



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 21 APRIL 2021

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 MR. GEORG SPARBER, CHARGÉ D'AFFAIRES A.I., PERMANENT MISSION OF THE
PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

We underline the need for continued engagement to ensure accountability for the crimes committed in the Syrian conflict and welcome the important role of the General Assembly in this respect. We salute the head of the IIIM, Ms. Catherine Marchi-Uhel, for her strong leadership since the creation of the Mechanism. The IIIM embodies the high level of professional competence, technical expertise, and depth of commitment commensurate to its task.

In December 2016, Liechtenstein had the honor to introduce the draft resolution that would later become resolution 71/248 creating the IIIM, an innovation in our 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, 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, a journey into

uncharted territory. Today, as the Syrian conflict has stretched a decade, we are reminded of the vital importance of the IIIM to ensuring both justice and a lasting peace. The IIIM has quickly established itself as a successful model for accountability work. It has achieved concrete results and enjoys solid and growing political support, most prominently expressed through this Assembly's decision to secure regular UN budget funding.

- The most obvious illustration of this concrete work and strong response is the extensive sharing of information, which has allowed the IIIM to provide vital evidence to courts exercising universal jurisdiction. At the end of its last reporting cycle, the Mechanism had concluded 59 cooperation frameworks with a diverse range of actors and entities, including State entities, international organizations and civil society actors, with discussions ongoing with respect to additional cooperation agreements.
- Further evidence of the IIIM's political acceptance has come in the form of replication of its model first created by this Assembly – a nearly identical Mechanism was established by the Human Rights Council for the situation in Myanmar.
- And in terms of the IIIM's budget, we were encouraged that on 27 December 2019, the General Assembly voted to include the IIIM in the regular budget of the United Nations under UNGA Resolution 74/262 for the first time, assuring its funding will be sustainable.

Such a positive response from States from all regions speaks to the success of the IIIM and the important work it is accomplishing.

Mr. President,

During the reporting period, the IIIM saw a steep increase in the number of requests submitted by national jurisdictions, a testament to the strength of the Mechanism's partnership with national courts and prosecutors. By 31 January 2021, the Mechanism had received 93 requests for assistance from 11 competent jurisdictions. A total of 36 requests for assistance have been processed and closed, while work is ongoing for another 36. To date the Mechanism has assisted 36 distinct investigations conducted at the domestic level by providing support evidence, relevant information and analytical products, establishing contacts between judicial authorities and witnesses, and serving as a bridge between civil society organizations and national judicial

authorities. Moreover, we are encouraged to see the Mechanism deepen its cooperation with the Organization for the Prohibition of Chemical Weapons (OPCW) and receive additional materials from OPCW – while noting it is still waiting for access to materials from the UN Joint Investigative Mechanism (JIM), which we hope it will soon receive. At the time of reporting, owing to the number and breadth of the requests recently received, the Mechanism has not begun work on 21 requests for assistance. Evidentiary contributions from civil society have enabled the Mechanism’s capacity to respond to these requests and will continue to be critical to support national jurisdictions and lead to the opening of more criminal trials. Finally, the mechanism has been proactively approaching authorities investigating crimes to deepen its understanding of domestic jurisdictions’ needs with a view to informing its strategies and priorities, while additional analytical products to facilitate ongoing and future prosecutions are being developed in tandem. In short, the IIIM has galvanized the efforts of the international community to fight impunity for the atrocities committed in Syria. It has given hope to the thousands upon 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.

Despite its successes, the IIIM can only be a partial answer to the enormous accountability challenge the Syrian conflict poses. While it has de facto prosecutorial competence, it is of course not a court. An important void therefore remains 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 these proceedings – including the successful conclusion of the recent case in Koblenz, Germany – are only the first of such State responses necessary to definitively close 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 International Criminal Court’s jurisdiction, despite the wish of the overwhelming majority of UN membership and the fact that the ICC was created, precisely for the type of situation that has evolved in Syria. More is needed to ensure justice is served for the victims of the Syrian conflict – the simultaneous wielding of the accountability approaches mentioned as well as the development of new approaches that could serve as

alternatives to national universal jurisdiction cases is necessary to help fill the accountability gap in one of the most complex conflicts of our times.

Mr. President,

The creation of the IIIM is an important expression of the crucial importance of this Assembly, where meaningful action in the Security Council is not forthcoming. It is our strong hope that this type of action will be replicated with respect to other challenging imperatives for which the Council is deadlocked. Moreover, the accountability discussion must not take place in a bubble and be isolated from the rest of our conversation on Syria. There is a growing recognition that the inclusion of the justice dimension in the discussion of the political process tasked to chart the way to sustainable peace for Syria is of the essence. One of the best moments for the victims of the Syria conflict in the last years was the day that the IIIM was created. As voiced by countless members of this Assembly, there can be no sustainable peace in Syria without justice.

I thank you.