

Next steps: Making the General Assembly's Syria Accountability Mechanism operational

Thursday, 2 March 2017

14.00 to 16.00 – Room XXV, Palais des Nations

On 21 December 2016, the General Assembly of the United Nations adopted resolution A/RES/71/248¹ establishing 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”, which was cosponsored by 58 States. The terms of reference of the mechanism are outlined in the Secretary-General’s report.²

Hosts:

H.E. Mr. Peter Matt, Permanent Representative of Liechtenstein to the UN in Geneva

H.E. Mr. Ali Khalfan AL-MANSOURI, Permanent Representative of Qatar to the UN in Geneva

Panellists:

H.E. Zeid bin Ra’ad Zeid al-Husseini, United Nations High Commissioner for Human Rights

H.E. Mr. Christian Wenaweser, Permanent Representative of Liechtenstein to the UN in New York

Ms. Cecile Aptel, Senior Legal Policy Advisor, Office of the High Commissioner for Human Rights

Ms. Alison Smith, Director, No Peace Without Justice

In case of questions, please contact: Claudio Nardi, claudio.nardi@llv.li, +423 799 60 53.

¹ Resolution A/RES/71/248 was adopted with 105 yes votes, 15 no votes and 52 abstentions.

² The Secretary-General’s report, including the Terms of Reference, were published on 26 January 2017 and can be found on Official Document System (ODS) of the UN: A/71/755.

Purpose of the meeting

After repeated vetoes in the Security Council on resolutions dealing with Syria, the General Assembly has lived up to its own responsibility to address the crisis in Syria on 21 December 2016, when adopting resolution A/RES/71/248. It created the International, Impartial and Independent Mechanism with the mandate to collect, consolidate, preserve and analyse evidence of the crimes committed in Syria and the task to prepare files in order to facilitate and expedite fair and independent criminal proceedings in tribunals or courts that have or may in the future have jurisdiction over these crimes.

States will have an opportunity to ask questions about the negotiating history of the resolution establishing the Mechanism as well as its implementation, in particular the terms of reference contained in the Secretary-General's report.

States are invited to support the Mechanism financially. The Mechanism will be located in Geneva, Switzerland. The Secretary-General is tasked with appointing the head of the Mechanism.

Background

The armed conflict in the Syrian Arab Republic has been characterized by an utter disregard for basic rules of international law, in particular violations of international human rights law and international humanitarian law, many of which amount to war crimes and crimes against humanity. The Independent International Commission of Inquiry on the Syrian Arab Republic in particular has reported on these crimes. In addition, civil society organizations have collected extensive information and evidence. Several resolutions of the Security Council, the General Assembly as well as the Human Rights Council have called for accountability for these crimes committed since March 2011. These calls were echoed by the Secretary-General of the United Nations, the High Commissioner for Human Rights.

The primary responsibility to investigate and prosecute the crimes committed remains with the Syrian authorities. However, the Syrian judiciary has not fulfilled its obligation in this respect, with a resulting culture of impunity in the country, exacerbating the situation and leading to the commission of additional crimes. The Security Council has not been able to address the impunity gap either. No serious accountability efforts have been undertaken since the proposed referral of the situation to the International Criminal Court (ICC) was vetoed in May 2014.