



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

GENERAL ASSEMBLY

AGENDA ITEM 31: PREVENTION OF ARMED CONFLICT

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

I have the honor to introduce, on behalf of the cosponsors, draft resolution L.48, entitled “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011”. The text has been elaborated by a cross regional group, in particular with strong participation from countries of the region. We thank all partners for their input, help, support and outreach efforts, in particular the delegation of the State of Qatar who has been our trusted partner in this effort.

Mr. President,

The situation in the Syrian Arab Republic is the defining crisis of our time. The armed conflict which has been underway for five and a half years now, has been carried out with a blatant and systematic disregard for the most basic rules of international humanitarian law by conflict parties, resulting in the unprecedented displacement of people, causing enormous human suffering and destabilizing the region. It is also a stark illustration of the limitations of our system to maintain international peace and security. The disagreement between those

members of the UN Security Council who have veto power has led time and again to inaction of the international community and a breakdown of multilateral diplomacy, at the expense of the people of Syria and of peace and security. As a result, we have all failed, collectively, in the duties we have accepted under the Charter of the United Nations, irrespective of membership in the Council. In this situation, there is a clear need for more ownership by this Assembly which has taken up the challenge on in adopting the resolution on the humanitarian situation in the Syrian Arab Republic put forward by Canada.

Mr. President,

The draft before the Assembly today addresses an issue that has been consistently neglected in spite of its very obvious urgency: the need for accountability for the crimes committed since March 2011. The UN established mechanisms, in particular the Commission of Inquiry, have produced report after report documenting that war crimes and crimes against humanity have been and continue to be committed by the parties to the conflict. The Joint Inspection Mechanism (JIM) has confirmed the use of chemical weapons by different actors. All the information available has therefore led to strong calls for accountability, from within the UN system and among States. But there has been no action to pursue this goal. A referral to the International Criminal Court, advocated repeatedly by the Secretary-General, the High Commissioner for Human Rights and many of us is another course of action made impossible by the dynamic in the Security Council. The draft before the Assembly therefore chooses a different path. It allows us to take one decisive step to ensure that there will indeed be accountability. It proposes the establishment of an international, independent and impartial mechanism that will, in close cooperation with the Commission of Inquiry, collect, consolidate, preserve and analyze evidence of violations of international humanitarian law and human rights violations and abuses and prepare files to facilitate and expedite future criminal proceedings – without prejudice to where and when such proceedings will take place.

The Commission of Inquiry, the Joint Inspection Mechanism, States and NGOs among others are

already engaged in documenting crimes that have been committed in Syria since March 2011. In this regard, it is useful to emphasize that the intention behind the resolution is that the actors listed in operative paragraph 6 will transmit information and documentation to the mechanism for it to consolidate and analyze. At the same time, the mechanism will have the capacity to fill any gaps it identifies as a result of this analysis through the collection of additional evidence, in collaboration with these actors.

To lay the groundwork for future criminal trials, it will be important that information and documentation be obtained that is of a form that will best enable the investigative and prosecutorial authorities that ultimately receive the mechanism's assistance to admit it before the court or courts that exercise jurisdiction over these crimes. And it will of course cover all the crimes committed in the course of the armed conflict in Syria, irrespective of the perpetrators or their affiliation.

Mr. President,

In reaffirming the sovereignty of the Syrian Arab Republic, the draft makes it clear that, under relevant standards of international law, the country itself has the primary responsibility to investigate and prosecute the crimes committed. Where independent and fair criminal proceedings continue to be absent, other options must be considered. The mechanism is designed to facilitate and expedite criminal proceedings once there is a court or tribunal able and willing to provide such independent and fair proceedings in accordance with international standards. The draft before you has been consulted very extensively with the relevant actors within the UN system to ensure that its mandate is complementary to that of the Commission of Inquiry. The mechanism will therefore apply standards of proof applied in criminal proceedings and thus meet formal criminal justice standards.

Mr. President,

The cosponsors of this draft strongly feel that this mechanism, as a matter of principle, would

ideally be funded from the regular budget. This is reflected in the commitment contained in the draft resolution to seek regular budget funding as soon as possible - as the best reflection of the independent and impartial nature of the mechanism. We will work closely with all of you to ensure the implementation of this commitment as early as possible in the new year, in a separate decision to be taken by this Assembly. The Secretary-General's report commissioned in the resolution will give us the basis to do so.

Mr. President,

The cosponsors of this text have worked very hard to reach out to the membership in order to consult on the contents of this draft resolution, in open consultation, in group meetings and bilaterally. We would have liked to engage in more conversations with many of you, and we understand that some of you feel the same way. We have made various revisions to the text based on the feedback we received in open consultations and are satisfied that this has enhanced the support for the text. The past few weeks have been characterized by a high level of activities concerning the situation in Syria, and we have coordinated closely with all of those who have pursued positive initiatives in order to avoid distraction. We have postponed any meaningful action on accountability too often and for too long. Our inaction is sending the message that committing war crimes and crimes against humanity is a strategy that is condoned and has no consequences. We have missed the best moment to send the contrary message a long time ago. The second best time to do so is today. In adopting the resolution before us, we are finally taking one meaningful step now to meet the expectation we have failed for such a long time.

I thank you for your presence today and for your support.