



Security Council

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Thursday, 2 June 2022, 3 p.m.

New York

Provisional

President: Mr. Hoxha/Ms. Dautllari (Albania)

Members:

Brazil	Mr. Silveira Braoios
China	Mr. Li Kai
France	Ms. Lebatteux
Gabon	Mrs. Onanga
Ghana	Mr. Anyanah
India	Ms. Bhat
Ireland	Ms. O'Sullivan
Kenya	Ms. Nyakoe
Mexico	Mr. Arrocha Olabuenaga
Norway	Mr. Richardsen
Russian Federation	Mr. Leonidchenko
United Arab Emirates	Mr. Azzam
United Kingdom of Great Britain and Northern Ireland . .	Mr. Rice-Howell
United States of America	Mr. Simcock

Agenda

Maintenance of international peace and security

Strengthening accountability and justice for serious violations of international law

Letter dated 24 May 2022 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (S/2022/418/Rev.1)

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The meeting resumed at 3.05 p.m.

The President: I would like to remind all speakers to limit their statements to no more than three minutes in order to enable the Council to carry out its work expeditiously. Flashing lights on the collar of the microphone will prompt speakers to bring their remarks to a close after three minutes.

I now give the floor to the representative of Switzerland.

Mrs. Baeriswyl (Switzerland) (*spoke in French*): At the outset, let me congratulate you, Sir, on your presidency and wish you and your team good luck. I would like to thank you for organizing this debate on such a critical topic, and I thank the briefers for their invaluable contributions

A world without accountability is a world in which impunity replaces the rule of law and peace and security are no longer guaranteed — a reality that is unfortunately experienced by many victims. If impunity is allowed to go unchecked, it encourages new violations. Accountability is therefore crucial to preventing atrocities, and it is incumbent upon States and the Security Council to implement the existing accountability mechanisms, continually refine them and establish new ones where necessary. I should like to underscore three points.

First, States have the primary responsibility to investigate and prosecute the most serious crimes and violations of international law. They must ensure that violations are documented and that they are independently and impartially investigated and prosecuted, regardless of their perpetrators. To that end, States must use existing tools, such as the relevant tribunals, accountability mechanisms, the exercise of universal jurisdiction and international judicial assistance. Switzerland encourages all Member States to ratify the Rome Statute, cooperate fully with the International Criminal Court (ICC), and support the International Court of Justice and comply with its decisions. We must also develop the tools at our disposal, such as by adopting a convention on crimes against humanity.

Secondly, the Security Council should act in a unified manner to support national, regional and international accountability efforts. In particular, it must refer situations to the ICC and support swift and decisive action to prevent or end atrocity crimes. We

recall the importance of the code of conduct developed by Accountability, Coherence and Transparency group and encourage all Member States to join it.

We also highlight the importance of General Assembly resolution 76/262, which provides for the convening of the General Assembly following the exercise of the right of veto in the Security Council. If the Council is unable to act, it is imperative to explore other avenues, 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 and the Independent Investigative Mechanism for Myanmar, as well as to establish other instruments such as the Independent International Commission of Inquiry on Ukraine. Switzerland calls on Member States to acknowledge and support the work of such independent and impartial mechanisms.

Thirdly, accountability should therefore be complemented by other judicial and non-judicial measures related to truth, justice, reparation and guarantees of non-recurrence. By emphasizing the rights of victims, survivors and their families and the accountability of perpetrators, transitional justice is a powerful tool for preventing the recurrence of violence.

As former Secretary-General Kofi Annan said,

“The battle for freedom and justice is never hopeless, but it is never finally won. Every morning, we must wake up ready to fight it again”.

Justice is a common good to be preserved and enhanced. We have a responsibility to put the tools for ensuring accountability to good use. As a candidate to the Security Council, Switzerland remains committed to ensuring that combating impunity is not just words but actions we take together.

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

Mrs. Ponikvar Velázquez (Slovenia): At the outset, we would like to thank and congratulate the Albanian presidency of the Security Council for organizing today’s important open debate. We also thank the briefers for their insightful remarks.

Slovenia aligns itself with the statements to be made by the observer of the European Union, the representative of Austria on behalf of the Group of

Friends of the Rule of Law and the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine. We wish to make some additional remarks in our national capacity.

We fully support the goal of today's discussion, which aims to explore ways to develop and strengthen accountability mechanisms, not only at the level of the State but also at the regional and international levels. It should be noted that strengthening the interplay between international legal frameworks and national accountability mechanisms is also crucial.

In that context, Slovenia, together with Argentina, Belgium, the Netherlands, Senegal and Mongolia, is a member of the core group of the Mutual Legal Assistance initiative to adopt a new convention with the aim of providing inter-State cooperation mechanisms for the investigation and prosecution of the most serious international crimes, namely, crimes against humanity, war crimes and genocide. In addition to supporting the International Criminal Court (ICC), the initiative seeks to find a solution that will help to improve the principle of complementarity — the fundamental principle of the ICC. The initiative embraces both States parties and non-States parties to the Rome Statute.

It is paramount to ensure effective international legal cooperation at the global level. Efforts should be also focused on supporting the efficient functioning of international criminal justice, including by enhancing accountability. Slovenia strives for a strong, independent and impartial International Criminal Court, which is one of the cornerstones of the fight against impunity.

In one of the most recent examples of the efforts being made to speed up the process of holding to account the perpetrators of the most heinous crimes, Slovenia joined 42 States parties to the Rome Statute in referring the situation in Ukraine to the International Criminal Court.

In that regard, Slovenia also welcomes the initiative to create a special tribunal for the punishment of the crime of aggression against Ukraine, as well as the establishment by the Human Rights Council of the Independent International Commission of Inquiry on Ukraine to investigate all alleged violations and abuses committed during Russia's military aggression against Ukraine.

Just as it is important to hold perpetrators to account for their crimes, it is also important that we take a victim-centred approach. In that regard, Slovenia supports the ICC with regular contributions to the Trust Fund for Victims. This year, Slovenia also made a voluntary contribution to the Office of the Prosecutor of the ICC to help cover the increased workload of his Office.

Slovenia would like to emphasize that accountability contributes to a broader sense of justice, both within and outside affected societies. It also prevents the recurrence of violations and contributes to the deterrence of crimes by helping to address the root causes of conflicts. Accountability is an integral part of prevention.

Respect for the rule of law and human rights are the foundations of maintaining international peace and security. It is clear that adherence to international law should be improved. We need to act decisively when serious violations occur. In that regard, the Security Council has a key role to play, and any action it takes must be clear, swift and decisive.

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

Ms. Muller (Marshall Islands): I am pleased to deliver this statement on behalf of the Group of Friends of Accountability following the aggression against Ukraine, consisting of 48 Member States and the European Union.

The Group welcomes today's open debate as a vital opportunity to address the multiple accountability initiatives focused on Russia's military aggression against Ukraine. During the past 100 days of that full-scale invasion, the people of Ukraine have been fighting for their freedom, identity and right to exist, while showing extraordinary courage and resistance. We would also like to use those real-time experiences to help inform today's wider discussion on strengthening accountability and justice.

The Group remains horrified by the widespread images and reports of the indiscriminate killings of civilians, as well as attacks on civilian infrastructure and acts of sexual and gender-based violence in Ukraine. Conflict-related sexual violence, including rape, is not an inevitable by-product of war but a blatant violation and abuse of human rights and international humanitarian law that may constitute war crimes.

Conflict-related sexual violence must be countered through effective accountability measures, which in turn contribute to deterrence and prevention. In that regard, we welcome the signing of a framework agreement of cooperation between the Government of Ukraine and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

The principles of accountability underpin the very foundation of the United Nations. The public credibility of the institution rests upon our collective ability to guarantee the rights of victims and their families and hold States and individuals acting on their behalf to full account for the egregious violations of international law playing out before us.

We once again urge the Russian Federation to abide by the International Court of Justice ruling of 16 March, in which the principal judicial organ of the United Nations ordered Russia to immediately suspend its military operations in Ukraine.

We also welcome and support the many initiatives committed to documenting and investigating the crimes committed following Russia's aggression against Ukraine in order to bring perpetrators to account, including the Independent International Commission of Inquiry on Ukraine and the ongoing investigation by the Prosecutor of the International Criminal Court.

We encourage continued and strengthened coordination among accountability stakeholders, including with regard to practices that prevent the retraumatization of victims through multiple interviews and protect the integrity and validity of information supplied to a court.

While separate and autonomous accountability initiatives at all levels should strengthen dialogue among themselves towards coordinating their efforts, while avoiding duplication where possible, and should share best practices to ensure the effective and rigorous collection of evidence on the ground, due regard is also needed to ensure that victims are safeguarded and given the necessary support in line with a victim-survivor-centred approach. Those key principles apply when collecting and documenting the necessary evidence for all crimes, including crimes of sexual and gender-based violence and crimes involving children.

We also underline the fact that civil society actors continue to have an important role in documenting violations of international law. Their further cooperation

and coordination with accountability initiatives will help to address best practices for evidence collection and the appropriate treatment of information.

We underscore the need to address two immediate challenges to accountability initiatives — open access to documentary evidence and the availability of witnesses.

Finally, we agree that justice does not end with truth and that victims should have access to appropriate remedies as well. Greater political will is necessary to deliver justice that is more than symbolic. The world is watching us all.

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

Mr. Antonini (Italy): At the outset, let me congratulate Albania on its first-ever presidency of the Security Council. Let me also commend you, Mr. President, for organizing today's timely meeting, as well as the briefers for their insightful remarks.

Accountability and justice are universal values. They are fundamental pillars of the rules-based international order. When serious violations of international law are committed, perpetrators must be held to account and justice must be served, regardless of where the violations occur and by whom they are committed.

Italy has been a staunch supporter of the International Criminal Court (ICC) since its establishment. In a few weeks, we will celebrate 20 years since the entry into force of the Rome Statute. While its ratification is not yet universal, the ICC represents the most advanced institutional legal model, delivering criminal justice in cases of war crimes, crimes against humanity, genocide and the crime of aggression. We must continue to defend its integrity and independence, while ensuring its effectiveness.

Following the start of the unprovoked war of aggression by the Russian Federation against Ukraine, Italy joined 42 States in referring the situation in Ukraine to the ICC Prosecutor. We must make sure that those responsible for atrocities are held to account and eventually brought to justice, whether before competent national courts or the ICC. Italy supports all investigative activities carried out on the ground. Together with other partners, we are working to ensure that the ICC is able to meet its increasing workload, in Ukraine and elsewhere.

Italy also supports the fact-finding mechanisms established by the United Nations in order to ensure accountability for the grave violations of human rights law and international humanitarian law, including sexual and gender-based violence, that are reported to have been committed in Myanmar, Syria and Ukraine. Those mechanisms are not a substitute for criminal justice, but they complement and support the investigative activities carried out by national and international prosecutors.

Accountability and justice are essential ingredients for advancing the mission of the United Nations in maintaining and restoring international peace and security. The Security Council must shoulder its primary responsibility in that respect. The establishment of the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda, the creation of the Special Tribunal for Lebanon and the referrals of the situations in the Sudan and Libya to the ICC are all examples of the Council delivering on its mandate.

However, all too often in the past 10 years the Council has been unable to act owing to the threat of the veto or the actual exercise of the right of veto by one of its permanent members. Italy supports all initiatives aimed at limiting the exercise of the right of veto when atrocity crimes are committed, including the French-Mexican political declaration on that subject launched in 2015. The use of all powers under Chapter VI of the Charter of the United Nations and the application of all the procedural provisions of the Charter, including those of Article 27, paragraph 3, are also key to ensuring that the Security Council initiates and supports accountability and justice mechanisms.

Let me conclude with two observations.

First, the perspectives, rights and interests of victims and witnesses are essential elements of any functioning international criminal justice and accountability system. Italy is proud to have strongly advocated for the insertion in the Rome Statute of article 68, paragraph 3, which provides for the participation of victims in proceedings before the ICC.

Secondly, accountability and justice for egregious violations of international law must also be ensured at the level of inter-State relations. In that respect, Italy welcomes the decision of the International Court of Justice of 16 March, ordering Russia to immediately suspend its military operation in Ukraine. We will also continue to support Ukraine's legal action before the

International Court of Justice, as stated in the joint statement of 20 May signed by Italy together with over 40 other member States and the European Union.

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

Mr. Santos Maraver (Spain) (*spoke in Spanish*): Spain aligns itself with the statements to be made by the observer of the European Union and by the representative of Austria, on behalf of the Group of Friends of the Rule of Law, as well as the statement made by the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine.

I would also like to thank the Albanian presidency for bringing this topic to the Security Council, and I thank those who have participated in this debate.

My country is convinced that much remains to be done to ensure that the most serious violations of international humanitarian law, in the form of war crimes, violations of international human rights law, genocide or crimes against humanity, violations of the prohibition of the use of force in international relations or crimes of aggression, do not go unanswered.

Beyond formal statements condemning such acts by States, groups of States or international organizations, we have the tools — including the powers of the Security Council — to ensure that political, military or any other type of action that seriously violates the norms that we have established for ourselves are not gratuitous and have consequences for those who take them.

The impunity that we have seen, and continue to see today, in conflicts initiated before the one we are regrettably witnessing today in Ukraine planted the seeds of the most serious violations that are being perpetrated today on Ukrainian soil. The reason such conduct has entered the political and military calculus is because on other occasions in the recent past such conduct has served to achieve political results without serious consequences for the perpetrators. Strengthening accountability today must have the preventive effect of avoiding recourse to such conduct in the future.

Strengthened by that belief, Spain continues to participate in all initiatives aimed at strengthening the accountability tools of the international community. To that end, together with other States parties to the Rome Statute, Spain participated in the process of

referring the war situation in Ukraine to the Office of the Prosecutor of the International Criminal Court.

Spain has also offered all kinds of support to both the Office of the Prosecutor of the International Criminal Court, with respect to that and other situations, and the Office of the Prosecutor of Ukraine itself for the preparation of future criminal prosecutions. My country has furthermore supported the promotion of fact-checking processes with respect to the Ukraine case, such as the establishment by the Human Rights Council of the Commission of Inquiry on Ukraine.

My country would like to underscore that the various mechanisms and measures to strengthen accountability can and must be mutually reinforcing and must never contribute to the dilution of accountability or the confusion of concepts. Indeed, ensuring that individuals are held accountable under criminal law is perfectly compatible with the initiation of proceedings to establish State responsibility, whether legal or political, and with the creation of fact-checking mechanisms.

To that end, Spain will always continue to support the complementarity of all types of measures and initiatives, provided that they be mutually reinforcing and correspond to the specific scope of the responsibility in question. All such measures and initiatives must contribute to preventing war crimes, genocide and crimes against humanity.

Spain is in favour of conceiving the jurisdiction of the International Criminal Court in matters of aggression as broadly as possible, because the system of the Rome Statute and the International Criminal Court, whose centrality my country has defended since its establishment, enshrines two basic ideas: first, that international criminal justice must be permanent justice, regardless of which party prevails in an armed conflict; and that membership of the Rome Statute system should not be seen as ceding or limiting the sovereignty of a State, but rather as a guarantee of protection against hypothetical aggression against the territory of a State that has ratified the Rome Statute, together with the protection of its population from the most serious violations of international law.

Spain will always support any effort to strengthen accountability mechanisms for the most serious violations of international law. That also includes a renewed appeal to the Security Council to harness all its resources to contribute to that effort.

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

Mr. Šimonović (Croatia): I thank you, Mr. President, for convening today's open debate. I would also like to thank the briefers for their remarks.

Croatia aligns itself with the statements to be made by the observer of the European Union and by the representative of Austria, on behalf of the Group of Friends of the Rule of Law, as well as the statement made by the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine. I would like to add some additional remarks in my national capacity.

We have witnessed far too often the inability of the international community to either prevent the perpetration of atrocity crimes or to punish them when they occur. Concerning Croatia's own experience in that regard, let me quote a recently deceased Brazilian International Court of Justice judge, Augusto Cançado Trindade, who stated that in Croatia, "it was not exactly a war, it was a devastating onslaught of civilians". While that happened 30 years ago, we see the same patterns repeating themselves.

We have a moral, political and legal obligation to step up the prevention of atrocity crimes and ensure accountability for perpetrators, should such crimes nevertheless occur.

Accountability not only helps provide justice for victims but also prevents future atrocities. When pursued properly, it deters future violations and supports reconciliation processes and sustainable peace. Therefore, combating impunity and promoting justice and accountability are important components of our responsibility to protect populations from atrocity crimes.

Accountability mechanisms can take various forms. Fact-finding missions, investigative mechanisms, commissions of inquiry and hybrid and international courts and tribunals, including the International Criminal Court, as well as national proceedings in third States under the principle of universal jurisdiction, all provide complementary avenues to enable accountability when and where domestic justice systems prove insufficient.

Let me illustrate how that works in practice with the example of Ukraine. The Human Rights Council's Independent International Commission of Inquiry

on Ukraine can relatively quickly provide a broad overview of the violations committed, outlining their causes and consequences, but it can only help to launch legal proceedings. The International Criminal Court, as well as Ukrainian and other national criminal courts, can prosecute individual perpetrators, but those proceedings may take many years. Finally, the proceedings of the International Court of Justice also take years, but they may help to establish State responsibility.

It is therefore important that the work of various mechanisms be well coordinated and that, taken together, their results successfully address various aspects of accountability for crimes committed, in Ukraine and anywhere else.

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

Mr. Marschik (Austria): I very much congratulate you, Mr. President, on your assumption of the presidency of the Security Council.

Today I have the honour of speaking on behalf of nearly 50 members of the Group of Friends of the Rule of Law: Angola, Argentina, the Bahamas, Belgium, Burkina Faso, Canada, Cape Verde, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, the European Union, Finland, France, Germany, Guatemala, Iceland, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Mexico, Moldova, Mongolia, Mozambique, the Netherlands, Panama, Papua New Guinea, Paraguay, the Republic of the Congo, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Timor-Leste, Uganda, the United Kingdom, Uruguay and my own country, Austria.

The Group of Friends of the Rule of Law welcomes this high-level debate on strengthening accountability and justice for serious violations of international law and thanks the presidency for preparing a very useful concept note (see S/2022/418, Rev.1, annex) in that regard.

An international order based on international law and the rule of law is an indispensable precondition for lasting peace and security. Rules that are internationally respected, enforced and upheld make the world safer, more stable and more predictable. In a nutshell, the security of our citizens depends on everybody complying with the rules.

Without respect for international law, in particular the Charter of the United Nations, our world would be dominated by the mighty. We would suffer the rule of power for the benefit of the few instead of the rule of law for the benefit of the whole international community.

We consider the rule of law as an essential condition for sustainable peace. Over the past years, our international order, based on international law, has been facing increasing pressure. Three months ago, the General Assembly adopted resolution ES-11/1 by an overwhelming majority, condemning the Russian aggression against Ukraine as a violation of the United Nations Charter. That instance is by no means the only violation of international law that we have witnessed in recent history. One thing is clear — we all need to increase our efforts to adhere to and implement international law.

Treaties and customary law must be respected. Jurisprudence and international courts and tribunals must be complied with. Those responsible for violations, in particular atrocity crimes, including war crimes and grave violations of international human rights law, must be held accountable.

Today's debate is an important reminder that the international community must act decisively to prevent internationally wrongful acts and strengthen accountability and justice for serious violations of international law. If we do not act, we undermine the foundation of our international system.

To strengthen the law, we therefore need prevention and reaction. We must seek to prevent violations of international law from happening in the first place. The possible consequences of a wrongful act must be clear and strong enough from the outset to deter a potential abuser. The accountability of individuals and the responsibility of States must be used as instruments of deterrence to enable prevention. We must continue our efforts to protect populations from mass atrocities: genocide, war crimes, ethnic cleansing and crimes against humanity.

If a violation of international law that threatens international peace and security occurs, the Security Council must take clear and decisive action to stop the violation if it is ongoing, including by enforcing judgments of the International Court of Justice, and to ensure that States and individuals are held accountable. In order to close the impunity gap, the Security Council

should make use of its power to refer cases of atrocities to the International Criminal Court.

The world expects us and the United Nations system to deliver on the promise of maintaining peace and security. We are strongly committed to enhancing respect for international law and are ready to discuss ways to strengthen its institutions and the rule of law. We hope that the ongoing discussions on *Our Common Agenda* (A/75/982) will allow us to elaborate ideas to that end.

Indeed, the veto initiative showed that new procedures can be adopted to increase accountability and legitimacy within the United Nations system. In that context, we note the initiatives on the use of the veto in the case of mass atrocities, including the French-Mexican initiative and the Accountability, Coherence and Transparency group code of conduct. We should be courageous; we should think outside the box to identify other new forms, instruments or procedures to deter potential violators, strengthen international courts, tribunals and other judicial institutions and encourage full compliance with international law.

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

Mr. Hermann (Denmark): I have the honour to deliver this statement on behalf of Finland, Iceland, Norway, Sweden and my own country, Denmark.

It is appalling to hear reports of atrocity crimes continuously being committed around the world. Let us be clear: genocide, war crimes, crimes against humanity and other gross violations of international law can never be excused.

Russia's unprovoked military aggression against Ukraine has once again reminded us of the importance of an international response to atrocities. We have witnessed indiscriminate killings of civilians, as well as sexual and gender-based violence and attacks on civilian infrastructure, including schools and hospitals. Conflict-related sexual violence and rape are a blatant violation of human rights and may constitute war crimes. It is not an inevitable by-product of war; it is a crime that can be prevented and must be punished.

We strongly urge Russia to comply with the legally binding order of the International Court of Justice of 16 March and immediately suspend its military operations in Ukraine. We fully support the investigation by the Prosecutor of the International

Criminal Court into the situation in Ukraine, as well as national investigations. All perpetrators must be held accountable.

Important work is also carried out on the ground by several actors, including the Office of the High Commissioner for Human Rights and civil society to collect and preserve evidence.

We welcome accountability initiatives such as the establishment of the Commission of Inquiry on Ukraine and the activation of the Moscow mechanism of the Organization for Security and Cooperation in Europe.

In both New York and Geneva, the Group of Friends of Accountability following the aggression against Ukraine will continue to support those efforts.

Atrocities are not limited to the war in Ukraine. It is equally important to continue the fight for accountability in the Sudan, Syria, Myanmar, Ethiopia and elsewhere. Victims of atrocities deserve justice, no matter who they are or where they are.

Criminal responsibility for the most serious international crimes must be achieved through the domestic and international prosecution of the individuals responsible. As Nordic countries, we are unwavering in our support for the International Criminal Court. We are also committed to the elaboration of a convention on crimes against humanity, which would give States the necessary additional tools to prevent and punish such crimes at the national level.

The Security Council is entrusted with the primary responsibility to maintain international peace and security. In fulfilling its mandate, it must respond decisively to atrocity crimes wherever they occur. The use of the veto in the Council is unacceptable in the context of atrocity crimes. We welcome the resolution on the veto initiative adopted by the General Assembly in April, which is a step in the right direction (General Assembly resolution 76/262). We fully support and urge other Member States to join initiatives to limit the use of the veto in that context, including the Accountability, Coherence and Transparency group code of conduct and the Franco-Mexican initiative.

The Security Council also has the power to advance accountability by referring situations to the International Criminal Court (ICC). We urge the Council to look into further ways it can support the work of the ICC, in particular in relation to the situations it has referred to the Court.

Our ultimate goal must be to prevent atrocity crimes from happening in the first place, and rigorous compliance with international law, in particular international humanitarian law and human rights law, is the only way to achieve that. As enshrined in the responsibility to protect, the primary responsibility to protect populations from atrocity crimes lies with States. When atrocities do occur, accountability must be ensured to help prevent them from happening again and to deliver justice to their victims. I want to assure the Council that the Nordic countries are steadfast supporters in the global fight against impunity.

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

Mr. Pildegovičs (Latvia): At the outset, I would like to join others in expressing our deepest condolences on the passing of His Excellency Judge Cançado Trindade of the International Court of Justice.

I thank Albania for organizing this open debate and the briefers for their statements.

Latvia aligns itself with the statement delivered by the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine, and with the statement to be made by the representative of the European Union in its capacity as observer.

Ensuring accountability is our collective responsibility, because allowing impunity for atrocities has serious consequences for international peace. Latvia therefore strongly supports 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 and the Independent Investigative Mechanism for Myanmar. Today, however, we would like to urge the international community to turn its attention to Russia's ongoing war against Ukraine, assisted by Belarus, and the atrocities being committed against innocent people in Ukraine. For more than three months the international community has stood in solidarity with Ukraine, calling for an end to the war and to the deliberate killings of civilians, as well as sexual and gender-based violence against women and children and the destruction of civilian infrastructure.

We believe it important to note that the war in Ukraine is of an exceptional nature, as it is being perpetrated by

a permanent member of the Security Council, which considerably undermines the Council's authority through its failure to execute its primary responsibility for the maintenance of international peace and security. That has been demonstrated by Russia's use of its power of veto to block Security Council resolutions denouncing its invasion of Ukraine. That in turn has compelled the Organization's membership to enhance the role of the General Assembly, in accordance with its mandate under the Charter of the United Nations, in order to prevent deadlock in the Security Council and maintain the rules-based international order.

We would like to emphasize that the Assembly's recent adoption of resolution 76/262, on the creation of a standing mandate to convene a debate in the General Assembly when a veto is cast in the Security Council, constitutes significant progress in terms of holding the Security Council accountable for a failure to act. We would like to take advantage of that momentum to encourage Member States to join the code of conduct formulated by the Accountability, Coherence and Transparency group and to pledge not to vote against credible Security Council draft resolutions that are aimed at preventing or ending genocide, crimes against humanity and war crimes. We also urge them to support the political declaration on the suspension of veto powers in cases of mass atrocity launched by France and Mexico.

Latvia has taken several practical steps to call the aggressor to account for its atrocities in Ukraine. We have joined the unprecedented referral to the International Criminal Court on the situation in Ukraine in order to enable the Prosecutor to open investigations into allegations of war crimes, crimes against humanity and genocide perpetrated in Ukraine. In order to facilitate investigations and prosecutions before the Court, Latvia has nominated national experts and provided voluntary contributions in the amount of €100,000.

Most notably, Latvia's judicial authorities, together with Estonia and Slovakia, recently became members of a joint investigation team, along with the International Criminal Court and the Prosecutors-General of Ukraine, Poland and Lithuania. The competent authorities of Latvia have also launched criminal proceedings for war crimes and crimes against humanity and peace committed by Russia's armed forces in Ukraine, in order to obtain and document evidence. In order to draw further attention to the need for prevention and punishment of atrocities, Latvia stands ready

to support work on drafting a convention on crimes against humanity.

Last but not least, Latvia has taken a decision to participate as a third party in the case relating to allegations of genocide brought by Ukraine against Russia before the International Court of Justice. In that connection, we join others in strongly urging Russia to respect the principles of the Charter of the United Nations and to comply with the legally binding order of 16 March of the International Court of Justice to immediately suspend its military operation on Ukraine's territory.

I would like to conclude by recalling the fundamental principles of the Nuremberg trials:

“Crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.”

We are of the view that the solidarity and political will of the international community must be maintained in order to effectively address the issue of accountability for atrocities in Ukraine. The range of accountability processes that have been initiated and the considerable amount of evidence documented and collected of atrocities committed in Ukraine give us confidence that justice for the victims of Russia's crimes will be delivered.

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

Ms. Stoeva (Bulgaria): Bulgaria aligns itself with the statement to be delivered on behalf of the European Union and the statement delivered by the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine.

I would like to express our appreciation to Albania for organizing this open debate on an issue of paramount importance that should remain high on our agenda. I would also like to thank all the briefers for their various insights and suggestions.

Justice is essential to peace, and the investigation and prosecution of all atrocities through national, regional, international and hybrid mechanisms should be supported by the Council and by the international community as a whole. Without justice properly served and without accountability, the prospects for

reconciliation are significantly undermined, human rights are denied and a culture of impunity flourishes. Without accountability, peace cannot be sustained, and conflicts are perpetuated. Accountability is not only a remedy but also a strong deterrent and a very effective instrument for prevention. Accountability is also closely linked to the issue of reparations, which are crucial at the stage of economic recovery from conflict.

Nonetheless, we read and watch reports of deliberate and indiscriminate attacks on civilians and civilian infrastructure that amount to war crimes in various parts of the world on a daily basis. It is no longer breaking news when we hear about attacks targeting medical facilities and incidents of rape, extrajudicial executions or looting, leading to brutal abuses of human rights and violations of international humanitarian law that leave the most vulnerable barely surviving and place entire populations at risk. Unfortunately, there are too many cases in that regard, with Syria, Myanmar, the Sudan and Venezuela being only a few. As an international community, we are failing to deliver in terms of ensuring that justice is served.

The Russian Federation's illegal, unprovoked and unjustified aggression against Ukraine is the latest example. We have witnessed brutality across Ukraine on a scale that words fail to describe. Even wars have rules, and the Russian Federation is violating them all. Those crimes cannot and will not go unpunished. In that connection, Bulgaria supports the full range of international investigations into atrocities in Ukraine, including those conducted by the International Criminal Court, the United Nations and the Organization for Security and Cooperation in Europe. We welcome the opening of the International Criminal Court's investigation into atrocity crimes committed in Ukraine upon a referral by 43 States, including Bulgaria, and we intend to further engage with all the relevant stakeholders to achieve our common objectives in ensuring justice. We need to join forces to assist the Office of the Prosecutor-General of Ukraine and law-enforcement agencies to ensure that a comprehensive and transparent record is made of civilian casualties, that all evidence is properly collected and that testimonies are well documented so that justice can be served and recovery and reconciliation achieved.

The Security Council has a special responsibility, particularly in cases of serious violations of international law, both for preventing them and for ensuring that accountability is sought, and it must own

that responsibility if the United Nations is to remain relevant. The veto should never be used in cases of atrocity crimes. We therefore urge all States that have not yet done so to sign the political declaration on the suspension of veto powers in cases of mass atrocity, and, more importantly, to refrain from using the veto. Bulgaria is pleased to have been among the initiators of General Assembly resolution 76/262, on the veto, adopted on 26 April. It is a step in the right direction, aimed at ensuring that veto power is not misused. In addition, the drafting of a convention on crimes against humanity would certainly fill a gap in the treaty framework and would strengthen the instruments available to ensure accountability. Bulgaria supports the start of negotiations to that end.

Lastly, the international community has to make it explicitly clear that there is no room for impunity anywhere and that all perpetrators will be brought to justice without delay. We owe it the victims, but most of all we owe it to ourselves.

The President: I now give the floor to the representative of the European Union, in its capacity as observer.

Mr. Gonzato: I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries North Macedonia, Montenegro and Albania, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, Georgia, Andorra and San Marino, align themselves with this statement.

Accountability is the premise of international justice, which in turn is the premise of international peace. Accountability is the antidote to a culture of impunity that perpetuates mistrust and undermines access to justice, the rule of law, good governance and lasting peace. The cases of the Sudan, Syria, Myanmar, Venezuela and Ethiopia attest to that effect. Take the example of the Sudan. Upon referral by the Security Council in 2005, the former President of the Sudan, Omar Al-Bashir, was the first sitting President to be pursued by the International Criminal Court (ICC) and the first person to be charged by the ICC for the crime of genocide. However, neither of the two arrest warrants against him has been enforced. The impunity of Mr. Al-Bashir and others has eroded the trust of the Sudanese people in the justice system and continues to be an obstacle to the achievement of

peace and stability in the Sudan. Another example that is very vivid in our minds is Ukraine. Three months ago, Russia launched a military aggression against Ukraine, an act that has been strongly condemned by the international community. Meanwhile, the shelling of schools, hospitals and residential buildings, the deliberate killing of civilians and sexual violence have intensified, heinous crimes that defy the calls by the General Assembly and the International Court of Justice for Russia to cease hostilities.

Expectations are high for the United Nations to deliver on its *raison d'être* and prevent atrocity crimes from happening around the world. The use of the veto in cases of atrocities remains a matter of serious concern for us. The use of the veto prevents the Security Council from discharging the important function entrusted to it by the Charter of the United Nations. Strength does not lie in casting a veto preventing the Security Council from stopping a humanitarian catastrophe. It lies in preventing the killing of innocent people. In that regard, we support the French and Mexican initiative on the use of the veto in cases of mass atrocities and encourage those that have not yet done so to sign the political declaration on the suspension of veto powers in cases of mass atrocity and the code of conduct of the Accountability, Coherence and Transparency group. We also welcomed the General Assembly's initiative in April in adopting resolution 76/262, on the use of the veto, which is a step in the right direction.

The EU has consistently held that the ICC is a beacon of accountability, because the Court has consistently delivered on its apolitical mandate. Upon referral by 43 States, the ICC Prosecutor has opened an investigation into the situation in Ukraine. Two weeks ago, the Prosecutor deployed 42 experts to probe into alleged crimes falling under its jurisdiction. The ICC and the Prosecutors-General of Ukraine, Poland, Lithuania, Estonia, Latvia and Slovakia, with the assistance of the European Union Agency for Criminal Justice Cooperation, have joined efforts in a joint investigation team, the first of its kind. Other initiatives include the establishment of the Group of Friends of Accountability following aggression against Ukraine and the Atrocity Crimes Advisory Group for Ukraine, established by the EU, the United States and the United Kingdom. Such coordination is an example of good practices in documenting and mapping serious violations of international law. We are confident that all

such national and international efforts, combined with efforts by civil society, will lead to accountability.

Yet accountability is not only about criminal investigations and prosecution. It is also about State responsibility and compliance with judicial rulings and orders. In that regard, we strongly urge Russia to comply with the legally binding order of the International Court of Justice of 16 March. And accountability is also about preventing atrocities. We therefore support the work on formulating a convention on crimes against humanity that will fill a gap in the treaty framework and give additional tools to States to prevent and punish such crimes at the national level.

In conclusion, let me stress that accountability is not only a strong deterrent but also key to successful reconciliation processes and the consolidation of peace in post-conflict societies.

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

Mr. Margaryan (Armenia): I would like to congratulate Albania on assuming the presidency of the Security Council and express our appreciation for the participation of the Prime Minister of Albania, His Excellency Mr. Edi Rama, in today's debate. We thank Judge Joan Donoghue, President of the International Court of Justice, Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights, and Professor Dapo Akande for their insightful remarks.

As we reflect on the challenges related to justice and accountability in upholding international law, we are reminded that impunity for past atrocities can lead to the most serious violations, whose ultimate manifestations are genocide, war crimes and crimes against humanity. We are also reminded that strengthening accountability and justice for such crimes is essential to the realization of the right to truth, justice, reparations and guarantees of non-recurrence.

As a long-standing advocate of the genocide prevention agenda, Armenia supports efforts to advance the early-warning capacities of the United Nations to monitor and respond to conditions that create a risk of the imminent commission of atrocities, including systematic policies promulgating hate speech, incitements to violence on the basis of ethnicity or religion and the denial, justification or even glorification of atrocity crimes, especially when

such incendiary acts are led, conducted or cultivated by States at the highest political level.

Time and again, Armenia has alerted the international community to the dangerously mounting level of hate speech and racist rhetoric dominating the political discourse in Azerbaijan, where State-led anti-Armenian policies, extensively reported and documented by international institutions, seek to dehumanize one particular nation, in a manifest demonstration that genocidal ideology does not belong merely to the past. The fact that a large-scale military aggression was unleashed amid the unprecedented global pandemic in the fall of 2020 is a crime of global proportions in itself and should be evaluated and addressed as such. The attempt to resolve the Nagorno Karabakh conflict by the use of force caused thousands of deaths and devastation, putting the lives of tens of thousands of civilians under existential threat.

Azerbaijan has yet to abide by its obligations under international humanitarian law vis-à-vis the Armenian prisoners of war and civilian hostages who continue to be held in captivity. It should commit in good faith to preserving Armenia's cultural and religious heritage and effectively address anti-Armenian rhetoric, including at the level of public officials and institutions, in accordance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

As the principal judicial organ of the United Nations, the International Court of Justice has a central role to play in ensuring justice and accountability and upholding faith in international law. Armenia remains strongly committed to strengthening the accountability and justice agenda, which necessitates an in-depth understanding of the patterns of the past, as well as of recurring violations and a victim-centred approach, particularly in conflict situations.

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

Mr. Fifield (Australia): Australia thanks Albania, in particular Prime Minister Rama, for convening this important debate. We also thank today's briefers for their valuable insights.

Accountability is an essential element of the rules-based international order. It is critical to upholding international peace and security. As we meet today, Russia is continuing to commit flagrant violations of

international law in Ukraine, with a growing list of atrocities. That must only underline the international community's resolve to ensure accountability. Today's debate invites us to consider how we can hold the perpetrators of serious violations of international law to account. That requires us to strengthen accountability and justice at the national, regional and international levels.

Accountability starts at home. It is the primary responsibility of States to investigate and prosecute the most serious crimes of international concern. It is essential that all States strengthen their domestic criminal justice systems and enhance their capacity to conduct genuine investigations and prosecutions of those crimes. However, Australia recognizes that accountability and justice can be delivered through a range of mechanisms and initiatives. In addition to national efforts, Australia strongly supports the crucial role of international accountability initiatives such as the International Criminal Court (ICC), the Human Rights Council and international investigative mechanisms. Australia is committed to working with such bodies to advance accountability and ensure that they deliver on their core mandates. The ICC is especially key to investigating and prosecuting international crimes when a State is unable or unwilling to do so. We were pleased to recently provide additional support to assist the ICC Prosecutor and his Office, and we are also pleased to be co-sponsoring the establishment of the Independent International Commission of Inquiry on Ukraine mandated by the Human Rights Council as part of efforts to hold Russia to account. The Commission of Inquiry will be critical in investigating and reporting on evidence of human rights abuses and violations of international humanitarian law.

While accountability efforts may be distinct and autonomous, we encourage greater coordination among such efforts at all levels. That will contribute to the success of all such efforts and where possible help to avoid duplication and the retraumatization of survivors. It is imperative to ensure that the design and implementation of all accountability efforts adopt a survivor-centred approach, integrate gender perspectives and address intersecting inequalities. It is our shared responsibility to seize this opportunity to strengthen accountability and justice for serious violations of international law at every level.

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

Mr. Hadjichrysanthou (Cyprus): My delegation aligns itself with the statement delivered on behalf of the European Union, as well as with the statement of the Group of Friends of Accountability following the aggression against Ukraine, and we would like to make some additional remarks.

The 1945 International Military Tribunal at Nuremberg established the bedrock principles of international law, such as individual accountability for crimes against humanity and war crimes, and above all it achieved clarity about aggressive war, which now constitutes an international crime. The body of law created in the aftermath of the Second World War decisively changed the course of international law and the protection of human rights. Today we therefore have a solid international criminal justice system, which includes national courts, ad hoc international tribunals and, notably, the International Criminal Court (ICC), which is an integral part of the international rules-based order and the central institution in the fight against impunity and in the pursuit of justice.

Cyprus, itself a victim of aggressive war without any ensuing accountability, remains a strong supporter of the ICC and will continue to work for the universal ratification and full implementation of the Rome Statute, including the Kampala amendments on the crime of aggression. Cyprus believes that full cooperation between the Court and the United Nations is crucial. Security Council members are kept informed of violations of international humanitarian law and human rights law in the situations on its agenda. In that regard, they can and must ensure accountability through referrals to the ICC if credible accountability mechanisms are lacking.

Furthermore, the Council needs to ensure the timely execution of the Court's decisions and of ICC arrest warrants in particular. Cyprus also believes that the time is right for the International Law Commission's draft articles on crimes against humanity to be enshrined in an international treaty. The draft convention on the prevention and punishment of crimes against humanity presents an opportunity for the international community to coalesce around a common denominator and demonstrate collective action for atrocity crimes. We also stress the role of the International Court of Justice as an accountability mechanism for State responsibility under international instruments, including the Convention on the Prevention and Punishment of the Crime of Genocide. Cyprus recognized the compulsory

jurisdiction of the International Court of Justice in 1988 and we encourage all Member States to do the same.

Accountability through fair trials for the most serious violations of human rights law and international humanitarian law is the cornerstone of international justice. We must continue to build on the progress that international law has made so far and strengthen the rule of law through an effective and robust international criminal legal system. Above all, we must do better in enforcing the rules and utilizing the institutions we already have. We have a collective responsibility to cultivate a culture of accountability to deter the commission of future crimes. Failure to do so will only undermine international peace, since it will embolden authoritarian regimes to commit more crimes.

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

Mr. Chatrnúch (Slovakia): At the outset, I would like to welcome today's open debate and thank the briefers for their valuable insights.

Slovakia aligns itself with the statements made on behalf of the European Union, the Group of Friends of Accountability following the aggression against Ukraine and the Group of Friends of the Rule of Law.

I will focus on six points that are important from our national perspective. First, accountability and justice both start with prevention. Apart from ensuring strict adherence to international law as the best means of prevention, the Security Council, as well as other Member States, can and should do more in that regard. Early-warning systems, in particular, have proved to provide a reliable analysis of situations where the level of violence and tension is likely to lead to atrocities. Sadly, proper follow-up action by the Security Council has been lacking. At the domestic and international levels, a strong and robust legal and institutional framework is necessary not only to ensure individual criminal responsibility but because it is the best way to deter future violations. In that context, Slovakia strongly urges all Member States to work to formulate a new convention on crimes against humanity this year.

Secondly, if atrocities or other serious violations of international law occur, unity in condemning such violations and calling for accountability is indispensable. In cases such as the most recent Russian aggression against Ukraine, it is also a matter of the very existence of States and of the international order.

Thirdly, the Security Council, which bears the primary responsibility for international peace and security, cannot remain silent, something that we have witnessed on multiple occasions in relation to the situations in Myanmar, Syria and, most recently, Ukraine, to name a few. In that context, Slovakia would like to point to the code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as well as the French-Mexican initiative on veto restraint in cases of mass atrocities. Negative votes in such cases are not just a betrayal of the victims but a mockery of their suffering.

Fourthly, the primary responsibility to investigate and prosecute international crimes lies with States. In the case of a State's inability or unwillingness to fulfil that obligation, the existence of the International Criminal Court (ICC), as an independent judicial institution of last resort, is crucial.

Slovakia once again expresses its unequivocal support for the ICC and urges all States to ratify or accede to the Rome Statute. To close the impunity gap, the Security Council should use its power to refer situations to the Court and ensure appropriate follow-up.

Fifthly, accountability for atrocities must not be limited only to bringing perpetrators to justice. Victims and survivors must be paid adequate attention and provided with all forms of assistance in order to restore their rights and dignity and enable them to return to their lives and familial and societal roles, as well as to ensure that effective remedies for the harm suffered are obtained.

Sixthly, beyond individual criminal responsibility for serious violations of international law, we must not forget to invoke the responsibility of States for their internationally wrongful acts. In that context, Slovakia highly appreciates the work of the International Court of Justice and its vital role in the peaceful settlement of disputes.

We reiterate our firm call on all States to accept the Court's jurisdiction and respect its legally binding decisions, including its recent order on provisional measures of 16 March in relation to the aggression of the Russian Federation against Ukraine. The Council should also pay closer attention to instances of non-compliance.

I also take this opportunity to express Slovakia's condolences to, and solidarity with, Brazil and the family of Judge Cançado Trindade, whose passing is a great loss to the international law community.

Having witnessed the atrocious violations of international law by the Russian Federation in close proximity to our country, Slovakia expresses its firm commitment to the international rules-based order, with accountability and justice as its inherent components.

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

Mr. Jürgenson (Estonia): Allow me to thank you, Mr. President, for convening today's high-level open debate on this crucial topic. I would like to thank the briefers for their insightful interventions.

Estonia aligns itself with the statements made by the observer of the European Union and the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine.

It is of the utmost importance that the most serious crimes of concern to the international community as a whole should not go unpunished. Such grave crimes threaten the peace, security and well-being of the world's populations. Impunity leads to a distorted understanding of right and wrong, as well as the commission of new crimes. The atrocity crimes committed by the Soviet Union during the Second World War went unpunished because the winners of the war did not face judgment.

The effects and consequences of that today include Russia praising the Soviet Union's heroic history and attempting to restore it. New generations have been raised on that myth and do not attribute any guilt to Stalin for the crimes that were committed.

We regret that the Russian Federation has held the Security Council hostage with its veto power and that it has not been possible to determine and condemn its full-scale aggression against Ukraine, in blatant violation of the Charter of the United Nations — although I am glad that like-minded countries are using this arena to confront Russia's disinformation and lies.

With regard to the veto, we need to step up our efforts to refrain from its use, especially in cases of mass atrocity crimes. We reiterate our strong support to the French-Mexican initiative and the code of conduct of the Accountability, Coherence and Transparency

group. We also welcome the recent unanimous adoption of General Assembly resolution 76/262, according to which every use of the veto must be explained to the Assembly.

We urge Russia to comply with the 16 March order of the International Court of Justice, which is binding under international law, and to immediately suspend its military operations in the territory of Ukraine. Estonia supports all efforts to ensure the conduct of independent and effective investigations into crimes committed by Russia in Ukraine and to ensure justice and accountability.

It is our common duty to bring the perpetrators of war crimes, crimes against humanity and genocide to justice. We support meaningful progress this autumn here in New York on the draft articles on crimes against humanity drawn up by the International Law Commission.

The International Criminal Court (ICC) plays a particular role in dealing with atrocity crimes and bringing justice to victims. Estonia was among the countries that referred the situation in Ukraine to the Court, and we appreciate that the Prosecutor expeditiously launched the investigation.

Criminal proceedings have been initiated in Estonia based on the universal jurisdiction of States to collect evidence of war crimes and crimes against humanity committed in Ukraine. Estonia has also joined the joint investigative team on alleged core international crimes committed in Ukraine, which has been set up with the support of Eurojust to facilitate investigations and prosecutions in the States concerned, as well as those that can be submitted to the ICC.

In cooperation with the Court's Trust Fund for Victims, Estonia organized an online seminar on 12 May to mark the twentieth anniversary of the Rome Statute's entry into force, with a particular focus on the victims of atrocity crimes in the Court's proceedings and the role and activities of the Trust Fund. We call on all the members of the Council and on the international community to continue striving to put victims first and to cooperate with all international accountability mechanisms in order to achieve justice and reparations.

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

Mr. Espinosa Cañizares (Ecuador) (*spoke in Spanish*): We can and must shift from a culture of

impunity for mass human rights violations and other international crimes to one of accountability and responsibility. We are capable of making Ms. Navi Pillay's words a reality. The States Members of the United Nations have a responsibility to do that, in which the Security Council has a central role to play.

I would like to thank the Albanian delegation for organizing this open debate and wish it success during its presidency of the Security Council for the month of June. I also thank the briefers for their statements.

I want to reaffirm that States have the primary responsibility for respecting and ensuring human rights. As other delegations have pointed out today, the Council has previously expressed concern about several genocide suspects not having successfully been brought to justice.

We also know that we can strengthen accountability and the fight against impunity by prosecuting the perpetrators of genocide, crimes against humanity, war crimes and other serious violations of international law in international criminal justice systems, special and hybrid courts or specialized chambers of national courts, as recognized in several resolutions of the Council, including resolution 2150 (2014). Accountability and justice are key to peacebuilding processes and post-conflict reconciliation. We need to benefit from the virtues of transitional justice without compromising accountability for human rights violations and reparations for victims, so that when peace is achieved it will last.

Our Organization's main vocation is peace. States have a responsibility for conflict prevention, which is also one of the Council's primary objectives. In my delegation's view, we do not have many alternatives if we intend to progress towards increased accountability and transparency.

The rule of law and justice need to work in synergy with the United Nations, and the Organization's principal organs, including the International Court of Justice, need to be strengthened. A strong International Criminal Court is also required to complement this work, and all Member States of the Organization must be regarded equally. I hope to elaborate on the Rome Statute during the Arria Formula meeting to be held on 24 June.

Much progress has been made since the Arria Formula meeting on human rights, accountability

and justice convened by France and Peru in March 2019. Whether in Myanmar, Yemen, Ukraine, Syria or elsewhere, we must honour our commitment made at the 2005 World Summit to enhance the relevance, effectiveness, efficiency, accountability — and thereby the credibility — of the United Nations system.

Today we want to invite the Council to revitalize that promise by way of implementation. The rule of law furthers the protection of civilians, the protection of children and the peaceful settlement of disputes. It also addresses emerging threats and moves forward the women and peace and security agenda, non-proliferation and the fight against illicit arms trafficking. If elected to the Council for the 2023 to 2024 term as a member of the Group of Latin American and Caribbean States, Ecuador's work would be guided by those mutually reinforcing and complementary elements, along with the extremely valuable support of the entire membership.

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

Mrs. Frazier (Malta): I would like to begin by congratulating Albania on assuming the presidency of the Security Council and by thanking you, Mr. President, for organizing this high-level open debate. We are firm in our belief that accountability is a fundamental precursor of international peace and security. We also thank the briefers for enriching today's discussion by sharing their thoughts and insights.

Malta aligns itself with the statement delivered by the observer of the European Union. I would like to add the following remarks in my national capacity.

The international community must strive to make sure that those who commit war crimes and crimes against humanity be held accountable — for example, in the case of the prosecution of those involved in human trafficking. While jurisdictional constraints do not always allow for such prosecutions, the use of targeted sanctions is one of the ways that individuals have been held accountable.

Every conflict today is mired in sexual and gender-based violence, which is a threat to international peace and security. Member States affected by conflict need assistance to address impunity if they are to prevent and deter future violations. Malta reiterates that gender equality and the full, equal and meaningful participation of women and girls are fundamental requirements for achieving accountability.

The International Criminal Court (ICC) is also central in the fight against impunity. For the Court to fully achieve its mandate, it requires the full cooperation of States. The Council's referral of situations to the Court, including active follow-up on such referrals, helps promote accountability.

However, national capacities also need to be further developed to ensure that crimes can be dealt with where they are committed and that investigations and fair trials can be pursued domestically. The ICC's Trust Fund for Victims functions thanks to public and private donors, both as part of the Court's response to victims of crimes under its jurisdiction and in providing reparations. That is part of a system of effective remedies that victims can obtain for the harm they have suffered.

In Syria, 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 is playing a critical role in the collection and preservation of information and evidence. We greatly value the Mechanism's victim- and survivor-centred approach and commend the efforts it has undertaken to clarify the fate of missing persons. Their families deserve to know the truth. Malta will also continue to call on the Council to refer the situation in Syria to the International Criminal Court.

Turning to Ukraine, we commend the referral by 43 Member States of that situation to the Court, and the ICC Prosecutor's recent opening of an investigation into alleged war crimes and crimes against humanity.

We should all extend our support to the Court, as it has constantly delivered on its mandates and remains a beacon of accountability.

We also call for compliance with the ruling issued by the International Court of Justice on 16 March, which ordered Russia to immediately suspend its military operations in Ukraine. Effective prosecution as well as compliance with the judicial rulings emanating from the principal international organs are required in order to ensure justice and accountability.

Accountability is a communal responsibility. Cooperation between States and among national competent authorities, including through sharing information and best practices, is crucial for halting criminal networks in their tracks. Accountability is

not something to be considered after the fact. Rather, it needs to be a motivating principle for many of the actions that we take. Perpetrators must never forget that justice will ultimately prevail.

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

Ms. Vest (Lithuania): We would like to thank Albania for convening this timely and important open debate.

Lithuania aligns itself with the statements made by the observer of the European Union and by the representative of the Marshall Islands on behalf of the Group of Friends of Accountability following the aggression against Ukraine.

Accountability is fundamental to the integrity of international justice and a vital prerequisite for international peace and security. It constitutes a core United Nations principle.

As of today, 14 weeks have passed since Russia launched its unprovoked, unlawful and unjustified war of aggression against Ukraine. Russia and its accomplice Belarus bear full responsibility for the far-reaching consequences of this war, ranging from threats to nuclear safety and the potential use of chemical weapons, to the tremendous hardships being caused by global food insecurity.

Lithuania continues to condemn the war in the strongest possible terms and will support all efforts to ensure independent and effective investigations into the crimes committed by Russia in Ukraine. Russia must comply with the binding order of the International Court of Justice of 16 March and immediately suspend its military operations across the internationally recognized territory of Ukraine. We will use every option to support Ukraine in its efforts before the Court, including through intervention in the proceedings.

The determination of the international community to fight impunity and ensure accountability and justice for all grows stronger with each passing day of Russia's aggression against Ukraine. Gruesome reports by United Nations officials, civil society and journalists continue to mount.

Speaking of gross violations of international humanitarian law and international human rights law, we are shocked by the overwhelming and detailed evidence of targeted killings, including of journalists,

as well as of sexual and gender-based violence, torture, arbitrary arrests, abductions, forced disappearances, the use of cluster munitions in residential areas and the mass deportations of civilians to Russian territory. Lithuania will vigorously support the activities of the Independent International Commission of Inquiry on Ukraine, which was established by the Human Rights Council.

As the first Member State to refer the situation in Ukraine to the Prosecutor of the International Criminal Court (ICC), Lithuania will also continue to support the Office of the Prosecutor in its investigation concerning alleged war crimes and crimes against humanity committed in Ukraine. In March, at the initiative of Lithuania, Eurojust supported Lithuania, Poland and Ukraine in setting up the joint investigative team on alleged international crimes committed in Ukraine. We welcome the decision of the Prosecutor of the ICC to join the team, as well as that of other Member States that joined recently. Fact-finding and evidence-gathering are crucial for fighting impunity. We maintain that cooperation among national investigators based on universal jurisdiction will enhance the documentation and mapping of crimes committed and assist in identifying those responsible.

On 6 May, Lithuania hosted an international conference on legal mechanisms for ensuring accountability for the crime of aggression against Ukraine. Participants signed the Vilnius communiqué, which reiterated that impunity for international crimes must end and that individuals responsible for war crimes and crimes against humanity must be prosecuted, while encouraging the establishment of an ad hoc international criminal tribunal for investigating and prosecuting the crime of aggression. We will continue our efforts to pursue all legal avenues in order to ensure that accountability prevails.

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

Mr. Zellenrath (Netherlands): I would like to thank you, Madam President. I am glad to see you presiding over the Security Council this afternoon.

The Kingdom of the Netherlands aligns itself with the statements made by the observer of the European Union and by the representative of the Marshall Islands, on behalf of the Group of Friends of Accountability following the aggression against Ukraine, and I

would like to share the following remarks in my national capacity.

The Hague is the proud host city of the International Court of Justice, the International Criminal Court (ICC) and many more international organizations that play a key role in maintaining and advancing the international legal order. Ensuring accountability when international crimes are committed is a key element of that order.

The Security Council has a crucial responsibility in that regard, which it fulfilled in the past in establishing the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The Council also referred two situations to the International Criminal Court — the situation in Darfur was referred in 2005, and the situation in Libya in 2011. With those actions, the Council sent a clear message to victims that justice would be delivered, and to perpetrators that they would be held accountable. That message also calls for respect for, and the protection of, international humanitarian law and international human rights law.

Member States therefore expect the Council to act when gross violations of international humanitarian law and international human rights law are taking place, which makes the use of the veto in such situations especially troubling. And that certainly includes the situation in Syria. A veto cast in the Council that prevents it from standing up for victims or that lets perpetrators believe they can act with impunity is in effect a veto cast on the pursuit of justice.

That is why the Netherlands supports the code of conduct of the Accountability, Coherence and Transparency group with regard to Council action against genocide, crimes against humanity and war crimes, and why it welcomes the French-Mexican initiative for the permanent members to renounce the use of the veto in situations of mass atrocities.

That is also relevant to the current situation in Ukraine, on which the aggressor itself used the veto (see S/PV.8979). If and when the Council is unable to act, other avenues will have to be taken to ensure justice and accountability. That is why it is so important that we all support the investigation of the ICC on the situation in Ukraine, as well as its investigations concerning other countries.

As the famous author Isabel Allende once said, few things are as dangerous as power with impunity. That is why the international community created a rules-based

order, with clear norms and accountability for when those norms are breached. The Council has stood up for that principle in the past, and we expect it to do so again, for the sake of the international legal order and to deliver justice for victims.

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

Mr. Danailov Frchkoski (North Macedonia): We would like to thank the Government of Albania for organizing today's open debate and to wish it a successful presidency of the Security Council this month.

North Macedonia aligns itself with the statement delivered by the observer of the European Union.

The Republic of North Macedonia is committed to the international rules-based order. In that context, we recall that it is essential to pursue credible and effective accountability. We must strengthen justice and accountability in order to advance our work in fighting impunity. We share the view that the International Criminal Court (ICC) is an integral part of the multilateral architecture that upholds the rule of law. It is a central institution in the fight against impunity and the pursuit of justice.

The Council has a crucial role in maintaining international peace and security. In the current circumstances, preserving peace and security requires us to make every effort to urge adherence to international law and international humanitarian law, as well as to pursue accountability. Prioritizing accountability is a prerequisite for halting and preventing violations of international law, international criminal law, international humanitarian law and international human rights law.

Russia's unprovoked and unjustified aggression against Ukraine is a blatant violation of international law, every principle enshrined in the Charter of the United Nations and, above all, the values of humankind. Mass indiscriminate strikes on civilian sites persist. Russia has continued to conduct strikes in urban areas, leaving civilians and cities without access to basic human needs. We join others in expressing our grave concern about the continuing attacks on civilian objects, including hospitals, medical facilities, schools and shelters.

The findings and investigations to date in the cities of Bucha and Mariupol lead to the clear conclusion

that war crimes and crimes against humanity have been committed there. The magnitude of the sexual abuse and violence committed against women and girls is also of grave concern. The perpetrators of those crimes and violations of international human rights law and international humanitarian law must be held accountable and brought to justice.

We fully support the investigation launched by the ICC Prosecutor into war crimes and crimes against humanity in Ukraine, backed by the referrals of 43 States, including North Macedonia. We also welcome the International Court of Justice's provisional measures ordering Russia to suspend its military operations and withdraw immediately from the occupied territory.

As a current member of the Organization for Security and Cooperation in Europe (OSCE) troika, we would like to highlight the OSCE Moscow mechanism as an important instrument aimed at establishing the facts and circumstances of possible cases of war crimes and crimes against humanity in order to present them to relevant accountability mechanisms and international courts and tribunals.

Making fuller use of, and ensuring sustainable funding for, existing human rights mechanisms is also essential for supporting accountability processes. North Macedonia believes that we should make better use of the work and information gathered by the special procedures of the Human Rights Council. Today we would like to reiterate our support for the establishment of the Commission of Inquiry on Ukraine by that Council, in particular for the Commission to swiftly begin its work.

In conclusion, in the coming period it will be particularly important to curb any political process that could undermine accountability for gross violations of human rights. We must do our utmost to ensure access to justice for the victims of the human rights violations and crimes committed in Russia's senseless aggression and in the other conflict zones around the globe. Those responsible for grave atrocities must be punished for their wrongdoings and crimes.

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

Mr. Dvali (Georgia): At the outset, let me express my delegation's appreciation to the Albanian presidency of the Security Council for organizing this important open

debate. I would also like to thank the briefers for their comprehensive and informative briefings.

Georgia aligns itself with the statements delivered by the observer of the European Union and by the representative of the Marshall Islands, on behalf of the Group of Friends of Accountability following the aggression against Ukraine. Let me add the following remarks in my national capacity.

International law and the rules-based international order are the foundations for a peaceful, just and prosperous world, while the principles of international law, such as sovereignty, territorial integrity, the non-use of force and the inviolability of frontiers, are at the core of the rules-based international order. Alarmingly, today we are witnessing constant attacks on international law and the rules-based order. In that regard, let me draw the Security Council's attention to my country's experience.

In 2008, Russia launched a full-scale military aggression against Georgia, leading to the illegal occupation of two of my country's inseparable parts and the ethnic cleansing of local populations. Despite the calls of the international community, hundreds of thousands of internally displaced persons (IDPs) and refugees from the occupied territories continue to be deprived of their fundamental right to return to their homes in safety and dignity.

Moreover, on a daily basis we see grave, ethnically targeted human rights violations in the occupied territories and along the occupation line, including illegal detentions and kidnappings, the restriction of the right to the freedom of movement and the prohibition of education in the native Georgian language, among others.

Despite Russia's attempts to circumvent its responsibilities and create a narrative of so-called new realities, the European Court of Human Rights delivered a judgment on 21 January 2021 legally establishing the fact that Russia is occupying and exercising effective control over Georgia's Abkhazia and Tskhinvali regions. The Court found Russia responsible for committing human rights violations on the ground, including ethnic cleansing and hindering the return of IDPs to their homes.

Unfortunately, Russia's aggression against its neighbours, which is in breach of international law and the international rules-based order, is a well-established

pattern of its actions. More than three months have already passed since Russia started its premeditated, unprovoked and unjustified full-scale aggression against Ukraine. Russia's indiscriminate military attacks, including its use of internationally banned weapons, constitute a grave violation of international law, including international humanitarian law and the principles of the Charter of the United Nations.

As the targeted shelling of civilians and civilian objects continues, we hear daily reports of executions, rape, torture, inhumane treatment and other human rights violations that amount to war crimes. Russia's ongoing aggression has already prompted one of the fastest-growing humanitarian and displacement crises in recent history.

We reiterate our unwavering support for Ukraine's independence and sovereignty, the inviolability of its frontiers and its territorial integrity within its internationally recognized borders, including Crimea. We call on Russia to comply with the provisional measures of the International Court of Justice of 16 March, ordering it to immediately stop the aggression, withdraw all its forces from the whole territory of Ukraine and allow immediate, safe and unfettered access to all international humanitarian and human rights mechanisms therein.

We also call on Russia to do the same with regard to the occupied regions of Georgia by fulfilling the European Union-mediated ceasefire agreement of 12 August 2008.

In conclusion, I urge the international community to spare no effort to ensure accountability for all gross violations of international law in all parts of the world. We must exhaust all the relevant international legal mechanisms to ensure that justice is served for serious crimes and violations and that offenders are held accountable.

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

Mr. Ishikane (Japan): I would like to thank Albania for convening this open debate. I also thank Judge Donoghue, President of the International Court of Justice; Ms. Bachelet, United Nations High Commissioner for Human Rights; and Professor Akande for their briefings.

I would like to emphasize three elements that are critical for upholding the rule of law in international

relations and to share Japan's concrete actions in that regard.

The first element is the theme of today's meeting: strengthening accountability. Situations in which violations of international law are overlooked and no one is held accountable will have ripple effects elsewhere in the world and seriously undermine the stability and prosperity of the international community. For that reason, Japan referred the situation in Ukraine to the International Criminal Court and looks forward to Prosecutor Khan's continued progress in the investigation. Japan also welcomes United Nations efforts to strengthen accountability in other parts of the world, including in Syria.

The second element is strengthening national ownership of the rule of law. Japan has played a leading role in extending support for the Extraordinary Chambers in the Courts of Cambodia since its inception. The trials of those Courts have provided crucial steps towards the conclusion of the entire peace process in Cambodia and have contributed to delivering justice and strengthening the rule of law in the country.

The third critical element is restoring the rights and dignity of victims and survivors. Since 2020, Japan has served as a board member of the Global Fund for Survivors of Conflict-Related Sexual Violence and will contribute €2 million, in addition to the €4 million we have contributed to date, in order to ensure access to reparations and redress for survivors.

Japan will continue to actively engage in global advocacy for enhanced international cooperation to realize victim's access to justice, remedies and assistance. Japan firmly supports efforts for justice and accountability. Respect for the rule of law and sustaining peace will never be achieved without tackling impunity. Japan will continue to work together with our partners to that end.

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

Mr. Zahneisen (Germany): I am very happy to see you, Madam President, presiding over this meeting. We wish Albania luck in its important presidency of the Security Council, and we also thank it for organizing this timely and very important open debate. My thanks also go to the briefers for their valuable insights.

Germany fully aligns itself with the statement delivered by the observer of the European Union. I would like to add a few points in my national capacity.

In an Arria Formula meeting on accountability held in Ukraine on 27 April, Russia's war of aggression against Ukraine was condemned unanimously — with the exception, of course, of the aggressor and a few of its allies. At that meeting and ever since, we have condemned the brutal violence perpetrated against civilians during the course of the ongoing war and have repeatedly called for accountability for the crimes committed.

Six weeks later — on day 100 of the war — Russia is still waging its aggression against Ukraine, using inconceivable brutality against civilians. New worrisome facts emerge every day. The unjustifiable, unprovoked and illegal war of aggression by the Russian Federation is an act against the founding ideas and the basic principles of the United Nations. It is a blatant violation of the Charter of the United Nations, a grave breach of Ukraine's territorial integrity and an act against the fundamental rights of every human being who suffers from the aggression.

The crimes, atrocities and infringements of international law committed by Russia, and above all the killing of so many innocent people as a consequence of the war, must stop immediately. The perpetrators must be held accountable in accordance with international law. I repeat — there must be no impunity for war crimes. The perpetrators of atrocities in Ukraine and elsewhere, including all responsible State officials and military leaders, must be held accountable. For us, accountability not only means criminal investigation and prosecution but also implies State responsibility. We strongly urge the Russian Federation to comply with the legally binding order of the International Court of Justice of 16 March.

Germany is strongly committed to accountability and the rules-based international order. We therefore welcome Ukraine's efforts to petition the principal judicial organ of the United Nations in order for it to provide judgment on Russia's military action and its unsubstantiated allegations. Germany will explore all possible options to support Ukraine in its proceedings before the International Court of Justice. The investigation by the Prosecutor of the International Criminal Court (ICC) is more important than ever. We need to ensure that the ICC Prosecutor

is well equipped to carry out his work as effectively and as speedily as possible. It is imperative that the international community as a whole support the ongoing investigations and collection of evidence of crimes committed.

As an established mechanism with 123 State parties, the ICC remains the focus of our efforts for bringing those who have committed international crimes in Ukraine to justice. Germany will contribute an additional €1 million to the ICC, and it will second personnel to the Court. Additional funding has also been provided for the mission of the High Commissioner for Human Rights in Ukraine. In order to make the investigations as efficient and swift as possible, a group of experts will be supporting this process.

In cases in which the ICC cannot be seized with a specific situation, it is important that national jurisdictions take up the task. Such proceedings, often under the principle of universal jurisdiction, have offered some justice to the survivors. They also send a clear message to perpetrators that there is no impunity for their atrocities. As has been mentioned several times today with regard to Syria, German prosecutors will continue to pursue cases under universal jurisdiction against the torturers of the Syrian regime. They will also continue to prosecute crimes committed by the Islamic State in Iraq and the Levant and Da'esh. The German Federal Public Prosecutor General has also opened structural investigations into war crimes committed in Ukraine to prepare the ground for individual indictments on charges of war crimes. Moreover, we will continue to supply the Ukrainian authorities with equipment to help conduct the many difficult investigations on the ground.

The international community must continue to stand united and uphold international law and the United Nations Charter. International law accounts for every person and is the yardstick for every Government worldwide. It is late in the day, and we are forty-ninth on the list of speakers, but we had a question we wanted to ask of the High Commissioner for Human Rights, who has travelled to China and published a statement on the human rights situation, in particular on the Xinjiang Uyghur Autonomous Region. Following up on this visit, we would ask, what are her next steps to contribute to achieving accountability for the widespread and systematic human rights violations reported in this region? When will she publish her report on the situation?

In conclusion, for my country, it is imperative for us to document, condemn and prosecute war crimes around the world — both through international instruments and national legal systems. The perpetrators — whatever their position or rank — must understand that there is no respite or safe haven for them. Germany will remain firmly committed to supporting all efforts in this regard. We owe it to the victims of atrocious crimes and to their families.

The President: I now give the floor to the observer of the Observer State of Palestine.

Mr. Bamyá (Palestine): At the outset, we wish to congratulate Albania on its assumption of the presidency of the Security Council and for convening today's important meeting on accountability and justice. We also join other delegations in thanking the eminent briefers for their efforts and their briefings.

At the end of the Second World War, the community of nations determined that it was imperative to establish an international law-based order. It enacted rules, not directed against anyone, but for the benefit of all, so as to advance a more just and peaceful world. But if we call them rules, everyone has to abide by them. They must either be observed, or their breach sanctioned. This is especially true for the gravest crimes — genocide, crimes against humanity, war crimes and the crime of aggression. There is no rule of law without enforcement of the law, and international law is no exception.

Accountability is critical to deterring the commission of crimes and to delivering justice for victims. It aims at replacing fear with hope in the hearts of survivors, and to replace arrogance with fear in the minds of their tormentors. It means ensuring that, instead of having no safe haven for victims, there is no safe haven for perpetrators of crimes.

In Palestine, we are well placed to speak of the importance of accountability, as we have endured the consequences of its absence for too long. As the former Human Rights Council Special Rapporteur S. Michael Lynk stated:

“There is no other grave international human rights situation ... in the world today with which the Security Council has spoken about in such quantity and with such critical clarity, but acted with such passivity” (*A/75/532, para. 37*).

The Palestinian people suffer from the most protracted protection crisis and accountability crisis

in the world. This situation warrants decisive actions beyond condemnations to end the world's longest military occupation, which is a cost-free occupation, maintained and sustained by impunity.

As I address the Council today, millions of Palestinians are still refugees unable to return to their homes. Millions are living under violent military occupation and colonial rule. Some 2 million have been living under an inhumane blockade in Gaza for the past 15 years. Tens of thousands are living under threat of forcible displacement in Masafer Yatta, Jerusalem and the Jordan Valley. And an entire nation continues to endure dispossession and displacement, discrimination and denial of rights. As I address the Council today, no Palestinian is safe. Those who the law was designed to protect are the ones who are the most vulnerable and exposed to the crimes of this illegal occupation. Our civilians, including children, are killed on a daily basis. Women, journalists, health workers and human rights defenders are targets, killed in broad daylight, by perpetrators who believe they have nothing to worry about. When will they finally be proved wrong?

Either we stand for accountability, or we stand against it. Selective justice allows for denied justice; it therefore condones and perpetuates injustice. How can we call our multilateral system an international law-based order when there are perpetrators of crimes who are never held to account and victims who are always deprived of justice? If any country wants to be recognized as a champion of accountability, it cannot at the same time obstruct accountability for crimes committed against the Palestinian people. Palestine has become the yardstick for the credibility of the calls for justice and accountability.

Israeli actions have been condemned repeatedly by the Security Council, the General Assembly, the International Court of Justice, the Human Rights Council, special rapporteurs and human rights treaty bodies, and yet Israel continues to be shielded from the consequences of its own actions. Even when we join the International Criminal Court (ICC), seeking justice instead of vengeance, some try to deter the Court instead of deterring the criminals. How is that compatible with calls for accountability? Many look at the situation in Palestine as a critical test for the credibility and impartiality of the ICC — a test it cannot afford to fail.

There is no claim more offensive and shameful than stating that prosecuting war crimes and crimes against

humanity would hinder peace efforts. How can it be that acting to deter and halt crimes against innocents contradicts the pursuit of peace, while allowing and enabling the perpetration of such crimes is somehow compatible with the pursuit of peace? It cannot be, neither in theory nor in fact.

In conclusion, despite being deprived for decades of its protections, the Palestinian people still believe in international law and its authority. We call for upholding the rule of law. Our calls should be heeded, not denounced or denied. The exceptionalism accorded to Israel must end. It contradicts the international law-based order, has emboldened Israeli aggression and prolonged the historical justice against the Palestinian people with disastrous consequences.

We know where impunity has led. It can be seen in the lives that Palestinians are living today under colonialism and apartheid. It is time for a different path that only accountability can pave.

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

Mr. Khan (Pakistan): My delegation thanks the Albanian presidency for convening today's debate on the important topic of strengthening accountability and justice for serious violations of international law.

I wish to thank you, Madam President, the briefers and those who have spoken before me for their valuable remarks and fresh perspectives on today's topic.

The world order established after the Second World War is based on three interlocking and mutually reinforcing sets of obligations: the obligations arising from the United Nations Charter that outlaw the use of force and encourage States to resolve their disputes through peaceful means; the principles of State responsibility for wrongful acts committed by a State in the conduct of its international relations; and the responsibility of each State to protect its populations from genocide and other atrocities.

In accordance with those arrangements, the prime responsibility for the maintenance of international peace and security, under Article 24 of the United Nations Charter, rests with the Security Council. Over the years, in discharging its functions the Council has contributed to the fight against impunity for serious violations and crimes in specific, practical and diverse ways. The seminal moment in the history of accountability for serious violations arrived when the

Council, applying a broad sweep of its powers under Chapter VII of the Charter, chose to establish ad hoc tribunals with a mandate to advance accountability for genocide, war crimes and crimes against humanity.

Despite that often-declared strong stance and commitment of the Council, in many parts of the world violations of international law persist and continue to have an adverse impact on international peace and security. Selectivity and double standards in the implementation of Security Council resolutions and decisions, especially on long-standing disputes, remain a principal cause of concern. In fact, it has proved to be the system's Achilles heel. In addition, concepts such as the responsibility to protect, as articulated in paragraphs 138 and 139 of the 2005 World Summit Outcome document (General Assembly resolution 60/1), continue to remain divisive, particularly because its application remains driven solely by political considerations. As a result, serious violations in situations of illegal occupation with clear Security Council mandates can easily spiral to genocide, war crimes and crimes against humanity in the absence of international scrutiny and accountability.

The Jammu and Kashmir dispute is a glaring example of such a brutal occupation where international law has been flouted for decades. Over the span of the past 75 years, India has not only forcibly denied the right of self-determination to Kashmiri people, but also committed gross and systematic violations of international law. More than 900,000 Indian troops, who have remained deployed in the Kashmir Valley for decades, have resorted to the worst forms of torture, rapes, renditions, forced displacement and other grave breaches of international criminal law, including by using live ammunition against civilian protesters in the form of pellet guns, blinding innocent young people and leaving many others injured. They have ransacked and pillaged towns, villages and neighbourhoods to impose what India's own leaders have themselves called a final solution for Jammu and Kashmir.

Since 5 August 2019, India has embarked upon a sinister plan to transform occupied territory from a Muslim majority State to a Hindu majority territory, violating the Fourth Geneva Convention and international law. Appeasement by the international community would only encourage further impunity. We call on the Security Council to immediately take cognizance of the compelling evidence of those international crimes in Indian-occupied Kashmir and

hold Indian officials and personnel accountable for such activities, atrocities and grave breaches of international humanitarian law.

In conclusion, let me say that the universal and consistent adherence to the purposes and principles of the United Nations Charter is imperative not only to ensuring the credibility and legitimacy of the United Nations system, but also to strengthening accountability and justice for serious violations of international law.

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

Mr. Pérez Ayestarán (Bolivarian Republic of Venezuela) (*spoke in Spanish*): In the founding Charter of our Organization, the peoples of the United Nations reaffirmed their faith in fundamental human rights, the dignity and worth of the human person and the equal rights of men and women, while declaring their determination to promote social progress for all. For its part, the Universal Declaration of Human Rights emphasizes that,

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”.

Despite the that, the so-called international community and, more specifically, some permanent members of the Security Council have failed more than a third of humankind, that is, more than 2.5 billion people, who, according to independent experts of the United Nations, are today suffering the negative effects of the illegal enactment and implementation of unilateral coercive measures in more than 30 countries. Such measures, by all accounts, represent not only flagrant violations of international law, but also massive violations of their human rights, particularly their right to life, development, food and health, among many others.

That being the case, we must recognize that the issue under consideration at today's meeting faces a fundamental contradiction. There is a clear contradiction in raising the issue of accountability and justice when at this same table sit representatives of Governments, such as the United States and the United Kingdom, that, by their deliberate actions, seek to kill entire peoples through starvation, poverty and disease. It is impossible to speak of accountability and justice while at the same time promoting in this organ a climate

of international impunity, which ultimately encourages the crimes by which such countries seek to satisfy their desire for neocolonial domination at all costs.

In 1970, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, in accordance with the Charter of the United Nations, recalled the duty of States to refrain in their international relations from exercising, applying or encouraging coercion or economic, political or any other kind of measures against the political independence or territorial integrity of any State or to achieve its subordination. For its part, the International Court of Justice, in 1986, ruled that, in the light of the principle of non-intervention, methods of coercion are illegal when they seek to interfere in the sovereign affairs of States, such as the choice of their political, economic, social or cultural system, or the formulation of their foreign policy.

That being the case, at this meeting we reiterate that unilateral coercive measures are indisputably illegal and are part of a coldly calculated experiment to create pain and suffering. It is a planned and deliberate policy of aggression, which was even escalated amid the worst pandemic in the past 100 years, to violate the human rights of entire peoples, including 30 million Venezuelan men and women.

Since at least 2015, when our country was brazenly declared a so-called unusual and extraordinary threat to the security of the United States, more than 502 unilateral, restrictive and punitive coercive measures have been illegally applied against Venezuela. The economic, commercial and financial blockade that has been imposed de facto and in a generalized manner against our country has resulted in considerable human and financial losses for the nation, as well as in the theft of at least \$30 billion in accounts and property of our country abroad, in addition to the loss of more than 14 tons of our country's gold reserves, which were looted by the British Government.

According to former United States National Security Advisor John Bolton, the unilateral and extraterritorial coercive measures enacted by his country, applied without any kind of authorization from the Security Council, that is to say, illegally, seek to use the immense economic power of the United States to benefit the interests of its Government; in other words, to exert pressure on other States, coerce their sovereign will and obtain various kinds of advantages from

them, on the basis of a non-existent exceptionalism, through which it seeks to convert its national laws into universal laws.

In that context, it is worth recalling the remarks of the former United States Ambassador to Venezuela, William Brownfield, who in 2018 noted the following:

“We must treat this as an agony, a tragedy that will continue until it finally reaches an end ... And if we can do something to accelerate it, we must do it, but we must do it understanding that this is going to have an impact on millions of people who are already having difficulties in finding food and medicines ... We cannot do this and pretend that it will not have an impact, we have to make a hard decision, the desired end justifies this severe punishment”.

The Rome Statute of the International Criminal Court states that the crime of extermination includes the intentional imposition of living conditions, including the deprivation of access to food or medicine, that lead to the destruction of a part of the population. The statements I mentioned earlier clearly constitute an open confession by the United States Government with respect to the commission of crimes against humanity against my country's people.

On that basis, today before this organ, we denounce the most serious, cruel and systematic violation, on the part of all Governments that promote and apply unilateral coercive measures with impunity, of human rights and international law, including international human rights law, international humanitarian law, international criminal law, international trade law and the law of international responsibility, as well as international human rights treaties; the purposes and principles enshrined in the Charter of the United Nations; the relevant judgments and resolutions of the International Court of Justice, the General Assembly and the Human Rights Council; and the norms governing the immunities of States and their property.

In that context, we wish to take this opportunity to express not only our regret but also our serious concern. Today, as humankind faces multiple challenges and common threats and as we are called upon, in an unprecedented manner and within the framework of an effective and inclusive multilateralism, to work together to strengthen international cooperation and solidarity, we are simultaneously observing the largest and most aggressive wave of unilateral coercive measures since the Second World War. We wish to warn of the dangers

and grave consequences that such a criminal policy will undoubtedly have, either directly or indirectly, on the lives and well-being of all of our peoples, especially the most vulnerable.

The Bolivarian Republic of Venezuela wishes to conclude by urgently calling for the complete and immediate elimination of all so-called sanctions and for the establishment of mechanisms that, where the most serious crimes have been committed, provide due attention and reparations to victims, one the one hand, and promote accountability and justice, on the other.

We must put a stop to the prevailing cycle of impunity that has resulted in encouraging the perpetration of atrocity crimes and serious violations of international law against entire peoples and nations, which are being punished for simply having decided, in a free and sovereign manner, to be masters of their own destiny and to reject any attempt at foreign domination.

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

Ms. Arboleda Niño (Colombia) (*spoke in Spanish*): We welcome this debate, which highlights the pertinence of accountability when the international community is confronted with grave violations of international law.

In this era of accountability, the efforts of the United Nations should focus on strengthening and rendering more effective the existing mechanisms designed to address crimes committed in the context of armed conflict and other situations of violence, as well as to ensure reparations for victims and the prevention of new conflicts. In that context, we would like to highlight some of the lessons learned in Colombia.

First, the transitional justice arrangements under way in Colombia have at their core the victims of the serious crimes committed over years of violence in the country. The Special Jurisdiction for Peace, the Truth Commission, the Unit for the Search for Persons Deemed as Missing and the Victims Unit were created with the objective of guaranteeing the rights of victims, ensuring their participation in the various processes and operating under the fundamental principle that there is no path to peace without the recognition of responsibilities and the guaranteed rights of victims to truth, justice, reparation and non-recurrence.

Secondly, we could not have developed the current institutional framework without our previous experiences with the Justice and Peace Law of 2005,

which addressed the grave violations committed by armed groups. That framework also taught us about the advantages of focusing our investigative efforts on macro-cases in order to clarify accountability and patterns of commission of those types of crimes, especially by those with the highest level of responsibility.

Thirdly, it is clear to Colombia that all efforts made in the area of accountability and the fight against impunity at the national level must correspond to measures taken on the international stage and be permanently coordinated with multilateral bodies. Our country has therefore benefited from the support of both the International Criminal Court (ICC) and the United Nations system in general, resulting in achievements that have been sustained over the long term.

Fourthly, while crimes that occurred in the past must be addressed, we must bear in mind that States have many other obligations. Detailed planning is therefore vital in order to identify long-term sources of funding to deliver results that make such processes irreversible.

Fifthly, the participation of women, indigenous communities and communities of African descent and other vulnerable groups is crucial to the success of any such process.

In October 2021, the Prosecutor of the ICC took the decision to close the preliminary examination concerning my country that had been open since 2004. In doing so, the Prosecutor reaffirmed that our judicial institutions, namely, the ordinary and transitional justice institutions, were adequately equipped for the proper administration of justice and met international standards. The Prosecutor noted that those institutions have the necessary capacity to deliver justice for serious crimes of international concern that may have been committed on our territory or by our nationals.

Taking into account all of the progress it has made, Colombia is a member of the Group of Friends of Accountability following the aggression against Ukraine, and in that capacity we align ourselves with the statement of the representative of the Marshall Islands on the Group's behalf.

Our primary concern since the aggression began has been to seek actions that the international community can take in order to ensure that the crimes committed do not go unpunished. We believe that all States Members of the United Nations must take the

responsibility to ensure that the various accountability processes in place in Ukraine operate in a coordinated manner. We must promote initiatives that consistently emphasize the protection of victims and the full exercise of their rights.

Colombia is a model for a process that, with international support, ensures accountability and enables justice to address serious violations of international law. We trust that both the Security Council and other United Nations organs, as well as Member States themselves, can strengthen and institutionalize, in a joint and coordinated manner, the international legal principles on which accountability is based in order to consolidate and safeguard one of humankind's greatest achievements.

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

Mr. Penaranda (Philippines): We are pleased to take part in this conversation on developing a global strategy to enhance the role of the international community in holding States and those who act on their behalf accountable for serious violations of international law.

International law is the cornerstone of the international order. The Charter of the United Nations is our fundamental starting point, enumerating the principles of international law concerning friendly relations and cooperation among States. We hold those principles sacrosanct.

Under the Charter, the Security Council has a critical role in upholding the international order and the rule of law that underpins it. It holds the primary responsibility for the maintenance of peace and security. In examining the steps that the Security Council could take to strengthen and institutionalize the international legal principles of accountability and related accountability mechanisms in order to have an impact in practice, the Philippines encourages Member States to revisit documents related to the Charter, in particular the Manila Declaration on the Peaceful Settlement of International Disputes, which the General Assembly adopted by consensus via resolution 37/10, of 15 November 1982.

The Declaration states that Member States should help strengthen the Council's role in any situation that, if left to continue, would be likely to endanger the maintenance of international peace and security. To

that end, among others, Member States could take the following actions.

First, Member States could bring to the attention of the Security Council any dispute or situation that might lead to international friction or give rise to a dispute.

Secondly, Member States could encourage the Security Council to make wider use of the opportunities provided for under the Charter to review disputes or situations that, if left to continue, would be likely to endanger the maintenance of international peace and security.

Thirdly, Member States could consider making greater use of the fact-finding capacity of the Security Council, in accordance with the Charter of the United Nations. The Security Council may also request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities, including on the present issue of institutionalizing international legal principles of accountability and the related accountability mechanisms in order to have an impact in practice. With regard to the other ways and means to strengthen accountability mechanisms at the State, regional, and international levels, the preliminary views of the Philippines are as follows.

Concerning documentation, the mapping of serious violations of international law and the identification of perpetrators of international crimes at the national level, relevant legislation is imperative. The Philippines has enacted a law on crimes against international humanitarian law, genocide and other crimes against humanity that defines international crimes and their perpetrators.

With regard to enhancing accountability, the proposed accountability network between the International Court of Justice, the International Criminal Court, the Office of the United Nations High Commissioner for Refugees, various legal regimes and regional institutions needs further study. Member States could request that the Secretary-General prepare a report on operationalizing it for further study by the General Assembly, including through the Sixth Committee.

Concerning participation, the Philippines sees value in capacity-building through education and awareness for vulnerable groups on issues of accountability. The most vulnerable groups often have the least access to information on their rights and opportunities. The

media, civil society and victims' organizations are an important constituency. As stakeholders, they enhance and help sustain accountability, as well as help in establishing truth.

With regard to reparations, there should be better identification, documentation and monitoring of victims and the offences against them. We note that it has taken decades to compensate past victims of international crimes. There should be adequate, effective and prompt reparations for harm suffered.

In conclusion, I would like to emphasize that in strengthening accountability and justice, we should first strengthen the structure and methodologies of the institutions that hold violators accountable.

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

Mr. Hmoud (Jordan) (*spoke in Arabic*): At the outset, Madam President, I would like to congratulate Albania on its assumption of the presidency of the Security Council for this month. We appreciate the holding of this important open debate on strengthening accountability and justice for serious violations of international law.

International criminal law has unquestionably made great strides in the past few decades, thanks to the development of relevant State practice and the establishment of specialized international tribunals for cases involving individual criminal responsibility for the commission of international crimes, thereby establishing legal principles, drawing the attention of the international community to the gravity of such crimes and promoting concepts related to the prevention of impunity. In that regard, Jordan stresses the major role that was played by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the role that the International Criminal Court is now playing in strengthening international criminal justice. However, despite that progress, we continue to witness serious violations of international humanitarian law and international criminal law, especially in the context of armed conflicts both international and internal, as well as a lack of adequate efforts on the part of the international community to deter the commission of international crimes.

In the brief time allowed for this statement there is no room to cite all the reasons for the continuing

violations and ongoing impunity for them. However, some of the most important involve a lack of political will and the prevalence of selectivity in addressing crimes committed based on the situation or dispute concerned, along with the influence of political factors on criminal prosecutions in international tribunals. And for the reasons I have just discussed, the Security Council has unfortunately not played an effective role in addressing most of the gravest international crimes.

The assassination of Palestinian journalist Shireen Abu Akleh by the Israeli occupation forces is a clear example of such selectivity within the Security Council in the context of addressing international crimes. Political considerations prevented some members from even describing it as a war crime in the Council's press statement (SC/14891). International tribunals cannot work alone or prosecute every perpetrator of international crimes. It is therefore of the utmost importance for countries to exercise their national prerogatives concerning such crimes in accordance with their international legal obligations. They should forbid immunity for the perpetrators, in line with the provisions of international law. The relevant tribunals must guarantee justice, human rights and the non-politicization of trials. States must cooperate to achieve international criminal justice. They must not provide safe havens for the perpetrators of such crimes. They must assist one another in enforcing their jurisdiction and providing the necessary legal assistance, evidence and information.

The commission of international crimes by State officials or forces implies international responsibility for those States. Those officials and forces must be held accountable, and States must ensure reparations for the damage they have caused to the victims and their families. The international community must put a stop to such crimes, prevent them from recurring and hold the States involved responsible for the crimes perpetrated by their officials or forces. The international community must also work to alleviate the impact of such crimes on victims. In that regard, Jordan supports the Trust Fund for Victims under the aegis of the International Criminal Court and calls on countries to provide similar mechanisms.

There continues to be a gap in the international legal system with regard to crimes against humanity that cannot be covered by the provisions of the Rome Statute of the International Criminal Court alone. Jordan calls on the General Assembly, specifically

the Sixth Committee, to begin serious negotiations for establishing an international convention on crimes against humanity, based on the provisions adopted by the International Law Commission in that regard.

In conclusion, establishing international criminal justice is part of the peacebuilding process. The perpetrators of international crimes must not be allowed to enjoy impunity so that the parties to an armed conflict can reach peace agreements or arrangements. Jordan therefore stresses the importance of maintaining peace tracks during conflicts in parallel with efforts to achieve legal accountability for the perpetrators of crimes, as durable peace cannot be achieved without ensuring justice for the victims.

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

Mr. Bae (Republic of Korea): I would like to thank Albania for convening today's timely open debate, and my gratitude also goes to all the briefers for their thought-provoking interventions.

Accountability is both a means and an end in itself. As an essential component of the rule of law, it accords with our shared sense of justice. Ensuring accountability also serves as an instrument to deter the recurrence of atrocities, build trust in post-conflict societies and help restore the dignity of victims. The polar opposite of accountability, namely, unrelenting impunity for gross violations of international law, constitutes a threat to international peace and security, and therefore pertains to the mandate of the Security Council.

Our journey from impunity to accountability has not been linear. The Security Council has played an instrumental part in seeking accountability by setting up tribunals and referring situations to the International Criminal Court. Yet there have been setbacks and obstacles. Wide accountability gaps remain, and they loom even larger in cases of gross violations of international law. Our focus of concern now is on how to fill such gaps in the unfolding crisis in Ukraine.

My delegation would like to highlight a few points to strengthen our resolve and guide us towards zero impunity for flagrant breaches of international law.

First, accountability is a duty, not a choice. It is part of addressing serious violations of human rights and is prescribed by treaties such as the Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide. In the face of allegations

of such violations, the State concerned is obliged to investigate and address the issue of accountability.

Secondly, accountability is about truth. Establishing truth is an integral part of ensuring accountability. As crucial as a State's obligation to address serious human rights violations is its duty to cooperate in fact-finding. That is a building block for ensuring accountability, and the failure to do so must not be taken lightly. In that vein, my delegation would like to emphasize that States must counter false narratives and not engage in the spread of disinformation, which hinders the pursuit of truth.

Thirdly, accountability is for victims. We must not forget the victims and should accord them a rightful place in our pursuit of justice. Only by empowering survivors and their communities can peace be sustainable and justice complete. Our first step is to listen to their stories.

Fourthly, accountability can be better achieved through teamwork. Our endeavours towards accountability are often multifaceted, and they therefore require coordination. Despite various jurisdictions and mandates, judicial and investigative bodies can converge on the same objective of addressing serious violations of human rights law and international humanitarian law.

Our efforts to ensure accountability need resources and political will, and expectations are high for the Security Council to fulfil the role of leading and supporting that political will. Only the Council is endowed with the authority to create a binding obligation for States to cooperate in the pursuit of accountability and truth.

Lastly, my delegation would like to recall that patience and perseverance are salient features of seeking accountability. The question should not be whether, but how, and when, perpetrators will be held accountable. Only with such conviction can the genuine impact of deterrence then follow.

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

Mrs. Inanç Örnekol (Türkiye): We thank the Albanian presidency for organizing today's important and timely debate, which is being held at a moment when international law is under heavy strain. We also extend our appreciation to the briefers for their insightful remarks.

International law is foundational to the United Nations, and the Security Council has a special role to play in ensuring that it is respected. Sadly, as highlighted by many delegations earlier today, international law continues to be severely violated around the world, particularly in conflicts, resulting in immense human suffering. Yet the current dynamics in the Council do not allow for a meaningful discussion on upholding international law. The issue of the situation in Ukraine is the most recent and visible example.

In discharging its responsibility, the Council acts on behalf of all Member States, and it must do so in accordance with the Charter of the United Nations. The use of the veto to protect narrow national interests in situations of mass atrocities is not in line with the spirit of the Charter. As a result, the Council cannot adequately deliver on its primary responsibility for the maintenance of international peace and security.

In that vein, we commend initiatives aimed at limiting the casting of negative votes in cases of mass atrocities by both permanent and elected members. Initiatives by France and Mexico, as well as Liechtenstein on behalf of the Accountability, Coherence and Transparency group, are steps in the right direction.

By the same token, we welcome the adoption by consensus in April of General Assembly resolution 76/262, entitled “Standing mandate for a General Assembly debate when a veto is cast in the Security Council”. Türkiye is one of the main sponsors of that highly relevant resolution, which aims to provide a mechanism to ensure accountability among United Nations organs, in accordance with the Charter.

Accountability is the bedrock of the rules-based international order. It is the path to peace. Addressing continuing impunity is vital not only for the delivery of justice but also for preventing the recurrence of such crimes in the future.

Of course, the primary responsibility to investigate and prosecute the most serious crimes of international concern lies with national justice systems. However, where national judicial systems fail to tackle impunity, the international community, in particular the Security Council, is responsible for taking the necessary and appropriate measures to promote, and ensure accountability for, international crimes of that nature.

In that regard, it is worth noting the decisive steps the Council has taken in the past. Through its resolutions establishing the International Tribunals for the former Yugoslavia in 1993 and for Rwanda in 1994, the Council has had an undeniable impact on the development and interpretation of international law, in particular international criminal law.

Türkiye closely follows and fully supports the work of the successor institution — the International Residual Mechanism for Criminal Tribunals. We are proud to have a highly qualified national serving as a judge in that legal body, and we applaud the Mechanism for the remarkable progress it has made, especially in 2021, towards the completion of its core judicial work. As the Security Council’s biennial review of the progress of the work of the Mechanism approaches, we express our support for that important body in successfully continuing to carry out its mandate.

Türkiye’s voluntary financial support to the Residual Special Court for Sierra Leone, which was established pursuant to an agreement between the United Nations and the Government of Sierra Leone to address serious crimes committed during that country’s civil war, is another example of our commitment to supporting justice and accountability mechanisms.

Needless to say, we also commend the Council for creating the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant in 2017, with a mandate to collect, preserve and analyse evidence of heinous crimes committed by Da’esh.

In the instances when the Council has failed to act, however, the General Assembly has searched for alternatives, such as the creation of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM). We take this opportunity to reiterate our full support for the IIIM, as well as all other international mechanisms that document and investigate war crimes, crimes against humanity and violations of international humanitarian law committed on a daily basis in Syria by the regime and by terrorist organizations.

Similarly, we support the Independent Investigative Mechanism for Myanmar, which was established in 2018 by the Human Rights Council.

Such mechanisms are solid examples of the international community's commitment to accountability, and they can constitute best practices that can be replicated with regard to documenting serious violations of international law.

To conclude, I would like to emphasize that safeguarding and promoting international law, as well as working to ensure its progressive development in addressing and tackling global needs and challenges, has been a key foreign policy priority for Türkiye. We have also contributed to those efforts through the presence of a national serving as a member of the International Law Commission. Türkiye will continue to play its role in global and regional efforts to uphold the rule of law and ensure accountability, both of which lie at the core of international peace and security.

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

Mr. Kadiri (Morocco) (*spoke in French*): At the outset, I would like to congratulate your friendly country, Madam President, on your presidency of the Security Council. I would also like to thank you for organizing this open debate on a very important subject and the briefers for their thorough briefings.

The Kingdom of Morocco reiterates its commitment to respect for international law, human rights and international humanitarian law, accountability and the fight against impunity. We continue to believe firmly that when serious violations of international law are committed, reparations are also a crucial tool for reconciliation. The fight against impunity is vital because it responds to the need to hold individuals responsible for their acts, on the one hand, and allows the victims to receive justice, on the other. The most serious violations of international criminal law and international law in general, such as crimes against humanity, war crimes and genocide, have no place in our world. That is why it is crucial to ensure that they do not go unpunished. In that regard, the role played by the international criminal tribunals established in order to prosecute those responsible for serious violations of international law, and by the residual mechanism that is continuing their work, is to be commended.

As the world continues to address the challenges that have resulted from the coronavirus disease pandemic, efforts must be strengthened to ensure continued respect for the rule of law. The pandemic must not serve as a pretext to erode previous gains, particularly in the

areas of human rights and humanitarian law. The rule of law is not something at the mercy of circumstance but rather the result of lasting, long-term commitments, as well as continued effort and concrete action. In that context, Morocco's commitment to the rule of law, democracy and its corollaries is unfaltering and enshrined in its Constitution.

When it is respected, international law is a vital tool for preventing situations that could lead to serious violations of international law, and conflict prevention efforts are therefore also central. The Security Council has often affirmed that the rule of law and justice are fundamental elements of conflict prevention and the peaceful settlement of disputes and form the foundations for lasting peace. Drawing lessons from the conflicts that humankind has seen, we can see that peace and security, respect for the territorial integrity of States and respect for human rights and the rule of law are intrinsically linked.

We also urge for fully respecting and implementing the ban enshrined in many instruments on recruiting children as soldiers in armed conflicts, including by armed groups. There is a special obligation to protect children, who are particularly vulnerable. In that regard we should point in particular to the Convention on the Rights of the Child and its Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and emphasize that the recruitment of children has been designated a war crime by the Statute of the International Criminal Court and by other instruments before it, which characterize the recruitment and enlistment of children as serious violations of human rights and international humanitarian law. Those responsible for such crimes must be held to account.

The United Nations has an essential role to play in the peaceful settlement of disputes, a crucial factor in the prevention of conflicts and the maintenance of peace. We are pleased that over the past two decades the Organization has developed a broad range of key tools, including a solid normative and practical framework guiding its efforts and those of other actors in conflict mediation and peacekeeping. In that context, we welcome the Secretary-General's new agenda for peace initiative, included in his report on *Our Common Agenda* (A/75/982), which will undoubtedly contribute to strengthening the role of the United Nations in maintaining, building and sustaining peace.

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

Mr. Turay (Sierra Leone): The delegation of Sierra Leone congratulates the Albanian presidency and commends it for holding this important open debate.

We would like to take this opportunity to restate our unwavering commitment to accountability and justice, that is, independent and impartial justice for serious violations of international law. We see the strengthening of accountability and justice mechanisms at both the national and international levels as critical not only to maintaining international peace and security but to achieving sustainable development. Sierra Leone reaffirms the view that under Article 24 of the Charter of the United Nations, the Security Council has the primary responsibility for the maintenance of international peace and security and must therefore undertake the primary role, on behalf of the States Members of the United Nations, in addressing accountability gaps and ending impunity.

Sierra Leone's commitment to accountability and justice is informed by its transitional justice experience, including the establishment of the Special Court for Sierra Leone, created by a treaty between the United Nations and the Government of Sierra Leone in 2002 and authorized by resolution 1315 (2000). The Special Court was meant to address an impunity gap, and that was during a period seen as a golden era for international criminal justice under the leadership of the Security Council. In the context, however, describing an era as "golden" may be counterproductive, since it denotes a regrettable regression for accountability and a persistence of impunity. It is against that background that I would like to highlight three points aimed at strengthening accountability and justice for serious violations of international law.

First, the development of a global strategy to institutionalize and strengthen international legal principles of accountability should be based on full respect for international law, particularly in our approach to conflicts and other persistent challenges. In ensuring full respect for international law, due regard must be given to the issue of its legitimacy in accounting for the views of our pluralistic multilateral system, and to the central point that international law must be applied consistently. Compliance and accountability must therefore not be selective.

Secondly, being a State party to the Rome Statute establishing the International Criminal Court, Sierra Leone welcomes the recognition of the right of victims to participate in proceedings, to have protection, support and legal representation and to obtain reparations. For the first time in history, that recognition in the Rome Statute has granted survivors of mass atrocities a voice in the administration of justice. That approach should now have gone beyond being seen as mere innovation and should be pursued and applied universally as part of the global strategy to strengthen accountability and justice. In calling for a universal, victim-centred view, we also acknowledge the importance of linking it to a gender-sensitive and inclusive approach.

Thirdly, and in this regrettable era of disinformation and misinformation, it is vital to safeguard the crucial role of the media, civil society and victims' organizations in strengthening accountability both nationally and internationally. There must be full respect for the principles safeguarding the protection of the media, civil society and human rights defenders, including victims' organizations, in covering or working in conflict situations and dangerous environments. It is these groups that are usually the first responders and witnesses to the facts and truth. Reinforcing their protection and accountability for violations of their protection must be absolute.

In situations where we have existing accountability mechanisms or such mechanisms are contemplated, outreach and a field presence are essential. In that regard, I would like to point to the experience and work of the innovative outreach section of the Special Court for Sierra Leone, which served as a hub for engagement with the communities directly affected to ensure that the accountability mechanism was responsive to their needs and could provide access to impartial information.

Let me close by urging the Security Council to continue, in the light of its mandate under Article 24 of the United Nations Charter, to take effective measures to maintain international peace and security and suppress breaches of peace through, inter alia, criminal accountability to end impunity.

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

Mr. Aliyev (Azerbaijan): At the outset, I would like to thank the Albanian presidency of the Security Council for convening today's important meeting.

As far as general international law, as laid down in the articles on responsibility of States, adopted by the International Law Commission on 9 August 2001, is concerned,

“[e]very internationally wrongful act of a State entails the international responsibility of that State”.

Under international criminal law, all those who engage in conduct considered to be prohibited and criminalized bear individual criminal liability. States are required to investigate, without undue delay, reports of war crimes and other serious offences and to prosecute and punish the perpetrators.

Despite clear obligations set forth in international law, the lack of accountability continues to challenge peace and justice and prevent progress in sustainable development. First and foremost, selectivity and double standards should have no place in issues relating to the universally recognized norms and principles of international law, the principles of accountability and the identification of the perpetrators of international crimes. Combating impunity for serious violations and broader transitional justice are imperative and must be systematic and universal. It is critical to consistently and resolutely oppose and reject any attempts and actions aimed at imposing the culture of impunity for serious violations, misinterpreting international law, promoting territorial claims and undermining the unity and territorial integrity of States.

Azerbaijan's experience of the 30-year-long unlawful occupation of its territories by Armenia, since the early 1990s, accompanied by numerous war crimes committed against our people, the complete levelling of thousands of our cities, towns and villages, the barbaric destruction of our cultural heritage and the forcible displacement of hundreds of thousands of our citizens, is a graphic illustration of the deficiency of accountability mechanisms. The condemnations and binding demands contained in unanimously adopted resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) were simply ignored by Armenia, while the mediation led by the Organization for Security and Cooperation in Europe failed to facilitate a negotiated settlement. On the contrary, over this period, Armenia spared no effort to consolidate and cement the results of the aggression and colonize the occupied territories of Azerbaijan, thereby abusing the peace process and the ceasefire, in clear violation of international law.

Another act of aggression by Armenia, in the fall of 2020, became a logical consequence of its decades-long impunity. Direct and indiscriminate missile attacks that struck Azerbaijani cities and districts, including with the use of internationally banned cluster bombs, killed and wounded hundreds of civilians and destroyed numerous civilian objects. Azerbaijan resolutely responded in order to liberate the occupied territories, restore its territorial integrity and protect its people, acting exclusively on its sovereign soil, in full conformity with the Charter of the United Nations and international law.

The 30-year-long armed conflict has now been resolved. This was a long overdue development demanded by the Charter of the United Nations, international law and justice. Further, to restore justice, Azerbaijan instituted proceedings to hold Armenia to account for its past and ongoing egregious violations of international law, including at the International Court of Justice and the European Court of Human Rights. Additionally, several individuals were prosecuted and punished for war crimes and terrorist and mercenary activities.

At the same time, Azerbaijan initiated the process of normalizing inter-State relations with Armenia based on mutual recognition and respect for one another's sovereignty and territorial integrity within our respective internationally recognized borders. We look forward to the commencement in the near future of negotiations on a bilateral peace treaty and tangible progress in this direction within a reasonable time frame, along with the early reopening of transport routes and the delimitation and demarcation of the State border between our two countries.

Strict compliance by States with their international obligations is vital for preserving, building and sustaining peace and enhancing cooperation. Azerbaijan is determined to strengthen security and stability, promote accountability and advance the agenda of peacebuilding, reconciliation, reintegration, peaceful coexistence and development in the region.

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

Mr. Dvornyk (Ukraine): I also recognize the representative of Putin's regime in the permanent seat of the Soviet Union.

Ukraine aligns itself with statements made by the representative of the European Union, in its capacity as observer, and by the representative of the Republic of the Marshall Islands, on behalf of the Group of Friends of Accountability following the Aggression against Ukraine, respectively.

I would like to thank Albania for organizing today's important debate and all briefers for their briefings. I would also like to express our sincere condolences to the representative of Brazil on the passing of Judge Antônio Augusto Cançado Trindade.

Almost a hundred days ago, while we were sitting in this Chamber at an emergency meeting of the Security Council (see S/PV.8974), the first bombs and rockets hit peaceful Ukrainian cities and Russian soldiers crossed the Ukrainian borders. They crossed to kill, torture, destroy and plunder, not in violation of, but in strict accordance with, instructions received from their commanders. Mariupol and Bucha are the names of the cities known throughout the world as synonyms of Russian barbarism, and they are just two in a list of dozens. Some 1,200 bodies of murdered civilians were recovered in the Kyiv region alone, following the Russian retreat. We will be able to calculate the number of civilian casualties in Mariupol only after the de-occupation of the city. However, it is clear that dozens of thousands were killed. Approximately 200 to 300 war crimes are being committed in Ukraine every day, with the general number exceeding 15,000 since the beginning of the invasion.

Ukraine encourages all partners to join our efforts aimed at ensuring justice within the framework of the joint investigative team for Russia's war crimes, in which the European Union Agency for Criminal Justice Cooperation and the Office of the Prosecutor of the International Criminal Court are also participating.

Investigative mechanisms are working. This week, two more Russian servicemen, artilleryists Ivanov and Bobikin, were sentenced for shelling civilian infrastructure in the Kharkiv region. Regrettably, such acts — war crimes — by Russia take place on a daily basis, because they constitute a regular method of warfare by Russia. Two days ago, French journalist Frédéric Leclerc-Imhoff was killed as a result of the shelling of the city of Lysychansk by Russian troops. Ukraine has already initiated investigation into the matter.

Ukrainian children remain among the most vulnerable to war crimes and crimes against humanity. Our investigative bodies have already registered 1,042 criminal proceedings concerning invasion-related crimes committed against children. As of today, at least 261 children have been killed, 460 wounded and 145 are missing. We have already identified 11 Russian servicemen suspected of child abuse. Ukraine will continue to work to bring them, as well as others responsible for war crimes, to justice. We will also persist in struggling for the safe and rapid return of more than 230,000 Ukrainian children forcibly deported to Russia.

On 26 February, Ukraine launched a case against Russia at the International Court of Justice on allegations of genocide. On 16 March, the International Court of Justice ordered Russia to immediately cease its so-called special operation against Ukraine. We are grateful to the President of the International Court of Justice, who this morning recalled the legally binding nature of that order, still awaiting its implementation by Russia.

Ukraine has also been supportive of the idea of creating a special criminal tribunal for the punishment of the crime of aggression against Ukraine. Such a tribunal for Putin, Shoygu, Gerasimov, Lavrov and other Russian war criminals will be the final accord of the war.

After 100 days of courageous resistance by the Ukrainian army and the entire Ukrainian nation, it is clear that this unprovoked and unjustified war of aggression will end with Russia's defeat — a defeat that will be a victory for the entire civilized world, for humanity and for justice. What we all need now is to maintain resolve to bring that victory closer.

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

Mrs. Maille (Canada): Like my predecessor, I would like to start by expressing condolences to our Brazilian colleagues on the passing of Justice Cançado Trindade. It is a pleasure to also work with his son here in New York City.

The protection of human rights and the fight against impunity when those rights are violated are at the very core of the rules-based international order. Canada would like to thank Albania for organizing this open debate on strengthening accountability and justice for

serious violations of international law — one of the most important challenges to achieving international peace and security.

Canada has worked with many of those present in this Chamber on our joint commitment to ensuring accountability for war crimes, crimes against humanity and genocide. We have also made particular efforts to strengthen the integration of a gender-based perspective into all that work. We joined with many Member States in creating the International Criminal Court, which plays a vital role within our multilateral system to enhance respect for the rule of law and create a more peaceful and just world. We are a strong supporter of the Court and believe in its important role in pursuing accountability and bringing justice to victims. That is why Canada, along with several other partners, referred the situation in Ukraine to the Court in early March.

Canada insists that there must be accountability for any atrocities and serious crimes being committed in the ongoing conflict. There has been appalling brutality, targeting the civilian population. There are clear patterns of violations of international humanitarian law by Russian forces. As the horrific events in Ukraine unfold before our eyes, it is clear that more must be done.

(spoke in French)

The Russian Federation is waging an illegal and unjustifiable war of aggression against the sovereignty, territorial integrity and political independence of Ukraine. Russia's actions are a flagrant violation of the Charter of the United Nations, as well as its purposes and principles.

(spoke in English)

The principles of accountability underpin the very foundation of the United Nations. If the Security Council is unwilling, or unable, to take action, it is incumbent upon the international community to take action to prevent and address crimes of atrocity. For that reason, Canada strongly supports efforts to ensure accountability for atrocity crimes via other mechanisms, such as the International, Impartial and Independent Mechanism for Syria, the Independent Investigative Mechanism for Myanmar and the recently established commission of inquiry mandated by the Human Rights Council to investigate violations of human rights and international humanitarian law in the context of Russia's aggression against Ukraine.

The lessons from Rwanda, Syria and Myanmar show that it is imperative to investigate and gather evidence immediately in an orchestrated way so that we can seek justice. Canada welcomes the comments by the keynote speakers earlier this morning, and we support efforts to enhance accountability for the commission of atrocity crimes via the review of the International Law Commission draft articles on the proposed convention on the prevention and punishment of crimes against humanity.

Canada is a long-time champion of justice for victims of serious international crime as a means of building international peace. We are confident that we can contribute to effective, carefully considered global responses in pursuit of human rights, accountability and justice towards achieving peace and security. Justice must prevail. There shall be no impunity.

The President: I now give the floor to the representative of Guatemala

Mr. Castañeda Solares (Guatemala) *(spoke in Spanish)*: This open debate is of singular importance due to the critical times in which we are living, it being necessary to specify that the observance of the rule of law and international law as an essential part of such times is a *conditio sine qua non* to guarantee international peace and security — the pillar and foundation for which this Organization was established and the main function of the Security Council.

In recent months, we have witnessed a blatant violation of international law. As we said previously in other forums, we are concerned about Russia's unjustified invasion of the territory of Ukraine, which is a clear example of a flagrant violation of the founding Charter of the United Nations and of international law as a whole — an unnecessary war, which has claimed the lives of thousands and affected millions of innocent people.

Those facts cause even greater dismay when we see heart-rending images of Ukrainians found in mass graves — acts that cannot go unpunished, as their seriousness and gravity could constitute war crimes or crimes against humanity.

A few months ago, the General Assembly adopted resolution ES-11/1, which my country, Guatemala, co-sponsored. It was adopted by an overwhelming majority, condemning the aggression against Ukraine as an illegal and unjustified act, representing a flagrant

violation of international law that undermines the territorial integrity and sovereignty of Ukraine.

Guatemala reaffirms its unequivocal support for the International Criminal Court, as well as its commitment to the fight against impunity. The Court plays a fundamental role within the international justice system, with the objective of putting an end to impunity for the most serious crimes of concern to the international community as a whole and ensuring that their perpetrators are held accountable for those reprehensible acts.

As a peaceful State, Guatemala values the methods of conflict resolution based on the principles of the Charter of the United Nations and recognizes the importance of the responsibility to protect. We take fully into account the third pillar of that principle, which emphasizes the role of the international community in protecting populations at risk of suffering crimes against humanity.

In its national legislation Guatemala prioritizes respect for, and the observance of, human rights, which are also an important pillar of our foreign policy. In the current difficult circumstances, we believe that it is necessary to renew our multilateral efforts to ensure that justice and the rule of law prevail. We must do everything in our power to ensure effective compliance with international law. We must clearly learn from the events that we are witnessing today and truly try to fulfil the main purpose for which the United Nations was established, namely, that of preserving future generations from the scourge of war.

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

Ms. Squeff (Argentina) (*spoke in Spanish*): At the outset, I would like to thank Albania for convening this open debate, which allows us to reflect on ways to strengthen accountability and justice for serious violations of international law.

Accountability is vital in order to deliver justice to victims and deter future crimes. International crimes are subject to individual criminal responsibility under international law, and States have the primary obligation to prosecute perpetrators. When a State is unwilling or unable to investigate and prosecute international crimes, the international community must take steps to activate alternative accountability mechanisms.

Fortunately, in recent decades States have made progress in creating different mechanisms that contribute to accountability efforts for serious crimes under international law, such as the ad hoc international criminal tribunals established by the Security Council and the commissions of inquiry and fact-finding missions established by the Human Rights Council.

One such milestone in the evolution of accountability mechanisms was the establishment of the International Criminal Court (ICC). Argentina is proud of the central role it played in the Court's creation and fully supports its work and mandate to bring those responsible for serious international crimes to justice. We call on all States to cooperate with the ICC to ensure that the perpetrators of such crimes are held accountable. The Security Council must also make greater use of its power to refer situations to the ICC in order to bridge the impunity gap.

Argentina also attaches great importance to other forms of cooperation that contribute to strengthening the capacity of States to fulfil their primary responsibility to investigate and prosecute. In that regard, we would like to highlight the initiative for mutual legal assistance and extradition for atrocity crimes promoted by Argentina, Belgium, Slovenia, Mongolia, the Netherlands and Senegal. There is no doubt that the development of a multilateral treaty on the matter will help to strengthen national capacities in the investigation and prosecution of atrocity crimes. We encourage all States to join that important initiative.

Another mechanism that contributes to strengthening accountability is the International Humanitarian Fact-Finding Commission, a body provided for in the Protocol Additional I to the Geneva Conventions. Its purpose is to investigate any fact that has been alleged to constitute a grave breach of the Geneva Conventions or Protocol I thereto and to facilitate, through its good offices, the return to a position of respect for those treaties. Argentina accepted the competence of the Commission in 1996, and we encourage the use of that tool for international humanitarian law in cases of related violations.

In terms of best practices that could be replicated and/or improved upon in relation to the documentation and mapping of serious violations of international law and the identification of perpetrators of international crimes, I would like to highlight the work of the renowned Argentine Forensic Anthropology Team.

That non-governmental and non-profit scientific institution applies methodologies and techniques from different branches of the forensic sciences with respect to missing persons in the areas of investigation, search, recovery, determination of cause of death, identification and restitution. The Argentine Forensic Anthropology Team's experts have worked in numerous countries at the request of various national and international institutions and have thereby contributed significantly to the investigation of international crimes.

Accountability for serious violations of international law and the need to restore justice cannot be overlooked or sacrificed at the behest of provisional or temporary political settlements. Peace can be sustainable only if it goes hand in hand with justice. Truth-seeking efforts are crucial to any peace and reconciliation process and constitute an essential component for the establishment of lasting peace in post-conflict situations. Accountability is a key element of strengthening the rule of law and must be at the core of our peacekeeping, peacebuilding and overall conflict prevention efforts.

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

Mr. Lagatie (Belgium): Let me start by offering my condolences to our Brazilian colleagues following the passing of Judge Antônio Augusto Cançado Trindade of the International Court of Justice.

I would like to thank you, Madam President, for organizing this important high-level debate today. Accountability for serious violations of international humanitarian law and international human rights law is crucial to rebuilding sustainable peace based on the rule of law and to restoring public trust and justice and security institutions.

The fight against impunity is essential to prevent new conflicts and atrocities in the future. While Ukraine is the most recent example, it is unfortunate that so many other violations and abuses have been committed in other conflict situations, such as in Syria, Ethiopia, Myanmar, Yemen and the eastern Democratic Republic of the Congo, to name but a few.

Allow me to make three points today.

First, we believe that the International Criminal Court (ICC) has a key role to play in the fight against impunity when States are unwilling or unable to investigate and prosecute the alleged perpetrators of

the most serious crimes. In less than a month, on 1 July, we will commemorate the twentieth anniversary of the entry into force of the Rome Statute. Belgium was one of its founding fathers, and we take this opportunity to call upon all United Nations States Members that have not yet done so to ratify the Rome Statute, as well as its amendments, and to cooperate with the Court.

Accountability cannot be achieved if States lack the political will to execute arrest warrants issued by the Court, protect victims and witnesses and fulfil their financial obligations towards the Court. Belgium has always been a defender of a stable budget for the Court and has repeatedly made voluntary contributions.

The current situation in Ukraine should remind us of the Court's relevance. Twenty years after the entry into force of the Rome Statute, we welcome the recent deployment of 42 investigators by the ICC Prosecutor to Ukraine as a concrete example of initiatives for accountability.

(spoke in French)

Secondly, with the growing number of conflicts in the world, we also note the increase in violations and abuses of human rights and the most serious crimes, including conflict-related sexual violence, which Belgium condemns in the strongest terms. We have at our disposition a solid international legal framework to combat such crimes, and several States have adopted legislative frameworks or national action plans in that regard, but their implementation and the prosecution of perpetrators remains problematic. The United Nations must continue to provide support in order to strengthen the capacity of national institutions.

Moreover, Belgium fully supports the efforts of the International Criminal Court aimed at prosecuting the perpetrators of sexual and gender-based crimes. We also support the fact that sexual violence is a stand-alone designated criterion in sanctions regimes. We invite the members of the Security Council to add a greater number of individuals to sanctions lists on that basis.

We are particularly concerned by the situation of children impacted by armed conflict. Children are among the most vulnerable victims and are not always afforded the space that they need during legal proceedings. Belgium therefore calls for children to be systematically recognized as victims in a separate

category before national, hybrid and international tribunals, as well as by transitional justice mechanisms.

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

Mr. Hernández Chávez (Chile) (*spoke in Spanish*): At the outset, allow me to take this opportunity to express our deep condolences to the Brazilian delegation following the passing of Judge Antônio Augusto Cançado Trindade this week.

Chile thanks Albania for convening this pertinent debate at a time when yet another war is affecting the rights and lives of so many people, which calls for comprehensive consideration of the issue in the multilateral space. We also thank the briefers, who provided us with a very relevant context. We agree with the spirit of the concept note (S/2022/418/Rev.1, annex), and the statements of several speakers, that accountability is key to preventing and ending serious violations of international humanitarian law and international human rights law, including the individual accountability of those who perpetrate, plan or promote such violations.

Strengthening the effectiveness of international justice is essential to guaranteeing the rule of law at the international level. In that regard, Chile attaches great importance to the International Criminal Court, and we hope that those States that have not yet done so will join its Statute. Chile's commitment to international humanitarian law and the international protection of human rights is unwavering. We remain concerned about international crimes perpetrated in various parts of the world and we support conducting independent investigations for each of them. In that regard, the International Criminal Court and its Rome Statute provide a legal and institutional framework that guarantees independent and impartial investigations that will not be exploited for political ends but place those people's protection at their core.

Impunity is a scourge that encourages the recurrence of violations of international humanitarian law and undermines international peace and security. In that regard, Chile believes that the international community should adopt a multilateral approach, especially through the United Nations and its Security Council, which has the primary responsibility and duty to provide a comprehensive solution to all threats to peace that fall within its purview. We are also grateful for the guiding questions raised in the concept note.

With regard to the first question, as we just said, Chile believes that it is imperative to promote accession to the Rome Statute by as many Member States as possible and greater cooperation on the part of the Security Council with the Court.

Concerning the question on the creation of an accountability network, we believe that the mandates, the respective legal frameworks and the nature of the institutions involved are specific and can prevent duplication. Chile greatly values the International Court of Justice, the International Criminal Court and the Office of the United Nations High Commissioner for Human Rights, each of which performs its functions within its respective legal framework in a way that strengthens the international rule of law as a whole and prioritizes the protection of individuals in particular. We also value and promote the independence of international tribunals.

With regard to appropriate reparations for victims, the issue has been raised in connection with several international initiatives that should be explored. Reparations have been a common feature in several peace treaties, although they have often entailed obligations for the defeated party alone. In many other cases, they have responded to domestic initiatives to end conflicts or internal instability. Unfortunately, in most cases there have been no reparations for the victims, and that must be remedied. In that regard, the Security Council should determine which cases are relevant, and where possible create the necessary conditions so that accountability includes reparations for the victims, including restitution or compensation, as well as the material, medical, psychological and social support needed, especially for women and girls.

Lastly, I underscore Chile's commitment to truth, justice, memory, reparation and non-recurrence in all situations involving serious human rights violations. We also note that this debate must not neglect transitional justice in applicable cases, which has also been the subject of other Council debates.

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

Ms. Joyini (South Africa): South Africa welcomes today's timely debate on the further development of accountability mechanisms at the national and multinational levels to enhance accountability for the most serious crimes known to humankind. This debate clearly illustrates that if the perpetrators of

serious violations of international law are not held accountable, a culture of impunity will persist, and conflict, which the Security Council is mandated to address, will not cease. Today's debate should be used as an opportunity for us to assess how the Council can assist and strengthen accountability for serious violations of international law in conflict situations. In doing so, the Security Council cannot permit double standards. It should be consistent in the implementation of international law and, specifically, in its adherence to its own resolutions, in order to ensure that all who violate international law are held accountable. If not, its credibility will be eroded.

History teaches us that from the earliest times, but especially over the course of the past century, humankind has attempted to develop international legal norms and rules and establish structures aimed at preventing conflict and insecurity. That is also done to manage the conduct of such problems, when they occur, in a humane way and to provide accountability for the perpetrators of the most serious crimes.

The Security Council should be commended for previously taking innovative action to enhance the protection of civilians and vulnerable groups during armed conflict and ensure that the perpetrators of international crimes are held accountable for their actions. That was done with the establishment of the ad hoc criminal tribunals with respect to the former Yugoslavia, Rwanda and Sierra Leone, and with the mixed and hybrid tribunals for a number of States. However, despite those laudable efforts, merely nominal efforts to achieve global justice continue with ongoing international and non-international armed conflicts in many parts of the world, which undermine human security with violence and whose most severe impact is on vulnerable groups.

Turning to practical measures to ensure accountability for individuals, non-State armed groups and corporate actors, we welcome the fact that domestic courts of States are increasingly being used to prosecute the perpetrators of gross human rights violations during conflicts. Effective domestic justice and accountability mechanisms form a cornerstone for building accountability. The successful domestic prosecution of human rights violators requires two steps — the incorporation of international crimes into the domestic law of States and investigation and prosecution capacities.

South Africa has incorporated the Rome Statute of the International Criminal Court, as well as the Geneva Conventions and the Convention against Torture, into its domestic law. That tightly woven tapestry ensures that genocide, war crimes, crimes against humanity, torture and violations of international humanitarian law can be prosecuted in South Africa's domestic courts, even if the crimes were committed in another State. The incorporation of international crimes into the domestic law of a State will also enhance mutual legal assistance and the extradition of persons accused of having committed the most serious crimes, and will give effect to the international legal principle of *aut dedere aut judicare*. A system of voluntary reporting by States with respect to the incorporation of international crimes and their investigation and prosecution into domestic courts will enable States to share best practices.

South Africa supports the proposal to create an accountability network among the International Court of Justice, the International Criminal Court, the Office of the United Nations High Commissioner for Human Rights and regional justice institutions, including the African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights. We reaffirm the important role of civil society initiatives in ensuring accountability and protecting the rights of victims and note in that regard the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence, also known as the Murad Code, named after Nobel Peace Prize Laureate Nadia Murad. The Code provides the minimum standards for effective and victim-centric gathering of information about systematic and conflict-related sexual violence, including with a view to protecting the rights and dignity of victims and promoting effective remedies.

Formal accountability mechanisms can benefit from the work of more informal accountability initiatives, such as truth and reconciliation commissions. Several criminal investigations and prosecutions are under way in South Africa based on information obtained by the Truth and Reconciliation Commission. Such commissions can also be of great value in ensuring that victims obtain appropriate reparations.

In conclusion, we would like to stress that holding perpetrators accountable for atrocities committed during armed conflict should be considered by the Council as part of the comprehensive conflict resolution approach.

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

Mr. Tun (Myanmar): I thank the presidency of Albania for organizing today's open debate. I also thank the briefers for their insightful briefings.

We are of the view that international law makes our world a safer place for everyone, in particular international humanitarian law, international human rights law and international criminal law, which were born of humankind's experiences of horrific atrocities and seek to prevent their recurrence in the future and preserve human dignity everywhere.

Every State has the primary responsibility to protect its population from atrocities. However, when a State or a State institution, which has the primary responsibility to protect the population, becomes the perpetrator of serious international crimes against its own people and there is no domestic environment for accountability for such crimes, the key challenge is not inadequate international law; it is about how the international community can effectively ensure accountability and address pervasive impunity for egregious violations of international law.

The Security Council, which has both responsibility and enforcement power, must take appropriate actions in such situations, in accordance with the letter and spirit of the Charter of the United Nations. Serious violations of international law and a failure to uphold accountability embolden impunity and, as a result, undermine peace and security, not only at the domestic level but also at the regional and international levels.

What is happening in my own country, Myanmar, essentially reflects the collapse of domestic rule of law and justice after the illegal military coup d'état of February 2021. The illegal military coup itself was a gross violation of the rule of law, amounting to high treason committed by the military generals against the democratically elected Government.

A human rights catastrophe is ongoing in Myanmar, where a humanitarian emergency has unfolded. The illegal military regime has brutally murdered more than 1,888 civilians and committed massacre after massacre. The military's indiscriminate attacks and collective punishment against civilians, including the large-scale deliberate arson of residential towns and villages, have displaced more than 600,000 civilians, bringing the

total number of internally displaced persons to more than 1 million.

The military has weaponized the law as a tool to instil fear by carrying out unjustifiable arbitrary arrests and summary executions. The Independent Investigative Mechanism for Myanmar, in its preliminary analysis, concluded that crimes against humanity have likely been committed in Myanmar. At the same time, we count on the International Court of Justice and the International Criminal Court (ICC) for their involvement in the issue of ending impunity in Myanmar.

In January, the National Unity Government of Myanmar therefore informed the International Court of Justice of the withdrawal of Myanmar's preliminary objection to the admissibility of the jurisdiction of the Court over the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*. In July 2021, the National Unity Government also wrote to the Registrar of the ICC, lodging an article 12 (3) declaration of Myanmar's acceptance of the jurisdiction of the ICC over crimes committed in the territory of Myanmar since 1 July 2002.

The key root cause of the current instability in Myanmar is the military junta's total disregard for the rule of law and its sense of absolute impunity for its past and current criminal actions. Lasting peace in Myanmar must start with ending military impunity. Without accountability, the rule of law and security sector reform, any political solution risks endless the perpetuation of cycles of violence and instability.

Therefore, we fully support the ongoing accountability efforts that focus on Myanmar, including those of the Independent Investigative Mechanism for Myanmar. In view of the evidence collected, it is the time for the international community, in particular the United Nations, to take effective action for the sake of protecting the people and preventing any more people in Myanmar becoming the victims of crimes against humanity.

Ensuring accountability is one of the essential tools that can be used by the Security Council to address the root causes of conflicts, ensure justice and promote sustainable peace in many situations. We have seen the Council use that tool in conflict situations in the past to contribute to their long-term improvement.

With regard to Myanmar, the Security Council has a decisive and impactful role to play in its future, especially by using the proven tools at its disposal to end impunity, address accountability for crimes against humanity and help create an environment that is conducive to sustainable peace and justice and to protecting innocent civilians in the country.

We gather here today to ensure accountability for the perpetrators of serious crimes and other gross violations of human rights law and humanitarian law and to provide a remedy, under international law, for the victims in affected communities.

In conclusion, on behalf of the people of Myanmar, I appeal for greater political resolve and unity in the Security Council to help end the current deteriorating coup-inflicted disaster, in synergy with other United Nations bodies. Unified, decisive action by the Security Council can provide life-saving deterrence against ongoing crimes in Myanmar.

The President: Before proceeding with requests for further statements, considering the lateness of the hour, I would kindly ask delegations to restrict themselves to one further statement each.

The representative of India has asked for the floor to make a further statement.

Ms. Bhat (India): I am constrained to take the floor again to respond to some of the falsehoods and malicious propaganda spread by the representative of Pakistan, as its delegation is accustomed to doing, like a broken record.

Today we are discussing how to strengthen accountability and justice for serious violations of international law. The irony is perhaps lost on the representative of Pakistan, given the country's shameful history of committing genocide in what was then east Pakistan and what is now Bangladesh, more than 50 years ago, for which there has been no acknowledgement, much less an apology or any accountability. Innocent women, children, academics and intellectuals were treated as weapons of war in an act of calculated genocide carried out by the Pakistani army in what it called Operation Searchlight. The reign of terror unleashed by Pakistan on the population of what was then East Pakistan saw hundreds of thousands brutally killed. Several thousand women were raped.

My Minister said this morning that the pursuit of accountability and justice cannot be linked to political

expediency. The representative of Pakistan presented a living example to the Security Council of how a State continues to evade accountability for serious crimes of genocide and ethnic cleansing. To ask Pakistan to reflect on that is perhaps asking too much, but the least it could do is not sully the dignity of the Security Council. The only contribution that Pakistan can make is to stop its support for terrorism directed against my country and people.

The representative of Pakistan also spoke of so-called changes in the composition of the union territory of Jammu and Kashmir. The only attempts at demographic changes are being perpetrated by terrorists supported by his country, who have been targeting members of religious minorities in Jammu and Kashmir, as well as those who refuse to toe their line. However, I want to assure him through you, Madam President, that India will continue to take firm and decisive steps to respond to cross-border terrorism.

Finally, let me correct another delusional statement by Pakistan. The union territories of Jammu and Kashmir and Ladakh were and will always remain an integral and inalienable part of India. That includes the areas that are under the illegal occupation by Pakistan. No amount of rhetoric and propaganda from any country can deny that fact. With regard to his other remarks, we will not dignify them with a response.

The President: The representative of China has asked for the floor to make a further statement.

Mr. Li Kai (China) (*spoke in Chinese*): China protests the German representative's exploitation of this meeting to spread lies about Xinjiang. The representative of China already made China's solemn position clear in his statement this morning. We believe that the representative of Germany should have listened carefully to our representative's statement. He should not pretend to be sleeping and neither should he obsessively make repeated mistakes.

The President: The representative of Pakistan has asked for the floor to make a further statement. I give him the floor.

Mr. Rashid (Pakistan): In response to the statement by the representative of India, I first want to clarify that Jammu and Kashmir is not and never has been a part of India. The resolutions of the Security Council itself define it as disputed territory. That is also printed on all official United Nations maps. Among multiple other

resolutions, Security Council resolution 47 (1948) clearly states that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite. India accepted that decision and is bound to comply with it in accordance with Article 25 of the Charter of the United Nations. Its refusal to do so for more than seven decades constitutes a flagrant and continuing violation of Council resolutions and the Charter. Living in this alternative reality, India is defying and flouting international law by illegally occupying the state of Jammu and Kashmir. Only an occupier would oppose the implementation of the Security Council resolutions I mentioned, which promise self-determination to the people of the disputed territory.

The people of Jammu and Kashmir have still not been able to exercise their right to self-determination, a right that has been promised to all peoples. The state of Jammu and Kashmir still lingers as an unfinished and incomplete part of the agenda of decolonization. And now, since 5 August 2019, India has been on its way to transforming the occupied territory from a Muslim-majority state into a Hindu territory, in a barefaced violation of the Fourth Geneva Convention and every norm of international law. India's talk about terrorism and genocide is nothing but a smokescreen for concealing its own State terrorism against Pakistan in occupied Jammu and Kashmir and against its own minorities. It has instigated, sponsored and abetted State terrorism in each of its neighbours, including my own country.

Today more than 200 million Muslims, Christians and other minorities face blatant discrimination in India. That is manifested in acts such as the discriminatory citizenship laws aimed at expelling Muslims; the storming of mosques and churches by charged mobs; the harassing and assaulting of worshippers; and encroachments on religious freedoms that have resulted in bizarre policies and legislation, such as the Citizenship Amendment Act and the recent Karnataka hijab ban. Those are just a few examples. It is perplexing and mind-boggling that in the presence of those examples India is wrongly and illegally asking Pakistan to take action on genocide, while experts and academics are now expressing reservations about the situation of minorities in India. Only recently Mr. Gregory Stanton of Genocide Watch mentioned that India is one of the countries where there is a high probability of an impending genocide. The racist and radical ideology of discrimination against minorities has unfortunately not only infected the social sphere but has also seeped into all the organs of the Indian State — the legislature, the executive and even the judiciary.

We ask the Council to demand that India end its State terrorism and abide by its obligations under international law, including the implementation of the resolutions of the Security Council.

The President: There are no more names inscribed on the list of speakers.

The meeting rose at 6.45 p.m.