving the United Self-Defense Forces of Colombia, demobilized between 2003 and 2006 through mechanisms such as the law on justice and peace, as well as the agreements for truth contemplated in Law 1424, among others, allowed us to build the system. We have been learning from our own experiences for years now to ensure that transitional justice mechanisms contribute to the ultimate goal of peaceful coexistence among all Colombians.

The Comprehensive System combines judicial mechanisms that allow for the investigation and punishment of serious human rights violations and serious violations of international humanitarian law, as well as extrajudicial ones that contribute to the clarification of the truth, the search for disappeared persons and reparations for the harm caused. Additionally, the System's mechanisms make it possible to progress in the fight against impunity, in helping ex-combatants transition to civilian life and in the reconciliation processes of Colombians.

Here I would like to refer to some important points of these mechanisms.

First, one of the lessons that we Colombians have learned is the need for such mechanisms to be complementary. Experience shows that the effectiveness of such measures is greater if they are applied in a coordinated manner. The idea of the implementation of a comprehensive system is for the measures to achieve a maximum level of justice and accountability, but also to contribute to the clarification of truth, reparation and historical memory. The complementarity between the various mechanisms must be the result of a detailed plan under which each mechanism has a specific purpose that contributes to an ultimate goal.

Secondly, transitional justice does not have a single mould that is applicable to different contexts. Every effort to consolidate peace, including transitional mechanisms, must start from the principle of national ownership. Within the system, each mechanism has a clear objective, something that was necessary given the Colombian historical, legal and social context.

Thirdly, it is important to emphasize that transitional justice cannot and should not be overloaded. Such mechanisms cannot alone address the causes of a conflict, such as inequality or lack of

socioeconomic development. They must have their own objectives, which will also make it possible to manage the expectations of the population. Transitional justice must be coordinated with other measures that make it possible to address these causes.

My Government respects and supports the work of transitional justice mechanisms, as noted in the most recent report of the Secretary-General to the Council. My Government is also convinced that the participation of women in peacebuilding is a priority. Transitional justice mechanisms have a gender focus in their work and scope, but also rely on the principle of the parity and participation of women. An example is Colombia's Special Jurisdiction for Peace, where 53 per cent of the judges are women.

The various transitional mechanisms that we are implementing have a higher goal, namely, to contribute to prevention, a guarantee of the non-repetition of violations, and peacebuilding. It is a challenge that will take time, but we are certain that the outcome of these mechanisms, as part of the legality-based peace policy that runs throughout our development plan, will lead us, by strengthening access to justice on equal terms, to sustainable peace. That is Colombia's dream.

The President (*spoke in French*): I now give the floor to the representative of Armenia.

Mr. Margaryan (Armenia): At the outset, I would like to thank the Belgian presidency for the initiative to include in its programme of work an open debate on the theme of transitional justice. We thank the United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet, and the other briefers for highlighting different aspects of the concept of transitional justice, also from the perspective of its practical implementation.

Transitional justice processes and mechanisms are traditionally seen as a critical component of the United Nations framework for strengthening the rule of law. Today's debate is a good opportunity to highlight the role of transitional justice also in the context of the prevention agenda.

An important point of reference in this context is the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide on their joint study on the contribution of transitional

justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence (A/HRC/37/65).

Building comprehensive and legitimate transitional justice processes is essential in terms of acknowledging past grievances and ensuring accountability for past atrocities, as well as realizing the rights to truth, justice, reparation and guarantees of non-recurrence. The effective implementation of transitional justice policies requires a victim-centred approach, with a special focus on women and children as the group who are most vulnerable to atrocity crimes. The meaningful participation of women who have been affected by conflicts should be at the centre of efforts to seek truth and ensure justice.

Regrettably, we continue to witness hate crimes and atrocities against ethnic and religious groups, State-led policies of hatred, racial and ethnic profiling, the glorification and justification of past crimes and the dehumanization of victims. The genocidal acts perpetrated against Christians, Yazidis and other communities by terrorist organizations in Syria and Iraq are stark reminders that the denial of crime and the dehumanization of victims do not belong only to history.

The Armenian nation went through the horrors of genocide at the beginning of the twentieth century and continues to face the challenges of denial and justification of past crimes. Therefore, Armenia has been taking consistent measures to consolidate international efforts to prevent the crime of genocide. The justification of the Armenian genocide at the highest level by denigrating and insulting the dignity of the victims, qualifying it as "the most reasonable act" and manufacturing alternative historical narratives profoundly hamper efforts to ensure the realization of the right to truth and non-recurrence.

In recognizing the crucial role of civil society organizations and institutions, I would like to commend in particular the important work carried out by the International Centre for Transitional Justice, including its analysis of the Armenian genocide.

Armenia is committed to supporting United Nations efforts to promote transitional justice as an important element of the United Nations prevention agenda. Over the years, we have initiated a number of Human

Rights Council resolutions related to the prevention of genocide. It was at Armenia's initiative that, in 2015, the General Assembly designated 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime.

Recognition and condemnation of past atrocities is vital for preventing identity-based crimes, protecting the universality of human rights and achieving genuine reconciliation and sustainable peace.

The President (*spoke in French*): I now give the floor to the representative of Slovenia.

Ms. Bavdaž Kuret (Slovenia): Let me thank Belgium for organizing this very timely debate, and the briefers for their presentations.

Slovenia aligns itself with the statement to be delivered by the observer of the European Union and wishes to add some points in its national capacity.

I wish to start by emphasizing the importance of preventive action. On many occasions, including in this Chamber, my country has expressed its conviction that preventing conflict through the many available instruments is always the best option. We believe that the Security Council should be at the forefront of preventive diplomacy and wish to encourage the more frequent use of Chapter VI of the Charter of the United Nations.

Transitional justice and reconciliation in all forms are essential elements of building long-lasting sustainable peace in post-conflict societies. If we want them to be successful, the ownership of those inclusive processes must clearly be vested in the affected societies. All stakeholders, including women and girls, children, young people, older persons and civil society, must participate if we want the processes to be truly effective. Therefore, in order to achieve sustainable peace and build resilient societies, inclusive cooperation and a comprehensive, gender-transformative approach must be the building block for effective transitional justice.

Fighting impunity, in particular for the most serious crimes, such as genocide, crimes against humanity and war crimes, is the basis for justice and lasting peace. Peace and justice are not mutually exclusive; they are complementary. That is why Slovenia was actively involved in the establishment of the first permanent International Criminal Court (ICC). We continue to

strongly support its work and promote its universality, integrity and efficiency.

We also support other mechanisms with the aim of preventing impunity for those crimes, including the work of the International, Impartial and Independent Mechanism for Syria. Victims and affected societies must be at the centre of post-conflict endeavours that are broad and comprehensive, from the acknowledgment of victims to reparations, economic assistance and incentives and social reintegration assistance. To that end, Slovenia supports the ICC's Trust Fund for Victims, to which we regularly contribute.

Slovenia believes that the current international legal framework on mutual legal assistance and extradition for the most serious international crimes remains inadequate to achieve effective justice. That is why Slovenia, together with like-minded countries — the Netherlands, Belgium, Argentina, Senegal and Mongolia — launched an initiative for the adoption of a multilateral treaty that would provide inter-State cooperation mechanisms for the investigation and prosecution of the most serious crimes.

The Mutual Legal Assistance (MLA) initiative addresses the primary responsibility of States to prosecute and try atrocity crimes and the need to improve the effectiveness of the investigation and prosecution of those crimes at the national level. We are pleased to inform the Council that Slovenia will host a diplomatic conference in Ljubljana from 8 to 19 June with the aim of adopting a convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity and war crimes, to be known as the MLA convention.

Let me conclude by emphasizing one particular element of post-conflict societies. Among the tools and instruments available, we see education as one of the most important. Only through continued education can we expect peace to last and a society to truly transform. Education must be continued because those societies are very fragile and at a difficult juncture and the horrors that they have experienced could be repeated at any time. That is why we believe that everything must be done to avoid a return to rhetoric and the incitement to hatred. Education is indeed the best prevention and investment, with the greatest return.

The President (*spoke in French*): I now give the floor to the observer of the European Union.

Mr. Skoog: I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries Turkey, the Republic of North Macedonia, Montenegro, Serbia and Albania, as well as Bosnia and Herzegovina, Ukraine, the Republic of Moldova and Georgia, align themselves with this statement. Out of respect for the many speakers who wish to take the floor, I will give an abbreviated version of it.

First, let me express my appreciation to Belgium for initiating this debate, and my thanks to the excellent briefers.

Transitional justice is often described as dealing with the aftermath of conflicts or atrocities. However, it is not only a matter of providing meaningful justice, but also an essential building block for sustaining peace and avoiding relapse into conflict. Transitional justice is also a means to achieve reconciliation. Only by dealing meaningfully with the past can a society move forward without being taken hostage by its own history. The European Union, in its very essence, is the product of a collective vision and commitment to overcome the past and build a sustainable peace through reconciliation and the establishment of free democratic societies in which human rights and the rule of law are upheld.

We adopted a comprehensive policy framework on support to transitional justice in November 2015, becoming the first regional organization to do so. Since then, we have witnessed several positive developments. We welcome the African Union's transitional justice policy, adopted last year.

In our policy framework, we underline that all transitional justice processes have to be nationally owned and context-specific. Each situation requires a tailor-made approach. Since it is a whole-of-society endeavour, special attention needs to be paid to tailoring inclusive transitional justice processes, while promoting the participation and influence of women and young people in decision-making at all levels, in all areas.

Criminal justice, accountability, the establishment of truth, reparations and institutional reform are all possible entry points for ending impunity, providing redress to victims, fostering trust and strengthening the rule of law. The European Union recognizes that accountability and justice are most successful if the justice system functions effectively and independently, thereby enabling the International Criminal Court

to play its intended role, while complementing national jurisdictions.

Victims and affected communities should be at the centre of all efforts. Transitional justice is a complex issue, and is therefore best considered from the start of any peace support efforts, ranging from mediation to restoring peace and security in countries emerging from conflict. It also requires a truly integrated approach. The active advisory role of the Peacebuilding Commission in support of the Security Council could be further drawn upon to ensure that appropriate attention is paid to transitional justice and reconciliation at all stages of the conflict cycle.

In recent years, the EU has made considerable efforts to translate our policy commitments into more concrete action on the ground, while always working closely with, and in support of, the United Nations. In Syria, we support the International Commission on Missing Persons in setting up mechanisms and partnerships for data collection and the systematic compilation of information from the families of missing persons. In Colombia, we stepped up our support immediately after the peace accord was signed in order to help overcome the obstacles that might occur during the early implementation of the agreement. In the Central African Republic, we also support the Special Criminal Court as a critical body to fight impunity. We collaborated with UN-Women to strengthen the integration of the gender dimension in transitional justice processes.

Supporting transitional justice requires specific expertise. We have therefore set up a flexible instrument that enables the EU to deploy transitional justice experts on the ground to provide assistance upon request. We are also ready to engage over the long term, through our missions on the ground or our dedicated financial instruments.

Finally, I would like to pay tribute to the crucial role that civil society organizations have played in so many transitional justice processes. They have often been the driver behind numerous initiatives, giving a voice to millions of victims. We stand ready to further engage on the subject and hope that today's deliberations mark only the beginning of a deeper conversation, as it touches upon so many different topics that are on the agenda of the Security Council, ranging from mediation to children and armed conflict, among others.

The President (*spoke in French*): I now give the floor to the representative of Georgia.

Mr. Imnadze (Georgia): Let me also join colleagues in expressing my appreciation to the Belgian presidency for convening today's debate. I also thank the briefers.

My country, Georgia, aligns itself with the statement delivered on behalf of the European Union. I would like to add the following comments in my national capacity.

Transitional justice is an essential building block for the establishment of reconciliation and sustaining peace. But, first, justice needs to be served. Atrocities committed during conflict cannot go unpunished. Only after justice is restored will the wounds of society start to heal. Transitional justice processes are ideally nationally owned and always context-specific, but in the case of my country they reflect not only the domestic reality but the international dimension as well.

The Security Council is well aware that the territorial integrity and sovereignty of my country is being violated and that two of Georgia's regions, Abkhazia and Tskhinvali/South Ossetia, continue to be under illegal foreign military occupation. The Georgian Government cannot exercise its jurisdiction over those territories, while international organizations and monitoring mechanisms are also denied access by the occupying Power. Therefore, impunity continues, and we have seen gross violations of human rights against ethnic Georgians, including restrictions on their freedom of movement, access to health care and education in their native language; kidnappings; arbitrary detentions; and deprivation of life.

The only mechanism available to us is to uphold the rule of law at both the national and international levels. To that end, Georgia recognizes the compulsory jurisdiction of the International Court of Justice and reaffirms its support for the primacy of the peaceful settlement of disputes. Georgia actively cooperates with the Court in investigating crimes committed during the Russian aggression in 2008, which represents the first-ever case of the Court entering Europe's legal geography.

We are also engaged at the regional level. Georgia has submitted two inter-State applications to the European Court of Human Rights against Russia — one concerning the August 2008 military aggression and continuous occupation of its territories and the other concerning Russia's administrative practice of harassing, arresting, detaining, assaulting

and murdering Georgian citizens living in the occupied territories, as well as along the occupation line.

We hope that, after more than a decade, the alleged crimes will effectively be investigated and justice served, thereby paving the way for reconciliation, rebuilding and sustaining peace. In that regard, we call on the international community to take a consistent and firm stance, in accordance with the Charter of the United Nations and the norms of international law.

The President (*spoke in French*): I now give the floor to the representative of Qatar.

Ms. Al-Thani (Qatar) (*spoke in Arabic*): I would like to congratulate friendly Belgium on its assumption of the presidency of the Security Council for this month and for selecting today's important topic. We also express our appreciation for today's comprehensive concept note (S/2020/98, annex). And we thank the Minister for Foreign Affairs of the Kingdom of Belgium, His Excellency Mr. Philippe Goffin, for presiding over this meeting, and thank all the briefers for their valuable presentations.

Given the complexities of conflicts and their pernicious effects on post-conflict societies, transitional justice is a key priority for achieving stability and a sustainable peace. The post-conflict experiences of countries have shown that sustaining peace and stability requires a successful process of transformation, based on an integrated and coherent approach that includes establishing respect for human rights, strengthening the rule of law, eradicating poverty, building accountable institutions and achieving national reconciliation through comprehensive dialogue and mediation, as well as ensuring access to the judiciary and transitional justice, accountability and good governance.

The fragility that results from conflicts, in particular from human rights violations, makes transitional justice a key priority for establishing a sustainable peace in countries struggling with internal and political strife. In that regard, achieving transitional justice requires ending and documenting human rights violations, holding those responsible accountable, ensuring justice and reparation for the victims and launching rehabilitation and reintegration programmes.

We must also ensure non-repetition of those violations, institutional reform and reconciliation among all segments of societies in order to promote recovery and guarantee a successful transformation

process that builds inclusive societies based on the rule of law. Therefore, achieving transitional justice will deter perpetrators from repeating flagrant violations of human rights and will speed up the political transition and national reconciliation towards sustainable peace.

The challenge of maintaining peace requires addressing the root causes of crises and conflicts while including all segments of society, in particular women and young people, in policymaking and decision-making processes. We stress the importance of providing young people with employment opportunities as part of transitional justice. Marginalizing them and ignoring their issues and their future will push them towards radicalization and help extremist organizations take advantage of that marginalization and non-participation in planning for their future.

The State of Qatar has supported all international efforts aimed at achieving peace, stability, conflict prevention and conflict resolution in a peaceful manner. We have launched several initiatives in that regard. The State of Qatar has played an active role in solving several conflicts through our mediation. We have continued our efforts to ensure respect and promotion for human rights.

The State of Qatar has actively supported legal mechanisms with a view to achieving transitional justice, preventing mass atrocities and realizing sustainable peace in order to ensure the maintenance of international peace and security. In that regard, we recall the adoption of General Assembly resolution 71/248, of 21 December 2016, to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

In conclusion, in the light of the State of Qatar's commitment to the protection of civilians, we play an active role in promoting the principle of the responsibility to protect. Together with Denmark and Costa Rica, this year we are co-chairing the Group of Friends of the Responsibility to Protect for the third consecutive year.

In keeping with our policy of respecting international law, the State of Qatar continues its efforts to reach political settlements to crises based on the rule of law and human rights. We will spare no

effort to support sincere efforts to achieve the goals of international law on which today's meeting is focused.

The President (*spoke in French*): I now give the floor to the representative of Egypt.

Mr. Edrees (Egypt) (*spoke in Arabic*): At the outset, I thank the Permanent Mission of Belgium to the United Nations for taking the initiative of holding this open debate on the issue of transitional justice, which is an extremely important topic that represents one of the key pillars for sustaining peace in countries emerging from conflict. I also thank the briefers for the valuable information that they provided (see S/PV.8723).

Transitional justice is an issue of increasing importance in view of the experiences and lessons learned with regard to the central role of justice in peacebuilding and sustaining peace. That was reaffirmed by two identical resolutions on the five-year review of the peacebuilding architecture (Security Council resolution 2282 (2016) and General Assembly resolution 70/262). The two resolutions demonstrated the importance that the international community attaches to implementing and operationalizing transitional justice mechanisms as a means of addressing the root causes of conflict. They also demonstrate the need to adopt a holistic approach towards the achievement of transitional justice in order to ensure that countries do not relapse into conflict. In that regard, I will share with the Security Council the Egyptian vision for promoting the role of the United Nations in supporting efforts to achieve transitional justice in post-conflict countries.

First, Egypt's delegation stresses the importance of considering the specificity of every situation. There is no one-size-fits-all approach to fit every situation. The success of transitional justice endeavours and the move from a divisive past to a shared future depend on the respect of the international community for providing assistance and support to the countries concerned and the principle of national ownership and leadership of those efforts. International support must be based on national priorities and an environment conducive to the success of such efforts.

Secondly, my country's delegation emphasizes the importance of coordination and clarification of the roles of various United Nations bodies in supporting transitional justice efforts in the countries concerned. The Organization's effectiveness requires harmony among its various components so that they complement one another and are fully coordinated.

Thirdly, we underline the importance of capitalizing on the Peacebuilding Commission's consultative role when the Security Council reviews the mandates of peacekeeping missions and building on the Commission's past experiences and lessons learned in order to reinforce national peacebuilding priorities in the countries concerned. That helps to strengthen peacekeeping in order to build and sustain peace while ensuring a continuous response throughout a given conflict.

Fourthly, we note the need to strengthen partnerships between the United Nations and regional and subregional organizations, in particular the African Union. Deepening such partnerships provides an opportunity to coordinate efforts and benefit from the comparative advantages of all the various entities, which strengthens their effectiveness.

Fifthly, members will agree that post-conflict transitional justice demands the continued commitment and support of the United Nations and the international community in order to enhance the human and institutional resources of countries emerging from conflict so that they can assume their essential functions with a view to achieving the rule of law, strengthening the justice system and preventing impunity.

Lastly, given the importance of the role of regional organizations in maintaining international peace and security, Egypt, during its chairmanship of the African Union, has accelerated the operationalization of the African Union Centre for Post-Conflict Reconstruction and Development, based in Cairo, in order to address the root causes of conflict and build and sustain peace across the African continent, in line with the concept of African solutions for African problems.

In December 2019, Egypt also hosted the Aswan Forum for Sustainable Peace and Development. That was the first African event that allowed an honest dialogue among the continent's leaders and senior officials, the private sector, civil society and research centres on practical recommendations to address interconnected security and environmental challenges. We are confident that making the Forum an annual event would help the African continent to continue that important dialogue in the future.

In conclusion, I reiterate my thanks to the Belgian presidency of the Security Council for the opportunity given to my country's delegation to participate in

discussing this important topic. I would also like to wish the Council presidency every success.

The President (*spoke in French*): I now give the floor to the representative of India.

Mr. Kakanur (India): We thank Belgium for convening this open debate on the importance of transitional justice in achieving reconciliation and durable peace. We appreciate the insightful remarks of United Nations High Commissioner for Human Rights; the President of the Commission for the Clarification of Truth, Coexistence and Non-Repetition of Colombia; and the Executive Director of the Foundation for Human Rights in South Africa (see S/PV.8723).

Since the end of the Cold War, activities by the international community involving peacemaking, peacekeeping and peacebuilding have grown rapidly in number, complexity and sophistication. The creation of the Peacebuilding Commission and the Peacebuilding Fund are just two examples of recent institutional innovations. Transitional justice approaches emerged and developed following the demise of military dictatorships, apartheid and post-Cold War theatres, when there was an increasing international consensus that transitional justice measures were needed to deal with past human rights abuses. Those approaches also coincided with the goals of some donors, banks and aid agencies, all of which prioritized the strong rule of law to enable economic development.

However, the involvement of external actors in the internal or quasi-internal conflicts of States has not only become more frequent but has also entailed increased levels of coercion and State-building activities that are at odds with the traditional concepts of sovereignty. Effective transitional justice is not only a question of whether there should be a domestic versus an international trial, a truth commission versus an international trial or a cultural alternative versus a traditional trial. The question is: What is beneficial to the people whose lives have been disrupted or even destroyed by the perpetrators of violence?

Too often, the international community adopts a technocratic, one-size-fits-all approach that can be damaging. Transitional justice has become steeped in Western liberalism, often appearing distant and remote to those who actually need it most. Rebuilding social capital and livelihood systems is harder than restoring infrastructure and institutions. It involves redefining relationships, promoting public deliberation,

creating a healthy civil society, facilitating the healing process and making institutions both trustworthy and effectively trusted.

There is also a perception that transitional justice mechanisms have been providing a form of ideological obfuscation that is intended to divert attention away from those who benefited, and still benefit, from and in the system. Specifically, we note that the historical injustices inherent to colonialism are rarely the focus of transitional justice. If transitional justice is conceived merely as a Band-Aid that can be put on to past harms during some unspecified and limited time of transition, without any suggestion that it is attached to some deeper change in the society, it is unlikely that those measures will have any transformational capacity.

Reconciliation is a long and arduous process; artificially imposed standards or timelines are unlikely to achieve success. Reconciliation within a nation must be not only homegrown but also home-nurtured. It is important to identify and clarify goals of any transitional justice mechanism before proceeding and designing processes and projects to fulfil those goals. Gender justice has to be fully integrated into all institutional mechanisms and wider structural reforms of the country concerned.

Transitional justice mechanisms can play a crucial role in societies torn apart by the violence of conflict, but they must contribute effectively to the will of the local actors to take their destiny into their own hands by devising political and institutional safeguards to prevent a repetition of mass crimes.

The President (*spoke in French*): I now give the floor to the representative of Ireland.

Ms. Byrne Nason (Ireland): I thank today's briefers. I would also like to congratulate Belgium, a fellow European Union member, on assuming the presidency of the Security Council. We are very proud to see you, Madam President, in that role.

Ireland very strongly supports the Security Council's recognition of the importance of transitional justice in efforts to sustain peace. That is an issue close to our hearts because we have lived it. Our understanding of transitional justice is shaped most profoundly by our own peace process, founded on the 1998 Good Friday Agreement, which brought to an end some 30 years of violence in Northern Ireland and in

which the work of protecting the peace and furthering reconciliation continues to this day.

We have approached that in many ways, politically and economically. One successful example was the establishment of the Remembrance Commission, which worked from 2003 to 2008 to administer a scheme of assistance and remembrance for victims and their families. The Commission made funding available to individual victims and survivors in acknowledgement of their suffering and economic hardship.

While much progress has been made on our island, more remains to be done. In addressing the legacy of the conflict, as a co-guarantor of the Good Friday Agreement, we recognize that, in order to definitively deal with the past and to deepen reconciliation, we must continue to work every day. For that reason, in the context of the recent agreement reached in January on power-sharing in Northern Ireland, both the Irish and United Kingdom Governments have affirmed their commitment to moving ahead to establish a framework of legacy institutions.

That comprehensive framework is founded on principles that include promoting reconciliation, upholding the rule of law, acknowledging and addressing the suffering of victims and survivors, facilitating the pursuit of justice and information recovery and complying with human rights requirements. An implementation and reconciliation group will also be established. We recognize that this comprehensive framework is vital to provide justice and truth for victims and survivors. It will also bolster other ongoing peacebuilding efforts, and it will enable politics, policing and the wider society in Northern Ireland to move on from the past and fully harness the benefits of peace.

As this debate demonstrates today, transitional justice is complex and part of a much wider tapestry of actions necessary to sustain peace. Ireland has been, and will continue to be, eager to learn from others on similar journeys and to share our own experience. We are proud of our continued support to the transitional justice processes in Colombia, Sierra Leone, Syria and elsewhere. Ireland welcomes recent progress within United Nations missions to recognize and incorporate elements of transitional justice in their work. We support the United Nations Peacebuilding Fund's increased focus on transitional justice, including, most

recently, helping to develop a comprehensive national strategy for transitional justice in the Gambia.

It is often stated that all wars are fought twice: the first time on the battlefield and the second time in memory. In our support for transitional justice, we must never forget our overall aim, that is, to build and sustain peace and reconciliation. As an aspiring member of the Council for the term 2021 to 2022, my country, Ireland, believes that transitional justice must be aspirational: first, in seeking to maximize peace and justice and, secondly, in being practical by incorporating the local context and focusing on what is required by communities emerging from violence. That also includes special efforts to ensure the inclusion of women. The participation of, and consultation with, victims in the design, implementation and monitoring of transitional justice policies is absolutely key. Only then can a society begin to make the transformational journey that reconciliation demands, and sustained peace requires.

The President (*spoke in French*): I now give the floor to the representative of Peru.

Mr. Popolizio Bardeles (Peru) (*spoke in Spanish*): Peru welcomes the holding of this open debate and is grateful for the valuable statements made by the briefers, who recognized the essential nature of transitional justice in restoring and invigorating the social fabric of post-conflict situations. That is accomplished through an improved diagnosis and understanding of the reasons that triggered a given conflict situation, while providing reparations to victims and fighting impunity.

To that end, we have a valuable collection of lessons learned in various parts of the world. Peace, truth and reconciliation commissions, for example, have been instrumental in interpreting facts and contexts from a reflective and conciliatory perspective. Similarly, independent fact-finding missions and arbitration bodies have shown their worth in clarifying situations and, ultimately, enabling the acceptance of their results.

We note that transitional justice processes must be adapted to the specificities of each post-conflict situation, using independent criteria, indicators and evaluation parameters, because what works for one reality might lead to a very different outcome for another. In that regard, it is critical to strike a balance between efforts to prevent impunity and convict those responsible for abuses and lawbreaking and measures to foster a climate of reconciliation and reunion. That

quest for balance is successfully reflected in the case of Colombia, for example, where key instances for reconciliation such as the Truth Commission and the International Commission on Missing Persons have been added to the establishment of special peace tribunals.

Peru has also been part of those developments for restitution of justice and rights to nationals who suffered at the hands of violence. In August 2012, we ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and in 2016, we adopted Law 30470, concerning the search for persons who disappeared during the violent period that plagued the country between 1980 and 2000. Our policy on the search for missing persons prioritizes a humanitarian approach and focuses on the alleviation of suffering and uncertainty and providing family members with the answers they need.

Nevertheless, we must stress that, in cases of serious violations of human rights law and international humanitarian law, such as genocide and crimes against humanity, amnesties do not apply to their perpetrators. On the contrary, the full force of the law must be brought down upon them. When that does not occur at the local level, the international community — including the Security Council — must assume its responsibility by configuring special political missions and ad hoc tribunals or referring situations to the International Criminal Court within the framework of the principle of complementarity.

In that regard, we wish to highlight the value of entities such as the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, as well as the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant.

I conclude by underscoring the positive role played by the Peacebuilding Commission in supporting transitional justice efforts, whether by promoting synergies between the United Nations system and other international agencies or by mobilizing financial resources through the Peacebuilding Fund.

The President (*spoke in French*): I now give the floor to the representative of Turkey.

Mrs. Kocyigit Grba (Turkey): I thank you, Madam, for organizing this important open debate and facilitating a broad discussion on an issue that has global implications for peace and security.

Transitional justice is a crucial element of reconciliation and sustaining peace, as it strives to take into account the root causes of conflict, recognize the dignity of victims, redress past injustices and contribute to prevention efforts. Transitional justice not only brings closure to past injustices, but also helps societies move forward towards a more peaceful future. It is essentially a society's attempt to come to terms with a legacy of large-scale past crimes, in order to ensure accountability, serve justice and achieve reconciliation. As such, transitional justice processes deserve due attention in a comprehensive manner.

In order to succeed, we believe that reconciliation needs to be the centre of gravity in transitional justice. Establishing a basis to address the underlying causes of violence and marginalization is the most meaningful way to foster durable resolutions to conflicts. In doing so, we should keep in mind that a variety of approaches are applicable depending on the country-specific context and that there cannot be a one-size-fits-all solution to the issue.

As a starting point, establishing accountable and transparent State institutions is vital in restoring public confidence in justice. Effective governance and justice systems founded on respect for the rule of law and the protection of human rights is crucial in terms of consolidating peace and promoting reconciliation. Raising public awareness on access to justice is equally important in order to include the most vulnerable segments of society in transitional justice processes. While doing so, it is crucial to establish solid safeguards to protect the victims.

Criminal justice is another vital component of transitional justice. Holding those who are responsible for large-scale atrocities and systematic violations of human rights contributes to the process of achieving justice for victims. Prosecuting those individuals contributes to upholding respect for the rule of law and establishing an accurate historical record while serving as a deterrent to potential criminals.

Transitional justice can contribute to achieving the broader objectives of conflict prevention, peacebuilding and reconciliation. Since it delves into the most painful experiences of communities, transitional justice

processes are inevitably difficult. They require a reliable factual basis, an open approach and empathy. Understanding the underlying grievances that lead to conflict by taking into account the voices of women, young people and marginalized groups is crucial. All of that requires a context-specific approach and recognition that it is not a static process.

The sustained commitment and support of the United Nations and the international community must accompany those efforts, as needed. Turkey stands ready to contribute to national, regional and multilateral efforts in the pursuit of achieving sustainable peace and security through transitional justice processes.

The President (*spoke in French*): I now give the floor to the representative of Fiji.

Mr. Motufaga (Fiji): Fiji would like to thank the Belgian presidency for this opportunity to contribute to discussions on the important topic of transitional justice.

The Security Council has placed huge emphasis on peacebuilding and sustaining peace. Widespread and serious human rights violations create conditions where special justice interventions are needed if peace is to be secured and sustained. Transitional justice redresses gross violations. Transitional justice focuses on the needs of victims and their communities. When complemented by criminal justice mechanisms, they strengthen the rule of law, which is critical in any sustainable peace process.

Violent conflicts are always associated with widespread human rights abuses and atrocities. Communities are traumatized and torn apart while losing property and sources of economic well-being. That poses a huge challenge as to how communities can be reconciled. When reconciliation cannot take place, the chance of peace and development succeeding is far lower. Communities have to be brought together, and victims and their hurts and grievances need to be heard. Transitional justice must have a heart in order to both acknowledge and establish measures to reduce what victims went through, as well as addressing their demands for justice. Transitional justice must seek to build trust and rebuild relations so that former victims and perpetrators can live side by side again, as a community.

As an international community, transitional justice contributes to the promotion of the 2030 Agenda for Sustainable Development and the Sustainable

Development Goals (SDGs), especially SDG 16, which aims at achieving peaceful, just and inclusive societies.

Transitional justice processes have been used successfully in our region. The process was supported by the international community and regional peacekeeping missions. Our own examples of transitional justice show that there is a need for political support to Governments to establish inclusive transitional justice processes. The United Nations system has an important role to play, including from both the peacekeeping and peacebuilding sides. Transitional justice mechanisms should be properly integrated with and complement State institutions. Such transitions always take time — the process is a delicate one and needs to be supported.

It is essential that victims see that justice is done. Transitional justice brings a sense of closure to the victims, as well as to entire communities. They lay a foundation for development and achieving the SDGs.

Transitional justice mechanisms should be part of broader security sector reforms. Divisions within communities take time to heal. Communities need to regain their confidence in the law and its institutions.

Reconciliation measures must have a special focus, namely, women and children. In all conflicts, women and children are disproportionately disadvantaged and suffer the most. The skills and knowledge required to tackle the issue are complex, and therefore United Nations capabilities are needed to provide support in that regard.

For small island developing States, the changes in climate will continue to have a destabilizing impact on communities. The loss of land, even entire islands, and livelihoods, as well as large-scale movements of communities, can be catalysts for conflict. As community relocation proceeds, new conflicts will inevitably arise. Most will be rooted in cultural settings around the management of and access to community-owned resources. Transitional justice measures offer unique possibilities for rebuilding communities.

The President (*spoke in French*): I now give the floor to the representative of Nepal.

Mr. Bhandari (Nepal): I wish to begin by thanking the Belgian presidency for convening this open debate on transitional justice. I would also like to thank the United Nations High Commissioner for Human Rights and the other briefers for the insightful presentations they gave earlier today (see S/PV.8723).

Nepal believes that transitional justice is an important component for sustaining peace in post-conflict societies. It supports the process of healing wounds, addressing the injustices of the past and fostering trust and harmony in society. Transitional justice is also about working through the painful past in order to create a peaceful future. In that endeavour, fundamental elements, such as finding truth, providing reparations, ensuring non-recurrence and achieving social reconciliation are all critical. Furthermore, efforts to ensure peace should be complemented by broad-based economic development and the inclusion of victims in the country's development activities.

There cannot be a one-size-fits-all approach to transitional justice. Each conflict and its peace process is unique and requires a unique transitional justice system. Transitional justice must be guided by the national context and societal needs of the post-conflict communities. National leadership and ownership are quintessential for healing the wounds of the past and for ensuring psychosocial recovery. It is equally important to promote the engagement of women, young people and civil society in the process.

Allow me to shed some light on Nepal's transitional justice mechanisms. Nepal is a uniquely successful case of a nationally owned and led peace process that culminated with the promulgation of the new Constitution in 2015. In order to conclude the last leg of that process, two independent commissions — the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons — were set up in 2015. The mandates of the Commissions have been extended and new commissioners have recently been appointed. The independence and impartiality of the Commissions are guaranteed by law.

In addition, we are consulting with the victims in order to ensure their participation in the amendment of transitional justice laws. Nepal's transitional justice process is guided by the Comprehensive Peace Accord, the directives of the Supreme Court, relevant international commitments, the concerns of the victims and realities on the ground. Our focus has been to strike a balance between compliance with international norms and standards and the national sociopolitical context by putting the victims at the centre. As a country that steered a uniquely successful peace process, Nepal has the requisite capacity and political will to conclude the transitional justice process in an equally unique manner.

In conclusion, Nepal is committed to ensuring justice to the victims and making the transitional justice process a credible, smooth and successful one. Our only focus is on building a peaceful and prosperous Nepal. By ensuring social justice, promoting an inclusive society and delivering good governance, we are now well on the path to reconciliation.

The President (*spoke in French*): I now give the floor to the representative of Switzerland.

Ms. Neumaus (Switzerland) (*spoke in French*): I thank you, Madam President, for having organized this open debate. Transitional justice is a critical issue in which the Security Council has an important role. Resolution 2282 (2016) identifies transitional justice as a key component of sustainable peace. For over 15 years, Switzerland has supported many partner countries in their processes of dealing with the past, through which societies try to come to terms with the atrocities they have suffered. On the basis of our experiences, I would like to highlight three points.

First, the adoption of a set of legal and non-legal measures is essential for preventing the recurrence of large-scale violations and abuses of human rights law and international humanitarian law, as well as for establishing a new social contract. Respect for human rights is essential for achieving lasting peace. While criminal justice is crucial, it is but one dimension of transitional justice. With its Integrated System of Truth, Justice, Reparation and Non-Repetition, Colombia serves as an example of an innovative approach based on the four pillars of transitional justice. We call on the Council to give greater consideration to the complementarity between legal and non-legal measures when using the instruments at its disposal. The Secretary-General's guidance note on the United Nations approach to transitional justice can serve as a reference. Switzerland supports the revision process of that note, which is under way. We also support the references made today to the importance of the advisory role of the Peacebuilding Commission.

Secondly, as the presentations in this open debate have shown, civil society is a driving force in advancing accountability and the fight against impunity. Civil society, in particular women, must participate alongside decision makers in the design of such measures. In that connection, we wish to acknowledge the commitment of Yasmin Sooka and all those who, like her, have invested decades in seeking justice for the victims of the most

serious crimes. The Council must understand the need to involve and protect civil society, including human rights defenders, in the relevant items on its agenda.

Thirdly, each context is different. We call on the Council to take context-specific and tailored measures based on an understanding of the needs of society as a whole. The Council must make full use of its flexibility in the formulation of mandates to ensure that targeted and achievable measures are taken.

The President (*spoke in French*): I now give the floor to the representative of Luxembourg.

Ms. Braun (Luxembourg) (*spoke in French*): Luxembourg thanks the Belgian presidency of the Security Council for organizing this debate on transitional justice to bolster efforts to achieve sustainable peace.

Luxembourg fully subscribes to the statement delivered earlier on behalf of the European Union.

Ten years after the Secretary-General's guidance note on the United Nations approach in this area, the concept has proved its worth and its importance for the sustainability of peace, in general, and the restoring or strengthening of the rule of law, in particular, is no longer in doubt. However, it is also clear that the dynamics of ongoing conflicts require us to reassess our methods. The challenges to consolidating the gains made on this concept are legion and their management requires sustained efforts. The call for the implementation of a comprehensive approach to transitional justice, launched in the context of resolution 2282 (2016), therefore remains relevant.

Despite considerable efforts and achievements over the past decade, we must redouble our efforts, rethink our way of working together and devise responses that are better adapted to different contexts. Although all approaches to transitional justice must be based on the principle of the universality of human rights, we know today that there is no magic formula.

Nonetheless, we also believe that the approaches developed in the framework of transitional justice are essential to strengthening the rule of law. The establishment of appropriate channels of justice in the face of human rights violations makes it possible to build reliable institutions and to lay the foundations for lasting peace and sustainable development. In that respect, Luxembourg remains committed to strengthening international standards in this area in order to promote

transitional justice that combines asserting victims' rights; promoting lasting peace, reconciliation and democracy; and ensuring the implementation of 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16.

On the occasion of this debate under the Belgian presidency, Luxembourg wishes to renew its commitment to participatory and inclusive transitional justice. Victims and civil society must be fully engaged in transitional justice processes, whether in the pillar of truth, justice, reparations or guarantees of non-recurrence. Therefore, we also believe that the inclusion and participation of the perpetrators of human rights violations, who are the subjects of transitional justice processes, is often critical, given that the goal is reconciliation, a fundamental precondition for the sustainability of peace.

In that regard, Luxembourg would like to mention its collaboration with the International Center for Transitional Justice, which, in 2009, was consolidated through a first partnership agreement. Luxembourg pays particular attention to the Centre's work in Tunisia, which is aimed at helping victims, civil society and State actors to promote victim-centred, gender-sensitive transition processes.

In conclusion, transitional justice will have an important place in the review of Luxembourg's humanitarian strategy, which will be carried out in 2020. We will be guided in that undertaking by our desire to better respond to the short-term needs of victims and to better coordinate strategies over the long term while maintaining a balance among advocacy, diplomacy and work on the ground.

The President (*spoke in French*): I now give the floor to the representative of Bangladesh.

Ms. Fatima (Bangladesh): We thank the Belgian presidency for having convened this open debate. I also wish to thank the United Nations High Commissioner for Human Rights and the briefers for having shared their insightful perspectives.

Post-conflict countries generally remain at a high risk of relapsing into new cycles of violence. Such violence can disrupt a peace process and undermine longer-term development and the rule of law. It is therefore critically important in post-conflict situations to address impunity, ensure accountability and break the cycles of the conflicts and atrocities of the past.

As a major troop- and police-contributing country to United Nations peacekeeping operations, we have been supporting the efforts of the United Nations to enhance national accountability and transitional justice in countries emerging from conflict. We support the Secretary-General's reform agenda, with a focus on system-wide coordination and coherence among the United Nations peace and security pillars with the development and human rights pillars, especially at transitional stages of peace operations. We stress the prioritization and sequencing of the mandates of peacekeeping operations with the United Nations rule-of-law and transitional justice mechanisms.

Transitional justice needs to also receive enhanced priority in the Peacebuilding Commission's efforts in the area of peacebuilding and sustaining peace with a view to preventing a sense of inequality, discrimination, exclusion and other root causes of violence and conflict. Special political missions should have transitional justice as a sub-mandate, and so should the new generation of United Nations country teams. It is important to have synergy among those various entities.

Bangladesh remains committed to supporting the initiatives of the Security Council towards the implementation of both the women and peace and security, and the youth, peace and security agendas. We value women's enhanced contribution to transitional justice through their participation in mediation, peacekeeping, peacebuilding and sustaining peace.

We remain committed to supporting the multipronged efforts of the United Nations to prevent and ensure accountability for violence against women and children during armed conflict. We must also continue our fight to bring to justice transnational organized groups and terrorist organizations for their heinous acts of trafficking, enslavement and torture of women and children.

We appreciate the work of the relevant mandates working to promote women's participation in peace processes and the rehabilitation of children deployed in armed conflict. On our part, we remain committed to consistently underscoring these dimensions in implementing peacekeeping mandates.

We believe that internationally recognized criminal justice mechanisms should be allowed to play their role to ensure justice for countries coming out of conflict situations and sustain peace there. For Bangladesh,

hosting 1.2 million Rohingyas from Myanmar's Rakhine state is a case in point. We welcome the ground-breaking decision of the International Criminal Court to ensure accountability for the grave human rights violations and atrocity crimes committed by Myanmar against its Rohingya population. The Court's order of 23 January is also a momentous development in this regard. Ensuring justice and accountability for the Rohingya population is an important precondition for their safe, dignified and voluntary return to Rakhine state and eventual societal reconciliation.

The President (*spoke in French*): I now give the floor to the representative of Argentina.

Mr. Verdier (Argentina) (*spoke in Spanish*): We thank the Government of Belgium for the initiative to organize this debate, as well as for the special emphasis placed on addressing the issue of transitional justice using an approach that takes into account its four components: truth, justice, reparation and guarantees of non-repetition — one based on the premise that there can be no single transition justice model that is applicable to all cases.

According to the guidance note, transitional justice is considered from a rights-based perspective and provides three ways to continue strengthening the activities of the United Nations in this area.

First, we must seek to take into account the root causes of a repressive conflict or Government and combat violations of all rights, including economic, social and cultural rights. Secondly, it is important to take into account human rights and transitional justice aspects in peace processes. And, thirdly, it is crucial to coordinate disarmament, demobilization and reintegration initiatives with the processes and mechanisms of transitional justice, so that they can positively reinforce one another.

Within the framework of this open debate, we would like to briefly share some aspects of the Argentine transitional justice experience, which is the result of a post-dictatorial process and not of a post-conflict context. We consider it important to issue that disclaimer. What happened in my country's recent past was not an armed conflict. Serious human rights violations against society were committed through the repressive actions of the armed and security forces, within the framework of a de facto dictatorial Government.

Since constitutional order was restored in December 1983, the Argentine State has carried out ongoing work to comply with its international obligations in the area of human rights. One of the first decisions of the democratic Government was the establishment of the National Commission on the Disappearance of Persons, which that took concrete measures to recognize the right to the truth in order to clarify the facts related to the forced disappearance of persons. The following year, the National Court of Appeals in Federal Criminal and Correctional Matters handed down a sentence in December 1985 condemning the members of the military boards that ruled the country to life imprisonment.

The passing of the due obedience and full stop laws in 1987 and the pardons issued in the 1990s to those who had been convicted made it impossible to continue with the ongoing trials regarding serious violations of human rights.

In parallel, the so-called trials for truth took place, which were judicial proceedings initiated with the objective of determining the fate or whereabouts of missing persons. The inter-American human rights system played a central role in strengthening the right to the truth in our country and in the region. Many relatives, unable to obtain justice in local courts, went to the Inter-American Commission on Human Rights, which ruled on the obligation of the State to punish those responsible.

A decade later, the National Congress declared the due obedience and full stop laws null and void, and the Supreme Court of Justice declared them unconstitutional, which led to the formal reopening of more than 1,000 legal cases. According to information provided by the Prosecutor's Office for Crimes against Humanity, from 2006 to 2019 238 sentences were handed down for acts committed during the last civilian-military dictatorship. There are currently 21 cases in oral proceedings; 70 cases are scheduled for oral proceedings; and 260 cases are before the court of first instance.

As the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has pointed out, in order to provide effective reparation to victims it is essential to establish appropriate systems of redress. In that regard, the National Commission on the Enforced Disappearance of Persons has recommended the adoption of the necessary laws so that the relatives of disappeared

persons may receive economic assistance. At present, a set of laws is in force that provides for economic reparation for the serious violations committed during the dictatorship. The Ministry for Foreign Affairs of Argentina provides important assistance to those applying for benefits under those laws in completing the necessary formalities at consular offices.

To conclude, I would like to emphasize the central role of the International Convention for the Protection of All Persons from Enforced Disappearance. Indeed, the Convention provides all States with a basis for the establishment of a solid legal framework in the areas of prevention, punishment, reparation and non-repetition of enforced disappearances and provides for mutual legal assistance mechanisms between States. It should be noted that the Convention is still young, with 62 States parties and 98 signatories to date. Therefore, we invite States to cooperate on moving towards its universalization.

The President (*spoke in French*): I now give the floor to the representative of Romania.

Mr. Jinga (Romania): I would like to thank the Belgian presidency of the Security Council for convening this debate on the topic of the role of transitional justice in ensuring sustainable peace.

Romania aligns itself with the statement delivered on behalf of the European Union. I will now make a few remarks in my national capacity.

This important theme brings with it a conceptual and practical challenge because of its many connections and interlinkages with accountability, criminal justice, democracy and the rule of law. Therefore, our interpretation of transitional justice comprises a broader sense than just a series of tribunals or commissions and refers to the multitude of efforts to reach peaceful and legitimate governance in the aftermath of repressive regimes or widespread violence.

As a country that has undergone a democratic transition that started 30 years ago, Romania represents a successful example of such a process. We believe that transitional justice can be successful only if it is rooted in a holistic approach that encompasses the root causes of conflict or repressive rule, individual prosecution, institutional reform and respect for human rights.

Reforming institutions is a key component of transitional justice. In the absence of reforms, trust and reconciliation are impossible to achieve and institutions

will not be able to sustain and project peace, respect for the rule of law and human rights. Further progress in transitional justice could be achieved if more United Nations peace operations were mandated to address it. An effective way for the international community to support institutional reforms, while safeguarding the principle of national ownership, is to strengthen the rule-of-law component of peace operations.

In that context, Romania has intensified its cooperation with the Justice and Corrections Service of the United Nations Department of Peace Operations and has started the process of submitting nominations for women corrections officers to be deployed in United Nations peace operations. We have also increased our participation in the activities of the Group of Friends of Corrections in Peace Operations, and we encourage other Member States to do so as well.

Another important component of transitional justice is to make access to justice a reality for the most vulnerable people, in the aftermath of widespread violations, through criminal prosecution. Accountability is primarily the responsibility of States and their judicial systems; therefore, the need for capacity-building and justice sector reform is of the utmost importance.

However, when the national investigative apparatus fails, the international community has a responsibility to ensure a back-up justice mechanism that can deliver justice and conduct fair trials. In that respect, the establishment of the International Criminal Court has been an incentive for adopting relevant domestic legislation and consolidating national justice mechanisms.

I would like to reiterate Romania's full support for that institution and our commitment to raising awareness of the Court's mandate and defending the impartial and independent conduct of its functions. My country has also continuously called for renewed attention to supporting national proceedings, including by mainstreaming the concepts of the Rome Statute in the relevant assistance programmes dedicated to the development of the rule of law.

Last but not least, I would like to emphasize the importance of partnerships. In that regard, the role of the Peacebuilding Commission (PBC) in advising the Security Council, its focus on ensuring the peace continuum and its convening role in bringing together Member States, the United Nations system, international

financial institutions, regional organizations and civil society are particularly important. In that vein, I would like to reiterate that during Romania's chairmanship of the PBC in 2018, one of our priorities was to increase synergies between the PBC, the Peacebuilding Fund and the Security Council.

I believe there is a need to address the issue of transitional justice as a building block towards sustaining peace in a more comprehensive manner. We therefore stand ready to engage in future discussions on the full range of processes and mechanisms associated with the effort to ensure accountability and reconciliation in States emerging from conflicts or repressive rule.

The President (*spoke in French*): I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation stresses that justice was and will always remain the cornerstone on which the founding fathers based the United Nations 75 years ago with a view to achieving the welfare, well-being and peace of the nations of the world, without discrimination or selectivity.

In that regard, allow me to recall the provisions of resolution 2282 (2016) underpinning this meeting's concept note (S/2020/98, annex). That resolution reiterates that maintaining peace is both an objective and a process towards building a common social vision, including through efforts to prevent conflict and its escalation, continuation or relapse; address its root causes; achieve national reconciliation; and move towards recovery, reconstruction and development. The resolution stresses the primary responsibility of Governments and national authorities in determining the priorities, strategies and implementation activities required to maintain peace.

However, the practical realities of today are in stark contrast to those guiding principles. Some Governments with political, economic and military influence habitually misinterpret and violate to an unprecedented extent the provisions of the Charter of the United Nations and its working methods and procedure. In an attempt to impose a unilateral view on United Nations frameworks and take them in a direction that would help those Governments interfere in the affairs of other States. The same Governments are trying to introduce divisive concepts that will negatively affect the future of the Organization and its

status, entrench differences and generate discord and hostility in inter-State relations.

The Syrian Arab Republic, along with a considerable number of Member States, warns against a historic turning point, whereby those Governments could use United Nations legal mechanisms as a tool to apply political pressure on some States by linking the principles of justice with divisive concepts such as universal jurisdiction and the responsibility to protect.

We reject the policy of hypocrisy and double standards practised by the Governments of Member States that are negatively interfering in the political process in Syria and are trying to hamper genuine political reconciliation and impose an economic blockade against the Syrian people, thereby undermining reconstruction and recovery in my country. Those are all part and parcel of the provisions of resolution 2282 (2016). The practices of those Governments in the framework of the United Nations are dangerously underpinned by an unethical principle — the end justifies the means.

With regard to the misleading remarks of some representatives about the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM), we reiterate, through legal evidence, that the so-called IIIM has been and will remain a stark example of a breach of the Charter of the United Nations, working methods and rules of procedure.

The General Assembly has encroached on the mandate of the Security Council, violated Article 12 of the Charter and adopted resolution 71/248, in which it established the so-called IIIM despite its full knowledge that the Security Council is the sole organ responsible for addressing the situation in my country, Syria. The General Assembly has even ignored the fact that its mandate, as provided in Articles 10, 11, 12 and 22 of the Charter, does not give it the right or authority to establish any investigative body, legislative body or a mechanism such as this one.

Let me remind the Council that my country — the country concerned — did not request any technical assistance from the United Nations to establish that entity. I will conclude my remarks on the so-called IIIM by saying that, in my country, there are long-standing national legal and judicial bodies that are willing and

able to achieve justice and provide accountability and reparations without the flagrant interference that seeks to achieve distorted justice and reprisals rather than a genuine transitional justice.

We call on all members to adopt balanced policies in which principles are matched by action. We call on the Council to convene a meeting on holding accountable those Governments with direct or indirect responsibility for the flow of thousands of foreign terrorist fighters (FTFs) into my country, Syria, from more than 100 States that are members of this international organization, which promotes the peace and security of nations. All member States of the European Union are among those 100 States. We call on those same Governments to shoulder their responsibilities in taking back the FTFs who hold their nationalities. They have wreaked havoc and left a trail of killings and destruction in my country and in Iraq and Libya.

As we talk about peace and justice, we call on the Council to seriously consider an extremely dangerous issue, namely, the attempt by some members of the Council to use the Council as a media platform for military coalitions, such as NATO, and for the purpose of levelling threats of using military force against States Members of the United Nations from the rostrum of the Security Council, which deals with maintaining international peace and security.

The President (*spoke in French*): I now give the floor to the representative of Sri Lanka.

Mrs. Senewiratne (Sri Lanka): My delegation warmly congratulates Belgium on its assumption of the presidency of the Security Council for the month of February, and we are confident of a fruitful tenure, based on the country's known diplomatic skills. We thank the three briefers for their informative exposés.

Sri Lanka aligns itself with the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries.

As the Council is aware, after nearly three decades of brutal separatist terrorism, Sri Lanka is presently at a juncture of transition to an era of reconciliation and sustaining hard-won peace. We believe, therefore, that the deliberations of today's open debate could have some relevance to Sri Lanka's envisaged path to reconciliation. Sri Lanka's engagement today is in keeping with the Government's vision for a country that embodies the universal values of human rights, justice,

the rule of law and good governance, while ensuring economic dividends to its people.

Members would no doubt agree that the post-conflict milieu of each country is unique. There are no two post-conflict situations in which similar prescriptive remedies can be applied. The comparative experiences of countries that have traversed the path of post-conflict transition and reconciliation provide much evidence of deliberate efforts to maintain a balance between the speed of the transitional justice process and the desired standard, including inclusiveness, comprehensiveness and sustainability. The basic tenet of a transitional justice process is the application of its theoretical principles to State obligations. It is the State that needs to pursue truth, justice, reparations and guarantees of non-recurrence.

Sri Lanka is one of the oldest democracies in Asia. The newly elected President of Sri Lanka, His Excellency President Gotabaya Rajapaksa, in his address to the nation at the seventy-second independence celebrations, pledged to work to guarantee the human rights and political and economic freedom of the people in a truly democratic country. In that context, he espoused that every citizen of Sri Lanka has the right to live freely and securely, holding independent opinions, following the religion of choice and freedom of association and assembly, as they are rights of human beings that no one can challenge.

It is pertinent to reiterate that the action taken by the Sri Lankan security forces during the conflict was in opposition to a group designated as a terrorist organization by many countries — even described as ruthless by some — and was not aimed at any community in the country. The modus operandi of suicide attacks by that terrorist group, which for the first time in recent history deliberately targeted civilians, has now been adopted expansively by similar groups globally.

It is therefore appropriate that, when seeking mechanisms of transitional justice, simplistic theories should take cognizance of the various historical, cultural and religious sensitivities involved. Furthermore, timelines for achieving stated objectives that have evolved externally would only hinder the process of reconciliation, since they would be bereft of any genuine understanding of the situation on the ground.

Promoting a peaceful, just and reconciled society is not only an objective in itself but also a prerequisite for a sustainable and inclusive approach to development

that leaves no one behind. As a sovereign State, Sri Lanka will continue to establish its own priorities to that end. In our experience, while certain lessons can be learned from others, it is imperative to chart our own path to reconciliation in order for it to be sustainable. Sri Lanka is therefore committed to finding innovative and pragmatic solutions that are driven by the domestic context in order to protect the country's national interests, guided by the provisions of the Constitution and the will of the citizens as expressed through democratic means.

In that context, Sri Lanka looks forward to continuing its cooperation with the international community through capacity-building and technical assistance in mutually agreed areas, in keeping with domestic priorities and policies.

The President (*spoke in French*): I now give the floor to the representative of Morocco.

Mr. Kadiri (Morocco) (*spoke in French*): It is indeed a pleasure to see you, Madam President, presiding over the work of the Security Council today.

First of all, allow me to congratulate Belgium on its assumption of the presidency of the Security Council for the month of February and to thank you, Madam President, for taking the initiative to convene today's important open debate on transitional justice in conflict and post-conflict situations, presided over by the Minister for Foreign Affairs of Belgium (see S/PV.8723).

I take this opportunity to thank Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights, for her comprehensive and enlightening briefing. I would also like to thank and commend the other briefers for their important briefings.

Justice and peace remain two fundamental and complementary United Nations principles. There can be peace only through the transformative power of justice. According to resolution 2282 (2016) and other United Nations resolutions, transitional justice is an integral part of a comprehensive and lasting peace. Transitional justice may be defined as having four essential pillars — the right to truth, the right to justice, the right to reparations and the guarantee of non-repetition — and on the basis of institutional reform it provides a number of mechanisms that a society in conflict or a post-conflict society can employ to restore calm and normality. We welcome today's

debate to share our views on the issue and would like to emphasize the following points.

First of all, reconciliation and peacebuilding are closely linked to promoting respect for the law in order to ensure the effective implementation of international humanitarian law and international human rights law. Member States should develop national policies based on good practices to establish institutional bodies to work in the area. Accordingly, whatever mechanism is implemented, its success will depend above all on taking into account the specificities of the society in which transitional justice is to be implemented. National ownership is therefore key in that regard.

Secondly, transitional justice mechanisms should involve the participation of women and children in reconciliation processes. The participation of women and children in transitional justice is key to breaking cycles of violence from generation to generation and to preventing future violations. Not only is the participation of children and women a right but it also contributes to strengthening their ability to participate actively as citizens.

Thirdly, we believe that it is important to prioritize mediation and prevention. In that regard, the role of religious leaders and mediators must be highlighted. In traditional societies, such actors enjoy an influential voice and authority that should be used for the benefit of their communities in conflict and post-conflict situations.

Lastly, I stress the need for all reconciliation processes to take place at both the national and local levels. To that end, it is necessary for dialogue at the local level to evolve into dialogue at the national level, thereby ensuring the inclusivity of the process and its national ownership.

The President (*spoke in French*): I now give the floor to the representative of the Netherlands.

Mr. Zellenrath (Netherlands): The Netherlands fully aligns itself with the statement delivered by the Permanent Observer of the European Union.

At the recent conference on mental health and psychosocial well-being in Amsterdam, Abdelkarim, a young Syrian refugee, said,

“To the people who see me as a traumatized refugee, I tell them: Look at me now; I am no longer a victim;

instead, I am a person with skills and expertise to support my community”.

That quotation underscores three points that the Kingdom of the Netherlands wishes to contribute to today’s important open debate — for which we thank the Belgian presidency — concerning, first, victim-centredness; secondly, meaningful participation; and, thirdly, the importance of mental health and psychosocial support.

Transitional justice is critical to sustainable peace, breaking cycles of violence and preventing future conflicts in order to build more just, peaceful and inclusive societies, as well as preventing conflicts from reappearing on the agenda of the Security Council, which, like other parts of the United Nations system, has an important role to play in transitional justice. To that end, first and foremost, the victims of massive human rights violations should remain at the centre of transitional justice processes. In order to move forward, transitional justice processes should acknowledge their experiences, need for justice, need to recognize their rights and need to restore their dignity.

There are good recent examples in which victims have been actively involved in conflict and post-conflict situations, such as in Colombia, where they were heard directly during the peace process in Havana. Their involvement showed that peace and justice are not mutually exclusive. In fact, they run in parallel. In future peace processes, victims’ voices also need to be heard. That will also help avoid blanket amnesties that violate international law.

Secondly, meaningful victim participation throughout the entire process is essential. Delivering effective transitional justice means that it is locally owned and carefully crafted in relation to the context. It should be experienced by victims and the affected populations as truly transformative, as was the case in South Africa. Civil society is often the driver of the process, contributing directly through documentation, mobilization and support for victims.

International mechanisms, such as international tribunals, have a role to play, mainly in a complementary capacity when local institutions fail to provide victims with genuine justice. Victims and survivors have a diversity of needs and perspectives, such as those of child soldiers, women forced into marriage or their children born from conflict. The Security Council should listen more to their voices and the plight and

views of women, children and youth and should do its utmost to incorporate their needs into relevant mandates.

Thirdly, we urgently call for mental health not to be neglected. Transitional justice takes place in a context in which people, communities and whole societies have gone through highly traumatic events. It is meant to enable them to come to terms with the past in order to restore trust and dignity. Mental wounds need to be healed. Yet, in crisis situations, they are too often disregarded.

We call for structurally integrating mental health and psychosocial support into our responses. They should be part and parcel of any effort towards peace and reconciliation from the start, thereby enabling people like Abdelkarim to move beyond their victimhood. In that way, societies can move beyond their troubled past and consign their conflicts to memory and history. Only recently, we have seen hopeful signals coming out of the Sudan with regard to transitional justice and perhaps one day the same will happen for Syria and other countries that are desperately in need of transitional justice processes.

Let me reiterate our gratitude to Belgium for its outstanding effort and leadership in organizing this open debate.

The President (*spoke in French*): I now give the floor to the representative of Malta.

Mrs. Frazier (Malta): We thank Belgium for organizing this open debate on the role of transitional justice in attaining and maintaining sustainable peace and security by breaking cycles of violence and delivering a sense of justice to the victims and promoting accountability.

Malta fully aligns itself with the statement delivered earlier by the Permanent Observer of the European Union. We would like to add a few remarks in our national capacity.

Transitional justice processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law. They incorporate the key elements of criminal justice, truth-seeking initiatives, reparations for victims and reform of public institutions that serve as our course of action and underpin the practical side of delivering transitional justice.

In post-conflict situations, judicial and non-judicial measures that are implemented to redress the legacies

of human rights abuses are an obligation. The international community, under the auspices of the United Nations, has a particular obligation to ensure that justice is served. It is imperative that, sooner rather than later, the perpetrators of war crimes and crimes against humanity be brought to justice.

That is the only way that a transition can really and truly commence and that the victims who have suffered the brunt of the atrocities committed against them can move towards closure. Tragically, impunity for perpetrators of conflict-related violence targeting the most vulnerable in society continues, which is why strengthening accountability for such crimes is crucial. It is the responsibility of all States, in accordance with their obligations freely undertaken under the relevant multilateral treaties, and of the international community as a whole, to address such crimes, protect survivors and bring perpetrators to justice.

In that context, we commend the significant progress on international justice made by the International Criminal Court in combating conflict-related sexual violence. Malta supports all efforts to end impunity, including gender-sensitive transitional justice processes and building the capacity of law enforcement and justice systems to handle cases in a gender-sensitive way.

The international community has come to understand that transitional justice needs to be an essential part of post-conflict reconstruction, including national transition processes. It is a concept that needs to be tailor-made — avoiding a one-size-fits-all approach — according to which the sensitivities and nuances of every scenario need to be considered. In addition, the principles of accountability for violations of human rights law and of international humanitarian law should be upheld as overarching principles together with international law obligations.

Malta believes that cooperation among different international institutions under the aegis of the United Nations is key to identifying appropriate common strategies for an integrated response to post-conflict reconstruction, based on the respective comparative advantages. Against that background, we are pleased that a number of United Nations agencies have already identified how transitional justice can be best served through their work on the ground in those situations.

In our view, prosecution is one of the key formal mechanisms through which transitional justice is meted

out. Malta reaffirms that prosecution initiatives should be based on the clear principle of combating impunity in compliance with international fair-trial principles.

In that regard, the link with the International Criminal Court is crucial. Malta continues to support to the Court as an independent transitional justice agent within the framework of its wider commitment to a rules-based international order. Furthermore, we laud the invaluable work carried out by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda — strengthening the rule of law and bringing justice to thousands of victims, while spearheading the shift from impunity to accountability.

Today we have mechanisms that are entrusted with the responsibility of seeking to counter actions that are not in conformity with the principles of justice of international law. We recognize that, in its role to maintain international peace and security, the Security Council is ever more prepared to include human rights, policing, judicial and legal systems and prison system responsibilities in mandates. In that regard, we urge the Security Council to take further proactive steps to ensure that the voices of women and men and girls and boys are heard equally when transitional justice activities take place.

As we celebrate 20 years since the adoption of resolution 1325 (2000), achieving gender equality and women's empowerment — in particular by ensuring the full and effective participation of women and girls in all spheres — should become essential prerequisites for the implementation of the women and peace and security agenda. Similarly, States have an important responsibility to protect children worldwide. As we celebrate the thirtieth anniversary of the Convention of the Rights of the Child, Malta remains committed to continuing to safeguard the rights of the child and to contribute to efforts to render the use of children in armed conflict a thing of the past.

In conclusion, those challenges demonstrate that transitional justice is often the driver of political change. Malta firmly believes that the objective of transitional justice is to signal that impunity cannot triumph and that justice will be served.

The President (*spoke in French*): I now give the floor to the representative of Canada.

Ms. Blais (Canada) (*spoke in French*): I would like to commend Belgium for putting forward this crucial topic, which we hope will pave the way for us to explore how the Security Council can foster peace by supporting transitional justice initiatives in country-specific contexts. I would also like to thank Her Excellency Ms. Michelle Bachelet, Mr. Francisco de Roux and Ms. Yasmin Sooka for their thoughtful and insightful contributions to today's debate (see S/PV.8723).

We must identify victims. We must support victims. We must respond to their needs and ensure that they are at the heart of transitional justice. Canada's foreign policy is based on the recognition of the importance of reconciliation and survivor-centred approaches. We know that the recognition of responsibility is essential for a society to accept a history of widespread crime and abuse and for a lasting peace to emerge. That applies equally to war crimes, crimes against humanity and genocide.

(*spoke in English*)

Justice is also about establishing a historical record on personal and institutional responsibility for mass atrocities, addressing gender inequality and social exclusion, providing access to remedies, reforming institutions and bringing about a degree of reconciliation between perpetrators and victims and guarantees of non-recurrence. Transitional justice has no magical powers. The journey to repairing harm is a process, not an event, and it can be painful and lengthy.

While each country's transitional justice path is shaped by its own unique history and cultural context, as we heard earlier this afternoon, the one striking advance in the field of transitional justice is that victims, often the most marginalized and vulnerable in society, have become visible and their dignity is recognized and respected. Transitional justice has helped victims and their families articulate their demands for justice and ensure that they are meaningfully engaged in shaping the legal and social policies that affect them.

The centrality of the voice of victims and their families was critical to our own transitional justice processes. In seeking reconciliation with indigenous peoples in Canada, we are undergoing a very difficult, but necessary, exploration of our treatment of indigenous peoples and providing reparations for the harm that they have suffered. Their experience was mostly one of humiliation, neglect and abuse, including the economic disenfranchisement and exclusion from

traditional lands of Inuit and First Nations Peoples and a systematic denial of the rights and history of the Métis.

We established two federal commissions: one documenting the history and lasting impact of the Canadian residential school system that separated children as young as 5-years-old from their families, punished them for speaking their own language and sought to extinguish indigenous cultures entirely and a commission into missing and murdered indigenous women and girls that examined the systematic causes of all forms of violence against indigenous women and girls, including, sadly, sexual violence. As Prime Minister Trudeau stated in 2017, the failure of successive Canadian Governments to respect the rights of indigenous peoples in Canada is our great shame. And for many indigenous peoples, the lack of respect for their rights persists to this day.

We are determined to bring the perspective that we have gained about the importance of reconciliation and a victim-centred approach into our work as Chair of the Peacebuilding Commission (PBC). The first public hearings before the Truth, Reconciliation and Reparations Commission in the Gambia have begun. I believe that we will hear from the representative of the Gambia shortly. Those hearings are set to last two years, many of which will be televised. That is an incredible step. It will likely be a long and, at times, distressing journey full of sorrow and grief. We congratulate the Gambia for its commitment to a credible and inclusive transitional justice process and its engagement with the PBC. As Chair of the PBC, we hope to continue working with them this year and beyond. While reckoning with its own legacy, we applaud the Gambia's efforts to foster such a process in Myanmar and contribute to the prevention of future atrocities committed against the Rohingya by launching proceedings against Myanmar at the International Court of Justice.

In Argentina, the State worked long and hard to confront past violations, including the disappearances of 30,000 people in the 1970s and 1980s. Innovations were adopted that put the needs of victims first, such as the truth trials that led to criminal trials and convictions and an active judicial system on victims' rights generally. As highlighted by Ms. Bachelet, Chile embarked on large-scale truth-telling processes that identified victims and acknowledged the crimes committed against them between 1973 and 1990. Innovations included monthly reparations disbursements that were paid to victims, who were also exempted from military

service. Most recently, moreover, earlier this week, the Government of the Sudan announced several important decisions that promise to pave the way towards meaningful accountability for the Sudanese people. Canada welcomes those decisions.

In conclusion, as the Security Council explores how to integrate transitional justice considerations and further build on its work, both in relevant country-specific contexts and across thematic areas, Canada believes that it will be critical to place victims at the centre of that effort. It is critical because it is empowering. It engenders dignity and fosters trust and, as the evidence suggests, makes the possibility of achieving the aims of transitional justice more likely, which can only strengthen the State and society and lead to a more lasting and sustainable peace.

The President (*spoke in French*): I now give the floor to the representative of the Gambia.

Mr. Yabou (Gambia): Transitional justice is a long-standing concept, the success of which is evidenced by the fact that countries in conflict and post-conflict situations across Central and Eastern Europe, Africa and Latin America have all adopted the outcomes of its processes to usher in sustainable peace. We in the Gambia are grateful to you, Madam President, for organizing this open debate, which avails us of an opportunity for countries like mine to contribute by sharing our ongoing experience with this body. I also join others in thanking all of our briefers today.

The Gambia has come a long way — from the clutches of a brutal dictatorship through the dark days of political impasse to our restored vibrant democracy of today. Our story is one that should be shared thanks to the progress we have managed to achieve and continue to nurture with the support of the international community. While attempting to limit my intervention to the concept note (S/2020/98, annex) and the questions formulated to guide the debate, allow me to share with the Council the following key elements that guided and informed our own transitional justice as we endeavoured to consolidate and sustain the peace that our electorates yearned to preserve following the political impasse we endured in December 2016.

First, to establish a transitional justice process, the Government thought it necessary to first embark on a countrywide consultation with a view to gaining the buy-in or consent of the population to support an inclusive, nationally led and nationally owned process

with the active inclusion and participation of women and young people.

Secondly, after that countrywide consultative process, the Government deemed it wise to set up a truth, reconciliation, and reparations commission that represented the views of the majority concerning truth-seeking, reconciling communities and paying reparations to victims by providing psychological support and care, including medical and health care.

Thirdly, a successful transitional justice process must take into account the need to establish the rule of law by giving due consideration to concerns raised by the population and civil society groups, including the media. A fully participatory and inclusive constitutional review commission was therefore set up to review the current Constitution of the Gambia. The commission did not limit its engagement to within the country, but also reached out to the diaspora as part of its ongoing consultations with all stakeholders.

Fourthly, in order to further strengthen the gains made in human rights protection, the Gambia has, for the first time, established a national human rights commission that is now functional. Moreover, the Government is now meeting its reporting obligations under the various human rights instruments and treaties.

Fifthly, the population must be reassured of the future by unveiling a truly inclusive development plan that is capable of predicting a development trajectory ambitious enough to restore hope.

Sixthly, and finally, is the issue of security sector reform. Although a lot of work still needs to be done in that endeavour, the Government of the Gambia has established the Office of the National Security Adviser to lead efforts towards the successful implementation of security sector reform policy and strategy.

None of the six key elements I mentioned are achievable without the timely intervention of the international community. On the part of the Gambia, our success and achievements are all thanks to the early and timely support of the Peacebuilding Commission (PBC) and the Peacebuilding Support Office, as well as critical funding from the Peacebuilding Fund (PBF) and other partners. The Gambia's political transition benefited immensely from a healthy dose of optimism and catalytic transformation. With the launch of various reform programmes and transitional arrangements and thanks to the support of the PBF and other donors,

we are now witnessing good governance that is built on the rule of law and respect for human rights and fundamental freedoms

Political stability and participatory democracy have become the order of the day. Freedom of press is once again being consolidated with the proliferation of more print media, private television stations and new media houses. Civil society is now operating with freedom, vibrancy and without fear of Government clampdown or interference. Many of our young people who undertook perilous journeys across the Sahara and the Mediterranean are now returning home. They need employment and social reintegration, for which the Government continues to seek the support of our partners.

Finally, the dividends of democracy, peacebuilding and sustaining peace in the new Gambia must be sustained. All the positive developments we have witnessed would not have been possible without the real-time support of the PBF and other partners. The role of the PBC as a player in global peace and security has transcended and must transcend beyond its advisory role to the Security Council in the areas of conflict prevention, development, peacebuilding and sustaining peace.

The President (*spoke in French*): I must remind all speakers to limit their statements to four minutes so that the Council can carry out its work in as timely a manner as possible.

I now give the floor to the representative of Rwanda.

Mr. Kayinamura (Rwanda): We join other delegations in thanking Belgium for convening today's debate. We also thank the briefers for their insightful briefings (see S/PV.8723) and welcome the ministers who spoke here today.

We thought it would be useful if Rwanda shared its own experiences. In the aftermath of the genocide, Rwanda had to think about the genocide itself and the tasks of healing, reconciling the people and carrying out justice. Rwanda had to seek justice to move forward after that terrible and most disturbing time in our history. The process of seeking truth and justice is not about reprisal, but rather about healing, educating and building relationships on the strength of communities and collective interests. Rwanda has learned that ensuring transitional justice and development

contributes to transformations that bring sustained and meaningful improvement to people's lives.

Our transitional justice involved a full range of processes and mechanisms associated with our society's attempt to come to terms with a legacy of large-scale past abuses in order to ensure accountability, serve justice and achieve the reconciliation we needed. The Government of Rwanda was quick to note that a prompt response to the country's problems was the primary responsibility of the Rwandans themselves. A homegrown and traditional solution, rather than a classic judicial one, to their demands was needed to redress the more than 1 million lives lost and the thousands of cases piled up.

In order to address the issue of the thousands of accused still awaiting trial and to bring about justice and reconciliation at the grass-roots level, the Rwandan Government re-established the traditional *Inkiko Gacaca*, commonly known as the Gacaca courts. We can happily say that it was a Rwandan solution to a Rwandan problem that we had to address. The high degree of popular participation generated a sense of legitimacy among the population that, as result, brought conflicting groups back together to move the country forward. The Gacaca trials promoted reconciliation by providing a means for survivors to learn the truth about the death of their family members and relatives. It also gave perpetrators an opportunity to confess their crimes, show remorse and ask for forgiveness in front of community members.

Rwandans considered the Gacaca courts to be homegrown and that they fit into the underlying objective of accountability, as well as balancing justice, truth and peace and security in Rwanda. For Rwandans, the Gacaca courts allowed ordinary Rwandan men and women to play a central role in the proceedings and outcomes of the entire process, which in fact sped up the backlog of cases. In that way, the Gacaca courts allowed Rwandans to own the justice process and work together to find solutions to move forward. Today the returns manifest themselves in a growing economy and in a society in which the rights to a dignified life are continuously embraced in our pursuit of unshakable peace and unity. Rwandans can attest that the Gacaca process played a key role in advancing peace and reconciliation in the country.

It is important that we recognize that national or homegrown initiatives such as the Gacaca courts

should be supported, as they have a more direct and sustainable impact on affected populations. Those initiatives, often referred to as transitional justice, are most cost-effective, can more effectively contribute to unity, reconciliation and peacebuilding, and have a positive effect on broader justice reform.

To sustain the gains from transitional justice, Rwanda has promoted inclusive and intentional leadership, defined by three key pillars — unity, accountability and thinking big. Those pillars have instilled in each and every Rwandan a sense of responsibility towards sustaining our collective gains and the discipline needed to work towards our shared goal of realizing peace and security in the country. Rwanda has also adopted inclusive policies and structures and created platforms — many of which were homegrown solutions, at all levels — to encourage community involvement in nation-building efforts and ownership.

In conclusion, in post-conflict situations, it is not a flat principle that classic solutions will often redress the situation. In Rwanda we have learned that transitional justice can heal and contribute to reconciliation and sustained peace, especially if it is context-based.

In 10 years, Gacaca courts tried more than 1.9 million suspects. But beyond the numbers, Rwanda's experiment in mass community-based justice shed light on what happened in their local communities in the 100 days, helped families find the bodies of their loved ones, whom they could otherwise not have found, ensured that tens of thousands of perpetrators were brought to justice and set reconciliation in motion. The Gacaca trials also served to promote forgiveness and gave perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their entire community.

The President (*spoke in French*): I now give the floor to the representative of Iraq.

Mr. Bahr Aluloom (Iraq) (*spoke in Arabic*): At the outset, I would like, on behalf of my country, to thank the Kingdom of Belgium for having organized this open debate to arrange for an exchange of views on such an extremely important subject. Transitional justice is an essential pillar for strengthening security and stability in States and societies that are going through a radical political transformation. I also thank all those who have given valuable briefings during this meeting.

Iraq attaches the greatest priority to transitional justice. We are strongly convinced that stability can be realized only if we ensure justice for the victims of the criminal acts committed under the former dictatorial regime on the one hand, and by terrorist groups, particularly the Islamic State in Iraq and the Levant (Da'esh) and Al-Qaida, on the other. Perhaps the most prominent example of those horrendous crimes is the finding of hundreds of mass graves dug by the defunct regime. We have also found more than 200 mass graves, including 12,000 corpses, in various Iraqi governorates that were under the control of Da'esh.

The legacy of violence and injustice left by the previous regime, as well as the stark violations of human rights perpetrated by Al-Qaida and Da'esh, mean that transitional justice in Iraq faced a number of political and security obstacles after 2003.

My Government is keen to achieve justice for the victims of the dictatorial regime through a number of mechanisms, starting with the holding of public, transparent and fair trials of senior officials of the former regime, and establishing many institutions to implement transitional justice in order to ensure that there is no impunity. The most important of them are the Iraqi High Criminal Court, which deals with crimes against humanity; the Supreme National Commission for Accountability and Justice; the Property Claims Commission; and the establishment of the Martyrs and Political Prisoners Foundation. The Government also provided financial and moral reparations to affected victims, either through direct financial aid to the victims or compensation for the families of martyrs and prisoners.

The Government also provided young people, women and children with financial and moral compensation, as enacted in Law number 3 of 2006, under article 132 of the Iraqi Constitution. Special school opportunities are also provided for families of martyrs and political prisoners in order for them to complete higher studies in all specialties. Consecutive Iraqi Governments created, after 2003, an environment conducive to activating civil-society organizations. Those organizations are playing an important role in supporting the process of transitional justice by collecting evidence and carrying out transparent surveys among the population to see whether they are satisfied with the progress made. They also deal with the oppressed and defend them.

The National Assembly also established an advisory body that includes civil-society organizations dealing with human rights. That was the first such body in Iraq, with 19 representatives from different civil-society organizations. It helps the parliamentary human rights committee in effectively participating with civil society in order to promote human rights in Iraq.

Given the Iraqi plan to create an environment appropriate to preventing any recurrence of violations and realizing the goals of transitional justice, consecutive Governments were keen to strengthen societal awareness supporting this process through democratic education, with a view to supporting peace and stability.

Circumstances within Iraq are also connected to circumstances outside the country that also affect transitional justice. In May 2003, the Security Council adopted resolution 1483 (2003), which considered Iraq to be under occupation. The State institutions had collapsed, and Iraq was managed by the authority of the temporary coalition. Order number 1 of 16 May 2003 was adopted to eliminate the Baath Party, which caused great social and political controversy. The order was then superseded by Law number 10 of 2008, based on national dialogue, giving way to a new stage of evidence-collecting and holding accountable those responsible for criminal acts against the Iraqi people through a new institution, namely, the Supreme National Commission for Accountability and Justice.

Iraq seeks to strengthen its system, which is based on institutional and constitutional legitimacy, by implementing the provisions of its constitution of 2005 in order to overcome the heavy burden of the past and through a number of measures aimed at promoting stability and security. My country has nonetheless faced serious challenges that have prevented us from making progress — not only on transitional justice, but in other areas as well.

The main challenge and threat was terrorism, as manifested in the Al-Qaida and Da'esh terrorist groups. Terrorism was not Iraq's sole challenge; rather, it was the prelude to and result of other challenges, including administrative corruption, as well as economic and financial challenges, along with their repercussions in terms of deepening the development gap in the various governorates of Iraq. In addition, the nascent democracy and transitional justice aimed to achieve justice for the victims. That was accompanied with

efforts to ensure accountability for terrorists, which posed legal and logistical challenges for my country, Iraq, at the domestic and international levels.

The President (*spoke in French*): I would like to remind speakers one last time to kindly limit their interventions to four minutes so that the Council may finish its work within the allotted time.

I now give the floor to the representative of Angola.

Mr. Gimolieca (Angola): All protocol observed, Angola is grateful to the delegation of Belgium for promoting and convening this timely debate on such an important and integral component of our common efforts to advance sustainable peace and security.

Transitional justice is a central component of advancing sustainable peace in post-conflict States and an important process through which the Security Council has been promoting peace and security in order to achieve global sustainable development. Along with other United Nations peacekeeping processes such as disarmament, demobilization and reintegration, security-sector reform and the strengthening of the rule of law, transitional justice has significantly evolved, from operating as a standard response to mass atrocity to becoming the core component of peacebuilding programmes. Despite the progress made to date, much still needs to be done, and this open debate demonstrates the Council's renewed commitment to our common efforts to maintain international peace and security.

The Angolan civil war raged from 1975 to 2002 and was the longest-lasting conflict in Africa. It destroyed roads, railways and bridges, decimated the agricultural infrastructure and left much of the population with no memory of what life was like in peacetime. Now, in a time of peace and reconciliation, Angola has focused on large infrastructure and public-works projects, rebuilding important sectors of the economy, in particular the education and health-care systems. We also acknowledged the importance of building a systemic plan on demobilization and reintegration, as we recognized that these are not discrete activities, nor are they simply adjuncts to demilitarization programmes. Instead, they are part of a seamless web of transition from military to civilian life.

The Angolan Government acknowledges the valuable impact of transitional justice in post-conflict situations by promoting human rights, democracy, the rule of law, reconciliation and peacebuilding.

Transitioning from war to peace is a difficult task with mounting challenges. We fully recognize that as the process of transitional justice evolved and expanded over the years, it also became increasingly normalized and professionalized, with the same tools and frameworks often used across different contexts without adequate consideration of the everyday needs of the people across the diverse and heterogeneous societies of post-conflict States. That has been a roadblock and one of the key challenges in making transitional justice more effective at rooting out inequality, discrimination, societal divisions and other structural root causes of violence and conflict in post-conflict situations, particularly on the African continent. We believe that those challenges can be overcome by developing tailored transitional mechanisms from a peacebuilding and reconciliation perspective, taking into account the multiple justice needs of the local population and other members of society directly affected by the violence who are intimately involved in reconciliation and peacebuilding.

The Angolan Government has made adhering to international human rights standards one of its focus points and has launched a model of transitional justice rooted in the principles of reconciliation, forgiveness and material truth, with an emphasis on attaining long-term sustainable peace. The model encompasses, among others, an interministerial reconciliation commission established to develop a reconciliation plan to honour the victims of political conflict during the civil war that afflicted the country for more than three decades. We firmly believe that such initiatives are a critical step in linking the past and the future as well as a building block for an integrated and comprehensive peacebuilding process that can serve as a model for neighbouring countries and the international community. A comprehensive approach to peacebuilding should allow for the establishment of the security, legal, political, economic, structural, cultural and psychosocial conditions necessary to promote a culture of peace in the place of a culture of violence. In that regard, justice as part of peacebuilding must set up structures, institutions and relationships to promote sustainability.

To conclude, please allow me to reaffirm the Angolan Government's commitment to advancing peace, prosperity and human rights in Angola and across the African continent.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Šimonović (Croatia): Croatia aligns itself with the statement delivered by the observer of the European Union on behalf of its member States. I would like to make some additional remarks in my national capacity, focusing on lessons that can be learned from the Croatian experience.

If I were to single out the most important lesson, it is that transitional justice is a process that takes time. Transitional justice activities started in Croatia as early as the first half of the 1990s, during the conflict in the former Yugoslavia, and some are ongoing, a quarter of a century later. Both national and international criminal proceedings against some of the alleged perpetrators of war crimes started during the conflict but are also continuing to this very day.

Croatia was a strong supporter of the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY). We have placed our trust in the Tribunal to serve as an impartial international justice institution that will help to establish the truth, punish the perpetrators of the worst war crimes, provide justice for the victims and shield populations from future brutalities. Although it did not deliver as much as we had optimistically hoped for, the Tribunal played an important role in giving a voice to the victims. It has demonstrated that crimes will not go unpunished and that the international community has found a means through which to react. Following the ICTY, other ad hoc tribunals, as well as the International Criminal Court, were established, learning from the ICTY's best practices and its shortcomings.

Croatia's judicial system has also made significant progress in its ability and willingness to deal with war crimes. Public opinion towards war crimes has also evolved. Some initial one-sided views have been gradually replaced by the universalist paradigm that all crimes should be punished, no matter the affiliation of victims or the perpetrators. The clear lesson is that if in the heat of the moment mistakes are made, we must be brave enough to acknowledge and correct them.

For various reasons, including cultural ones, it may take a long time for some victims to speak up and ask for help, if they do it at all. It especially concerns victims of sexual violence. Transitional justice also includes an acknowledgement of the fact that victims have been harmed and that they are entitled to an effective remedy and adequate reparations. In Croatia, some victims of sexual violence, their families and communities are

still coping with devastating and lasting consequences. In 2015, the Croatian Parliament passed the Act on the Rights of Victims of Sexual Violence during the Military Aggression against Republic of Croatia, which grants reparations that may include financial compensation, a monthly stipend, access to free counselling, as well as legal and medical aid. Those benefits can be obtained through an administrative process. A court sentence is not required, which makes reparations faster and more accessible. The response of victims was good, and a number of them were finally compensated. Lessons were learned. First, to be able to compensate victims effectively, we need a victim-centred approach and, secondly, we should tailor restitution mechanisms accordingly.

Comprehensive transitional justice policy, if designed and implemented with broad and inclusive participation, in line with resolution 1325 (2000) and following resolutions, has the potential to provide recognition to victims, strengthen the rule of law, foster trust, empower women and promote social integration and reconciliation. It helps societies to heal and decreases the likelihood of future conflicts. However, transitional justice is a process. Sometimes we may have to be patient, especially with regard to individual accountability, but we should never quit. It may take decades, but Al-Bashir, Mladić and others who enjoyed impunity for their crimes while holding positions of power must finally be brought to justice.

The President (*spoke in French*): I now give the floor to the representative of Ukraine.

Mr. Vitrenko (Ukraine): We appreciate your timely initiative, Madam President, to discuss this very important issue.

I would like to put on record that my delegation aligns itself with the statement delivered on behalf of the European Union.

At the outset, let me recall the widely recognized notion that transitional justice is composed of different sorts of regulations, including retributive justice, restorative justice, reparatory justice, administrative justice and constitutional justice — all of which shall be understood as complementary to each other. We share that vision and agree with the conclusion with regard to the lack of a coherent and comprehensive approach to the holistic implementation of all components of transitional justice, as rightly mentioned in today's concept note (S/2020/98, annex). Still, there is no doubt

that transitional justice is an important tool, which, from its inception, continues to be developed not only in the legal domain, but is also associated with complex processes involving non-judicial instruments and mechanisms employed to restore peace in post-conflict circumstances.

The subject of transitional justice gained special importance for my country amid the ongoing foreign aggression — almost six years of unprecedented, in post-war Europe, violations of the basic norms and principles of international law and order, the occupation of the Autonomous Republic of Crimea and the city of Sevastopol and certain parts of the Donetsk and Luhansk regions of Ukraine.

Taking into account my limited speaking time and the late hour, I will not recall all of Ukraine's actions and judicial avenues to achieve justice in international courts and tribunals, including the International Criminal Court, and bring to account those responsible for numerous war crimes and human rights violations in the temporarily occupied territories of Ukraine. I will also not delve into the details of the Ukrainian proposal that dates back to early 2015 to deploy a peacekeeping operation, under the auspices of the United Nations, with a strong transitional justice component in its mandate.

Instead, I will focus on the practical realization of transitional justice by the Ukrainian authorities. Before doing so, it is important to refer to the 2010 guidance note of the Secretary-General on a United Nations approach to transitional justice and touch upon the normative boundaries of the United Nations, in accordance with international standards, in particular the fact that the United Nations cannot endorse provisions in peace agreements that include amnesties for genocide, war crimes, crimes against humanity and gross violations of human rights.

In 2019, the Legal Reform Commission was established in Ukraine by presidential decree. The Commission acts as a consultative and advisory organ for the Head of State. The body includes a Working Group on the Reintegration of Temporarily Occupied Territories, which is tasked with the following: drafting the national transitional justice model for Ukraine, for both Crimea and Donbas, amending provisions in Ukrainian legislation with regard to the residents of temporarily occupied territories and drafting the de-occupation and reintegration strategy for Crimea and Donbas.

At present, the Working Group, jointly with human rights non-governmental organizations and international experts, developed the draft concept of a State policy for the protection of human rights in the context of overcoming the consequences of international armed conflict on the territory of Ukraine. The concept is a framework document and represents an embodiment of the overall concept of transitional justice for Ukraine. Its pillars relate to access to justice and fair treatment, redress for victims of armed conflict, restoration of violated rights, ensuring the right to truth, the prosecution of perpetrators of serious crimes and measures on non-repetition.

In conclusion, let me just note that almost in all cases of recent conflicts, justice has become transitional. Despite the absence of a universal solution that would fit all scenarios, the establishment of truth, justice, reparations and guarantees of non-recurrence are among the preconditions for sustainable peace after wars, conflicts and occupation. The ongoing Russian-Ukrainian conflict is not an exception here.

We hope that in the near future the efforts of Ukraine, supported by the international community and aimed at the peaceful settlement of the conflict and the de-occupation of Ukrainian territories, will serve as a historic example, including in the field of the effective implementation of transitional justice during ongoing conflicts, as well as post-war reintegration, reconstruction and reconciliation.

The President (*spoke in French*): The representative of the Russian Federation has asked for the floor to make a further statement.

Mrs. Zabolotskaya (Russian Federation) (*spoke in Russian*): We asked for the floor to comment on the statements made by the delegations of Ukraine and Georgia. In all United Nations meetings, regardless of the subject at hand, those delegations continue to level well-known mendacious accusations at my country. We would like to underscore here that repeating such statements does not make them truthful or convincing.

The representative of Georgia addressed the circumstances surrounding the independent states of South Ossetia and Abkhazia. Those tragic circumstances were connected to the attack of the Saakashvili regime, in power in Georgia in 2008, on the peaceful town of Tskhinvali and on the peacekeepers stationed there, under international mandate. As a result, both civilians and peacekeepers died. To date, Georgia has not taken responsibility for the attack or apologized to the civilians of South Ossetia for the crimes perpetrated. It has continued to attempt to lay its guilt on others.

The statement by the representative of Ukraine has also shown nothing new. The delegation persists in hiding the fact that Ukraine continues to wage war against its people in Donbas, thereby violating the Minsk agreements. It also continues to attempt to impede the decision of the people of Crimea, which was taken through a referendum to leave Ukraine, following the violent overthrow of the legal President of Ukraine, achieved with outside intervention.

We call on those delegations to make a positive contribution to the work of the Organization and not to consider issues that are not on the agenda of the meeting.

The meeting rose at 6.10 p.m.