



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
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CHECK AGAINST DELIVERY

GENERAL ASSEMBLY

AGENDA ITEM 34 – PREVENTION OF ARMED CONFLICT

REPORT OF THE INTERNATIONAL, IMPARTIAL AND INDEPENDENT MECHANISM TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF PERSONS RESPONSIBLE FOR THE MOST SERIOUS CRIMES UNDER INTERNATIONAL LAW COMMITTED IN THE SYRIAN ARAB REPUBLIC SINCE MARCH 2011

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Madam President

I have the pleasure to speak on behalf of the following countries: Andorra, Austria, Belgium, Chile, Costa Rica, Estonia, Georgia, Guatemala, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Qatar, Slovenia, Switzerland, Turkey, Ukraine and my own country Liechtenstein.

We welcome this first formal debate of the report of the IIIM, a further step in the engagement of the General Assembly to ensure accountability for the crimes committed in the Syrian conflict. We salute the head of the IIIM, Catherine Marchi Uhel, and thank her for the presentation of the report, but more importantly for her strong leadership role since the creation of the Mechanism. The work of her team is characterized by the highest levels of professional competence, technical expertise, seriousness and depth of commitment commensurate to the task.

In December 2016, I had the honour to introduce, from this podium, the draft resolution that would later become resolution 71/248 and created the IIIM. That resolution was an innovation in the common effort to ensure accountability for the most serious crimes under international law. Its creation was driven in equal parts by the horror at the atrocities committed on a daily basis in Syria – at the time in particular during the assault on Aleppo –, our collective shame and frustration over the inaction by the Security Council and our firm belief that accountability was not only necessary, but also possible. At the time, it was a pioneering effort almost, a journey into uncharted territory. Today, we can say with conviction and satisfaction that our hopes in the IIIM were justified and that our expectations have been met, if not surpassed.

States, civil society and the UN system have responded positively to the mandate and work of the IIIM. The most obvious illustration of this strong response is the extensive sharing of information, which has allowed the IIIM to proceed with its work efficiently and to produce concrete results at an early stage. We continue encouraging everybody to do the same, in particular those who have so far not engaged in the same process with the IIIM. The engagement of civil society, both national and international, has been essential for the success of the IIIM so far. This is the case both with respect to information sharing and for the political acceptance of the mechanism. We applaud civil society for their immensely important work, often carried out in difficult circumstances, and commend the strong working relationship established by the IIIM, including through support from States, especially in the Lausanne process. There is overwhelming evidence of the numerous atrocities committed in Syria. It is imperative that all the relevant material and documentation is handed over to the IIIM within the shortest timespan possible. It is worth emphasizing in particular that the IIIM of course has jurisdiction over the use of chemical weapons, which is a war crime in all circumstances and can amount to a crime against humanity. The efforts undertaken by the Security Council in this respect were at best partly successful and came to an abrupt and frustrating ending. The IIIM is currently the only path to criminal accountability for those who are responsible for the repeated use of these internationally prohibited weapons. We therefore repeat our call that the information gathered by the JIM be handed over in its totality to the IIIM, in accordance with the terms of GA resolution 71/248.

The IIIM is doing immensely important work. It has already produced two case files. It has galvanized the efforts of the international community to fight impunity for the atrocities committed in Syria. It has given hope to the thousands and thousands of victims that the world is, after all, not indifferent to their suffering. It has shown that innovative approaches in the area of accountability are possible and necessary – and that they can be effective. And yet, the IIIM can only be a partial answer to the enormous challenge we are facing. While it has de facto prosecutorial competence, it is of course not a court. So there is still an important void to be filled, and we want to thank all those States who have stepped up and undertaken criminal proceedings in their national courts on the basis of the principle of universal jurisdiction. We very much hope that the proceedings in Germany, the Netherlands, Sweden, Spain and other countries are only the beginning of the response of States to the impunity gap created by the unwillingness of the Syrian judiciary to do its work and the fact that two permanent Members of the Security Council have blocked the path to the International Criminal Court, which corresponded to the wish of the overwhelming majority of the UN membership. We are repeating yet again our position today that the ICC was created, twenty years ago, precisely for the type of situation that has evolved in Syria. Two thirds of the Council's membership has committed to the ACT Code of Conduct on mass atrocities, and the Council has a continued obligation to refer this situation to the ICC.

If the creation of the IIIM has shown a new way towards accountability – not only in Syria, as the Human Rights Council has demonstrated by using the same template for Myanmar – it is also an important show of force of this Assembly. In face of the inaction of the Security Council, this Assembly took matters in its own hands by voting, with overwhelming majority, to create the IIIM. It is our strong hope that this type of action will be replicated with respect to other challenging tasks on which the Council is deadlocked – and there is reason to fear that there will be many of these. It is firmly enshrined in the Charter and long established practice that the General Assembly has ample space to take action with respect to situations that threaten peace and security. Clearly, these are times in which the Assembly should more frequently do so. Adopting important and politically relevant decisions is also the easiest and most obvious way to restore the role of this Assembly as the central policy-making body of the United Nations.

Madam President

Later this year, this Assembly will be called upon to complete the work as set out in resolution 71/248. We all decided in 2016 that the IIIM shall be initially funded by voluntary contributions. The fact that there was such a positive response from States from all regions to the funding request speaks to the high political acceptance that the IIIM enjoys. With the initial phase of the IIIM over, the time has now come to have funding provided from the regular budget, as is the case for the Myanmar mechanism. The Assembly has therefore requested the Secretary-General to include full funding in his next budget proposal on which the Assembly will act towards the end of the year. We look forward to working with all States to take this process to a successful conclusion.

The work of the IIIM is on a good path. We are encouraged and we have reason to be hopeful. We are confident that the political acceptance of the mechanism will continue to grow and that cooperation and information sharing by States will intensify. We are committed to working on all of this. But we will also not lose sight of the most important policy goal on which we have a long way to go. The accountability discussion must not take place in a bubble and be isolated from the rest of our conversation on Syria. Quite to the contrary, we have to insist on the inclusion of the justice dimension in the discussion of the political process tasked to bring an end to the conflict and to chart the way to sustainable peace for Syria. In this case in particular, it is very obvious that sustainable peace for Syria is only possible if there is a reckoning with the past and an accountability process which helps determine the future leadership of the country. In July, we will meet in the framework of the HLPF to discuss the implementation of the 2030 Agenda, with a focus on SDG 16. This will be a fine opportunity for all of us to talk about the importance of access to justice for all, the need for accountable institutions in order to achieve sustainable development. But these concepts are not abstract, they are meant to be applied in practice. And there is sadly no better case study to illustrate this than the situation in Syria. We were encouraged by the discussions at the Third Syria Conference in Brussels, which gave us an indication that there is a growing awareness among States that accountability must indeed be part and parcel of the political process. This will not make the process easier, but it will make it at least potentially effective in the long run. At that same conference, a Syrian NGO

representative stated that the best moment for the victims of the Syria conflict in the last years was the day that the IIIM was created. The peace effort for Syria will only be successful if it serves the needs of the Syrian people.

I thank you.