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## **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**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the eighth 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.

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\* Reissued for technical reasons on 8 March 2022.



## **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**

### *Summary*

The present report is the eighth prepared by 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 for submission to the General Assembly pursuant to Assembly resolution 71/248, paragraph 50 of the report of the Secretary-General on the implementation of the resolution establishing the Mechanism (A/71/755), and paragraph 37 of Assembly resolution 75/193.

The Mechanism continues to demonstrate its value as an effective justice actor. During the reporting period, it advanced its structural investigation, opened two new case files and provided greater support to the work of jurisdictions investigating and prosecuting crimes committed in the Syrian Arab Republic. The expansion of the Mechanism's central repository, its analytical work and the increase in the number of requests for assistance it received are complemented by its efforts to deploy new technologies to better exploit the central repository and enhance investigative capacity to fill evidentiary gaps identified. The Mechanism remains ready to facilitate future justice opportunities that are compatible with its mandate.

The pursuit of inclusive justice remains a primary objective of the Mechanism. Its accountability-related work is underpinned by a rights-based, victim/survivor-centred approach that is given concrete expression through dedicated thematic strategies on gender, children and youth, and broader justice objectives. The Mechanism is committed to addressing in a meaningful way the historic invisibility of systematically disadvantaged individuals and groups in justice and accountability processes.

## I. Introduction

1. 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 hereby submits its eighth report to the General Assembly. The report covers the Mechanism's activities from 1 February 2021 to 31 January 2022.

2. The General Assembly created the Mechanism in December 2016 with a mandate to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over those crimes.

3. Five years after its creation, the Mechanism continues to demonstrate the value it adds to justice efforts concerning the most serious crimes committed in the Syrian Arab Republic. Its central repository of information and evidence has expanded, with a corresponding increase in the technological capacity available to exploit the diverse materials that the repository contains. The Mechanism's analytical work, aided by software to enhance the digital review and analysis of evidence, has progressed across all strategic lines of inquiry, advancing the Mechanism's structural investigation. During the reporting period, the Mechanism also opened two new case files related to unlawful attack incidents, based on its review of complex, high-value evidentiary materials.

4. The Mechanism, in its role as a justice facilitator that supports current and future investigations and prosecutions of core international crimes, has concluded 73 cooperation frameworks with a range of stakeholders; 21 additional frameworks are under discussion. The utility of the Mechanism's expertise, analytical products and operational support is evident in the increasing number of requests for assistance it receives from competent jurisdictions. At the time of reporting, the Mechanism had received 173 requests for assistance from 13 jurisdictions and assisted 91 distinct national investigations. The Mechanism has also proactively shared information, data sets, evidentiary modules and analytical products with national war crimes units to support them in their work.

5. National jurisdictions have made progress in investigating and prosecuting the most serious crimes committed in the Syrian Arab Republic. Many of those investigations and prosecutions are not public at this stage. In accordance with its mandate and terms of reference, the Mechanism does not comment publicly on its assistance to and cooperation with competent jurisdictions, unless the entity in question makes this information public. Nevertheless, it is important to note that increased activity in a number of jurisdictions has provided additional opportunities for the Mechanism to facilitate justice.

6. Several States have released information about ongoing national proceedings concerning crimes committed in the Syrian Arab Republic, including Austria, Belgium, Germany, the Netherlands, Sweden and Switzerland. During the reporting cycle, individuals were convicted of a range of offenses connected to the situation in the Syrian Arab Republic, including in Germany and the Netherlands. For example, the Higher Regional Court in Koblenz, Germany, delivered two verdicts in February 2021 and January 2022, respectively, establishing that crimes against humanity were committed as part of a widespread and systematic attack against the civilian population by the Syrian State, its security forces and secret services between April

2011 and September 2012.<sup>1</sup> The verdicts are subject to appeal. The German Federal Prosecutor's Office has publicly acknowledged that the Mechanism has provided effective support in these cases by sharing evidence.

7. Judicial authorities of States are also making increased use of joint investigative teams, such as that established by France and Sweden in January 2022, to support proceedings involving core international crimes committed by foreign terrorist fighters against the Yezidi population in the Syrian Arab Republic and Iraq. Members of the team have announced that they will seek assistance from the Mechanism because of the significant amount of evidence it holds, as well as the expertise it has in investigating core international crimes.<sup>2</sup> In March 2021, Canada and the Netherlands issued a statement about their ongoing efforts to hold the Syrian Arab Republic responsible under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>3</sup> The Netherlands has indicated that there may be a role for the Mechanism in providing information, should the dispute be brought before an international court or tribunal.

8. Inclusive justice remains a key objective towards which the Mechanism's core work is oriented. The pursuit of inclusive justice requires surfacing and addressing the experiences of victims/survivors who have been historically overlooked and crimes that have been insufficiently documented. The Mechanism has responded to this challenge by developing and implementing dedicated, comprehensive thematic strategies on gender, children and youth, and broader justice objectives – such as clarifying the fate of missing persons – all of which is underpinned by its victim/survivor-centred approach. A public version of the Mechanism's gender strategy demonstrating how gender perspectives are integrated throughout its work will be released in the first half of 2022. The Mechanism is grateful to the many stakeholders who generously gave their time and expertise in the course of numerous consultations on the Mechanism's thematic strategies.

9. Syrian civil society organizations continue to make critical contributions to the work of the Mechanism. They do so not only by providing information and evidence, but also by engaging closely with the Mechanism on aspects of its substantive work, including the development and implementation of its thematic strategies. Despite the challenges posed by the coronavirus disease (COVID-19) pandemic, the Mechanism's biannual engagement with Syrian civil society actors as part of the Lausanne platform process, hosted by the Netherlands and Switzerland, was held virtually in February 2021, and in person in November of the same year. During the in-person event held in November, the Mechanism discussed key aspects of its approach to children and youth and sought input to inform several of its strategic considerations. The Mechanism is committed to continue to build trust and deepen cooperation with its Syrian civil society interlocutors and values the diversity of the perspectives shared and contributions made.

10. On 21 April 2021, the Head of the Mechanism delivered a virtual address to the General Assembly in a formal debate under the agenda item entitled "Prevention of armed conflict", and provided an update on the Mechanism's progress in the implementation of its mandate. The update was followed by a debate during which

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<sup>1</sup> See Office of the United Nations High Commissioner for Human Rights, "German court's historic crimes against humanity finding in Syria case must spur momentum for international justice – Bachelet", 13 January 2022.

<sup>2</sup> See European Union Agency for Criminal Justice Cooperation, "Support to joint investigation team of Sweden and France targeting crimes against Yezidi victims in Syria and Iraq", 7 January 2022.

<sup>3</sup> See Netherlands, "Joint statement of Canada and the Kingdom of the Netherlands regarding their cooperation in holding Syria to account", 12 March 2021.

the majority of States voiced support for the Mechanism and its work.<sup>4</sup> The next annual debate is scheduled for 1 April 2022.

11. On 29 November 2021, the Head of the Mechanism gave a briefing to the Security Council in an Arrria-formula meeting convened by Estonia on accountability in the Syrian Arab Republic. It was the first time in several years that the Council held a meeting dedicated to addressing its role – and that of the international community as a whole – in ensuring comprehensive and impartial accountability for crimes committed in the Syrian Arab Republic. The meeting gave Syrian speakers an opportunity to share their experiences and voice their frustrations directly to Member States, while experts provided updates on recent judicial developments.<sup>5</sup>

12. The Mechanism continues to follow closely the situation in the Syrian Arab Republic and the challenges facing Syrian communities abroad. It shares the grave concerns expressed by the Secretary-General, the United Nations High Commissioner for Human Rights and other United Nations representatives for the welfare of the Syrian people who have been pushed to the limits of their endurance. The Mechanism continues to urge all States to work towards ending impunity for crimes committed in the Syrian Arab Republic.

## **II. A central repository of information and evidence**

### **A. Collecting information and evidence on serious international crimes committed in the Syrian Arab Republic**

13. The Mechanism continues to expand the size and enhance the utility of its central repository of information and evidence relating to serious crimes committed in the Syrian Arab Republic since March 2011. In 2021, the Mechanism conducted 94 collection activities, consisting predominantly of remote collections from information providers and open source collections from the Internet. The number of in-person collection activities in 2021 remained low owing to restrictions on international travel occasioned by the COVID-19 pandemic.

14. As part of its collection efforts, the Mechanism has continued to engage with a broad range of information and evidence providers, notably States, international organizations, United Nations system entities, non-governmental organizations and individuals. The Mechanism continues to cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic, benefitting from the Commission's transfer of material to the Mechanism and from the Commission's assistance in contacting and liaising with sources and potential witnesses throughout the reporting period. The Mechanism continued to receive material from the Organisation for the Prohibition of Chemical Weapons (OPCW) in 2021, and cooperation between the two entities remains strong.

15. In accordance with the applicable Secretary-General's bulletin ([ST/SGB/2019/4](#)), the Mechanism sought early access to classified materials contained in the archives of the OPCW-United Nations Joint Investigative Mechanism in August 2019, as previously reported. In November–December 2021, members of the Mechanism were granted in-person access to consult certain material from part of the archives of the OPCW-United Nations Joint Investigative Mechanism under specific conditions prescribed pursuant to the aforementioned bulletin. Access to classified material and information received from Member States, and to material subject to conditions placed by third parties, could only be granted to the Mechanism where the United Nations

<sup>4</sup> See [A/75/PV.60](#).

<sup>5</sup> A webcast of the meeting is available at <https://media.un.org/en/asset/k1t/k1tmlckjci>.

Secretariat had received express consent from the Member State or third party concerned. In accordance with its terms of reference, which specifically refer to the collection of evidence and information from the OPCW-United Nations Joint Investigative Mechanism, the Mechanism will continue to work towards obtaining copies of the material contained in the OPCW-United Nations Joint Investigative Mechanism archives noting the requirements contained in the Secretary-General's bulletin, which includes the approval of the Secretary-General of the United Nations.

16. During the reporting period, the Mechanism's investigative resources were regularly deployed in response to requests for assistance from competent jurisdictions. The Mechanism also collected documentation from information providers and the Internet to advance particular areas of analytical work related to its structural investigation. The Mechanism did not, however, have the capacity to conduct extensive investigative work to close key evidentiary gaps identified through its analytical work. Those gaps include the nature and incidence of gender-based violence and the experiences of women, children and youth, and of persons of diverse sexual orientations and gender identities; the organizational structure of armed groups, units and other key entities relevant to the Mechanism's active lines of inquiry; and the military context and provenance of key pieces of evidence related to the unlawful attack incidents that the Mechanism is examining. The Mechanism has taken steps to restructure its investigative resources; it seeks to reinforce, in the coming period, its capacity to address the evidentiary gaps identified and to continue to develop analytical materials capable of making an impact in the short and long term. Increased investigative capacity is also required to continue to adequately respond to requests for assistance from competent jurisdictions and to gather high-value materials for the central repository.

17. As noted in its last report to the General Assembly, the Mechanism used the period of travel restrictions related to the COVID-19 pandemic to commence a thorough review of its internal procedural framework for investigation and collection activities, drawing on the lessons learned from its first years of operation. During the reporting period, the Mechanism continued to update and refine its procedures and working methods to enable it to operate more flexibly and efficiently.

18. The Mechanism has sustained its efforts to initiate cooperation with the authorities of the Syrian Arab Republic in line with its commitment to independence and impartiality. It has yet to receive a response from those authorities. The Mechanism will continue to reach out to all States that may, according to publicly available information, possess relevant evidentiary materials, including States that oppose the Mechanism's mandate.

## **B. Processing evidence**

19. During the reporting period, the Mechanism continued to enhance its ability to preserve and process information and evidence. A primary focus was procuring and deploying software necessary to support analytical processes, in particular the review and analysis of digital materials in a wide variety of formats, including audio and visual materials. In 2021, the Mechanism established strategic relationships with both the private sector and service providers within the United Nations system for information systems related to eDiscovery software, analytical databases and video analysis. The establishment of those relationships is a milestone in the Mechanism's growth and is consistent with its mandate to deploy advanced investigative and prosecutorial software to enable the systematic exploitation of collected and preserved information and evidence.

20. The Mechanism was able to launch its Internet Resources Unit in 2021 after delays incurred in 2020 due to external factors beyond its control, one of which was the hiring freeze resulting from the United Nations liquidity situation. This Unit, deploying newly acquired systems, has increased the Mechanism's ability to work with and exploit information and evidence obtained from the Internet. The Unit has already made substantial contributions to the Mechanism's work, including by automating an expensive and time-consuming process of preserving Internet materials; establishing a process for the large-scale deduplication of digital photos and video materials; and developing a tool set and workflow for social media exploitation.

21. The Mechanism has also launched its Records Management Unit, which is responsible for managing information across the Mechanism and developing a records management strategy tailored to the Mechanism's unique mandate. The Unit is leading an information governance initiative in collaboration with the Mechanism's Information Security Unit. Under the initiative, information assets are inventoried, data protection measures incorporated, archival processes and procedures solidified and the security and efficiency of the Mechanism's information management procedures increased.

22. While in 2020, the Mechanism increased its total potential storage capacity for digital materials, in 2021, it focused on reducing the overall year-to-year operating cost of that storage to ensure that its preservation capacity is sustainable over time. The Mechanism also completed crucial upgrades to its physical storage capacity, including in relation to fire suppression and climate controls for its archives, and the security and auditing of its evidence storage capabilities.

23. During the reporting period, the Mechanism continued its practice of providing technical assistance to and fostering technological cooperation with other entities mandated to advance accountability efforts, including actors in the United Nations system. Specifically, the Mechanism has established and leads an initiative consisting of focal points for technology and information management from multiple accountability entities, assisting in the coordination with the Office of Information and Communications Technology and the United Nations Office at Geneva. This coordination has helped to eliminate redundancy and streamline governance processes.

24. In the next reporting period, the Mechanism will continue to develop its capacity to exploit Internet resources; deploy newly acquired digital information systems (e.g. a system for collaborative video and imagery review and analysis); and refine its implementation of information security, information management and data protection strategies.

### **III. Facilitating justice**

#### **A. Analysing evidence and building case files**

25. During the reporting period, the Mechanism furthered the analysis of information and evidence in its central repository in the context of multiple projects across its three active strategic lines of inquiry, namely unlawful attacks against civilians and civilian objects, detention-related crimes and crimes by individuals associated with Islamic State in Iraq and the Levant (ISIL). This effort served to advance the Mechanism's structural investigation and allowed the Mechanism to assist competent jurisdictions both proactively and in response to requests for assistance. Within the scope of its ISIL-related line of inquiry, the Mechanism is finalizing an evidentiary module containing extensive factual and legal arguments seeking to establish the existence of a systematic attack against a civilian population

to support charges of crimes against humanity for ISIL-related conduct in the Syrian Arab Republic. It will be available for sharing with national jurisdictions that have indicated a significant interest in receiving this product.

26. The Mechanism remains committed to a holistic and inclusive approach to justice, which necessitates paying special attention to categories of victims/survivors that have been historically overlooked and crimes that have been insufficiently documented, such as gender-based violence crimes and crimes against children and youth. Throughout the reporting period, the Mechanism devised and implemented a series of initiatives to ensure the integration of its thematic strategies on gender, and children and youth into its analytical work, in line with its victim/survivor-centred approach. The thematic strategies are integrated from the outset of each analytical project to facilitate the accurate identification and description of the full range of offences to which victims/survivors have been subjected.

27. Intersectional characteristics such as gender and age have been comprehensively integrated into the ISIL-related evidentiary module on the systematic attack against a civilian population discussed above. Furthermore, as part of its line of inquiry on detention, in addition to examining the composition and functions of organizational structures, the Mechanism is also focusing on the experiences of individual detainees, including in relation to violations that are often overlooked or insufficiently documented, to identify patterns reflected in such mistreatment and the possible objectives underlying the criminal conduct.

28. During the reporting period, the Mechanism continued to leverage technology to enhance its analytical working methods through cross-sectional collaboration. In that regard, it developed, tested and deployed a standardized evidence review platform that is now utilized for evidence review exercises across all strategic lines of inquiry. The platform allows the Mechanism to better exploit the potential of the material in its central repository.

29. The Mechanism continuously assesses the progress of its collection and analytical work to identify opportunities to open additional case files. The Mechanism opens new case files whenever the necessary conditions are met, subject to the availability of sufficient resources. During the reporting period, the Mechanism opened two new case files on unlawful attack incidents that occurred in the Syrian Arab Republic in 2015 and 2017 involving the alleged use of chemical and conventional weapons, including against medical facilities. Evidence review work relating to the two newly opened case files was prioritized, given the value and complexity of the materials connected to those files. This brings the total number of open case files to four.

## **B. Frameworks for sharing and cooperation**

30. During the reporting period, the Mechanism continued to engage with a range of relevant actors to establish cooperation frameworks designed to broaden partnerships, including for the purpose of collecting information and evidence for the central repository. By the end of the reporting cycle, the Mechanism had concluded 73 cooperation frameworks with civil society actors, State entities and international organizations, including two-way cooperation frameworks with Sweden and the United Kingdom of Great Britain and Northern Ireland, which have since entered into force, and an agreement signed by France, which is currently before the National Assembly awaiting approval. Discussions are ongoing in respect of 21 additional frameworks. As in the previous year, concluded cooperation frameworks were amended as necessary to suit changing circumstances and operating environments. The Mechanism remains flexible and committed to tailoring cooperation frameworks to the various circumstances and requirements of its interlocutors.



31. The large majority of cooperation frameworks already in place have been concluded with Syrian civil society organizations, which remain a crucial source of information and evidence regarding crimes committed in the Syrian Arab Republic, and critical actors in current accountability efforts. These cooperation frameworks primarily concern the provision of data for collection and preservation in the Mechanism's central repository and the conditions that apply to the possible onward sharing of those data with competent jurisdictions. It is important to note that no formal framework is required for cooperating with the Mechanism. Many actors have decided to share information and evidence with the Mechanism on the basis of its mandate and terms of reference. The Mechanism's collaboration with civil society therefore extends well beyond the formal frameworks concluded.

32. The Mechanism has cooperation frameworks in place with 16 States. Those primarily concern the two-way sharing of information and evidence, or the conduct of collection or investigative activities on the territories of those States. Such frameworks can be formal or informal and may require national legislation, depending on the State. While some States prefer a formal cooperation agreement, the Mechanism can also cooperate with States without one. The Mechanism has assisted the judicial authorities of three States without formal cooperation frameworks in place. Regardless of whether one is in place, cooperation with States is critical for the Mechanism to perform its collection and investigative work. During the next reporting period, the Mechanism will continue to make concerted efforts to access relevant material that is in the possession of States in order to operate on more territories and extend the protection frameworks available for witnesses and information providers. The operational support of States will be a decisive factor in the success of those efforts.

33. The Mechanism welcomes its cooperation with United Nations system entities and will continue its efforts to access relevant materials held by other United Nations actors that have not yet executed its requests for assistance.

### **C. Sharing information and evidence with national jurisdictions**

34. The Mechanism has continued to assist numerous investigative, prosecutorial and judicial authorities in connection with the most serious crimes committed in the Syrian Arab Republic. As at 31 January 2022, the Mechanism had received 173 requests for assistance from 13 competent jurisdictions in connection with 143 discrete investigations. A total of 112 requests for assistance had been processed and closed, while work continued on another 50 requests. In response to requests for assistance, the Mechanism has provided assistance in 91 distinct investigations conducted at the national level. Some of those investigations concerned cases in which a suspect was in detention, or that had led to trial proceedings. Because of the volume of requests for assistance, the Mechanism has not yet begun work on 11 requests that, as it has determined in consultation with requesters, are not time-sensitive at the present stage.

35. The Mechanism has shared 23 analytical products with competent jurisdictions, both proactively and in response to requests for assistance. It has proactively shared information, data sets, evidentiary modules and analytical products with several national war crimes units in support of ongoing investigations. In line with its terms of reference, the Mechanism has only assisted jurisdictions that respect international human rights law and standards and that would not apply the death penalty for the offences under consideration. The Mechanism recalls that it does not provide support to investigations and prosecutions that relate solely to terrorism offences or concern immigration proceedings.

36. The Mechanism's focus on broadening the array of assistance offered to competent jurisdictions bore fruit during the reporting period. In addition to sharing information and evidence preserved in its central repository, evidentiary modules and analytical reports, the Mechanism developed its operational capacity to conduct targeted witness interviews in response to specific requests for assistance. It has provided support in ongoing criminal investigations in tangible ways, including by identifying and locating witnesses for subsequent interviewing by national authorities, translating key materials and geolocating crime scenes and other places of interest.

37. To respond to the steadily increasing number of requests for assistance concerning a broad range of crime categories, affiliations of alleged perpetrators and geographical and temporal scopes, the Mechanism has expanded its multidisciplinary and multilingual team that liaises with competent jurisdictions and responds to requests for assistance. The Mechanism is confident that, together with the constructive, open dialogue that it has established with national war crimes units and its efforts to provide tailored assistance, the expansion of its team combined with technological developments will help to accelerate the pace of its responses to requests for assistance.

## **IV. Mechanism-wide developments**

### **A. Update on thematic strategies**

#### *Victim/survivor-centred approach*

38. The Mechanism's victim/survivor-centred approach provides a foundation for all its thematic strategies. The approach is designed to operationalize the Mechanism's commitment to integrating, as a core part of its daily work, a focus on the experiences, views and priorities of various communities of Syrian victims/survivors – including minority religious, ethnic and sexual groups – from a rights-based perspective. It is an important tool for ensuring that the Mechanism's thematic strategies and its work more generally are grounded in the specific context of the Syrian situation, while taking guidance from helpful precedents in other justice and accountability processes. A key methodology for the development and implementation of the victim/survivor-centred approach is continuous dialogue with victims/survivors, particularly through victim/survivor associations and non-governmental organizations, which the Mechanism has prioritized from an early stage of its work. In 2021, the Mechanism participated in more than a dozen engagements with Syrian victims/survivors to share information about its mandate and work and to better understand the needs and priorities of victims/survivors. The Mechanism's thematic strategies concerning gender, children and youth, and broader justice objectives, which are detailed below, are all concrete expressions of its victim/survivor-centred approach.

#### *Addressing the adverse impact of the discriminatory gender hierarchy to facilitate inclusive justice for international crimes*

39. The aim of the Mechanism's gender strategy is to facilitate inclusive justice by integrating a gender analysis into all its work. In the strategy, the importance of a structural and intersectional understanding of gender in the Syrian context is highlighted so as to assist the Mechanism in countering the adverse impact of the discriminatory gender hierarchy on prospects for justice. During the reporting period, the Mechanism engaged in extensive consultations with legal and gender experts, civil society organizations and United Nations interlocutors to advance its written gender strategy and implementation plan. The implementation plan contains detailed guidance on building a gender-competent institutional environment and incorporating a gender analysis into the

work of all the Mechanism's sections. Guided by the overarching implementation plan, each section of the Mechanism has adopted an action plan for 2021/22.

40. The development and implementation of the gender strategy is supported by the working group on gender and the victim/survivor-centred approach, comprising the Mechanism's leadership, gender focal points across the Mechanism and a thematic expert on gender. The Mechanism has worked to enhance capacity for gender strategy implementation through the provision of peer-to-peer support on section action plans, the development and coordination of gender training courses and the facilitation of consultations on the gender strategy.

41. To ensure that staff members have the skills and competencies necessary to effectively integrate gender perspectives into their work, the Mechanism continued to provide foundational gender training to all new staff members. In November 2021, staff involved in the Mechanism's accountability-related work completed an advanced gender training course focused on core elements of the gender strategy, the perspectives of Syrian civil society and national prosecution authorities, and knowledge-sharing on aspects of gender strategy implementation across the Mechanism.

42. The Mechanism anticipates making a version of its gender strategy and implementation plan public in the first half of 2022. It is keen to share its approach and solicit feedback from a broader range of interlocutors in order to continue to refine the strategy and strengthen its implementation during the next reporting cycle.

#### *Accountability for children and youth*

43. During the reporting period, the Mechanism further developed its strategy on accountability for children and youth. The aim of its activities in 2021 was to identify key issues relating to the experiences of children and youth in the Syrian context and gather insights and perspectives from external stakeholders on those issues. The Mechanism's internal working group on children and youth undertook preliminary efforts to develop analytical and investigative tools and projects to integrate a child and youth-sensitive approach into the Mechanism's investigative and analytical work. As with the working group on gender and the victim/survivor-centred approach, a thematic expert provides peer-to-peer support to the staff focal points comprising the working group, who represent all substantive sections of the Mechanism.

44. As part of its efforts to seek the input of key external stakeholders, the Mechanism held the first of several envisaged in-person consultations with civil society organizations and victim/survivor associations in Gaziantep, Turkey, in November 2021. The consultations took the form of focus group discussions involving representatives of organizations that work directly or indirectly to document crimes against child and youth victims/survivors and their families, and that provide services to those victims/survivors and their families. The in-depth, qualitative discussions were held in a confidential and trusted environment; they resulted in valuable insights grounded in the knowledge, experience and long-term practice of the participants. Additional consultations are planned for 2022, including, where possible, with Syrian children and youth.

45. The development of the Mechanism's draft strategy on children and youth also benefited greatly from the focus of the eighth iteration of the Lausanne Platform on this issue. During the two-day meeting in November 2021, dedicated sessions were held with representatives of non-governmental organizations and victim/survivor associations working directly or indirectly with Syrian children and youth and their families. Staff of the Mechanism provided updates on the development of the strategy on children and youth, sought input from the participants on specific priority issues

and explored how best to collaborate on facilitating justice and accountability for Syrian children and youth.

*Broader justice objectives: missing persons*

46. The Mechanism's contribution to clarifying the fate and whereabouts of missing persons in the Syrian context is guided by its commitment to a victim/survivor-centred approach and the right of families of those missing to know the truth about their loved ones. Its efforts were welcomed by the General Assembly in its resolution [76/228](#), which was adopted recently. In the same resolution, the Assembly encouraged the Mechanism to identify additional ways and means to contribute to this end, which it will do in the next reporting cycle, including by taking stock of the lessons learned.

47. As stated in its previous reports to the General Assembly, the Mechanism has developed a preliminary system for tagging information and evidence to capture information regarding missing persons. This has been done as part of reviews undertaken in response to requests for assistance and for the purpose of developing analytical work products, not as part of independent, dedicated searches in its central repository. The Mechanism has, however, increased its sharing of relevant information and select materials to help to clarify the fate and whereabouts of persons missing in connection with events in the Syrian Arab Republic since March 2011. The Mechanism is currently exploring whether and how to provide additional support regarding this critical issue.

## **B. Operational support**

48. Operational support involves the provision of services relating to the core areas of security, language assistance, and witness and victim protection and support. During the reporting period, the Mechanism increased its witness support capacities to ensure that vulnerable victims/survivors and witnesses receive psychosocial services in a manner consistent with the Mechanism's mandate and victim/survivor-centred approach. The Mechanism is developing standard operating procedures and psychosocial services based on the best practices of international criminal justice mechanisms, tailored to the specific context of its work. Furthermore, the Mechanism is identifying and developing referral pathways to ensure safe interventions and continuous support to the victims/survivors and witnesses with whom it interacts. The aim of those referral protocols is to provide victims and witnesses who require medical and/or psychosocial assistance and/or who have protection needs with access to safe services of good quality. With respect to witness protection, collaboration with other United Nations and non-United Nations entities has been initiated to develop an approach based on best practice. In addition, the Mechanism further developed the internal support available to staff members to deal with the traumatic impact of the work undertaken.

49. The Mechanism has further integrated physical security considerations into all aspects of its operations, working closely with all staff, in particular investigators within its Collection and Analysis Section and information security officers. The Mechanism has strengthened communication channels with the security sections of the United Nations Office at Geneva and other Geneva-based entities, as well as with relevant security contacts. In addition, communication channels with United Nations system entities and other security interlocutors in the field were developed further to better support the planning and conduct of future field missions. Standard operating procedures relating to security continued to be developed and implemented, allowing for a comprehensive approach to security operations both at the Mechanism's premises and in the field.

50. In the area of language support, the Mechanism took steps to increase its Arabic interpretation and language support, including for field missions. The Mechanism also assessed its internal language needs to determine what language support tools would be most appropriate. The Mechanism further established contacts with other entities to familiarize itself with best practices in contracting external language support.

### **C. Funding**

51. Pursuant to paragraph 35 of General Assembly resolution 72/191, the Secretary-General has included the Mechanism in the proposed programme budget since 2020. The Assembly approved the request for regular budget funding for 2022 in paragraph 43 of its resolution 76/245. During the reporting period, the Mechanism utilized extrabudgetary resources to complement regular budget resources and thereby advance the implementation of its mandate.

52. During the reporting period, the General Assembly approved the separation of the current Collection, Analysis and Sharing Section into two sections, namely the Collection and Analysis Section and the Support and Sharing Section, in recognition of the increased scope and workload of the Support and Sharing Unit, which is responsible for supporting the investigative and prosecutorial activities of competent jurisdictions. The number of requests for assistance has increased exponentially in recent years, a trend that is expected to continue. The Unit is also tasked with developing and negotiating formal and informal cooperation frameworks with other United Nations system entities, States, international organizations and civil society actors, and anticipates a sustained increase in activity in that regard as well.

### **D. Team**

53. The Mechanism has continued to advance its recruitment efforts. At the end of the reporting period, 47 of the 60 approved regular budget posts had been filled. The Mechanism has worked to complete recruitment that has been pending since the freeze on hiring was imposed in 2020, within the vacancy rates approved by the General Assembly.

54. During the reporting period, the Mechanism's secondary trauma committee worked with external specialists to develop recommendations regarding the prevention and management of secondary trauma and the promotion of a trauma-informed institutional culture. In the upcoming reporting period, the Mechanism will create an annual capacity- and resilience-building plan for its staff, managers and leadership to support the prevention and management of secondary trauma.

## **V. Recommendations**

55. The Mechanism seeks cooperation to fulfil its mandate and maximize its impact, as set out below.

### **A. Cooperation with the United Nations and with other international organizations**

56. The Mechanism requests the United Nations and other international organizations:

(a) To ensure that the Mechanism has full access to materials that are held within the United Nations system concerning crimes in the Syrian Arab Republic and to initiate necessary arrangements to that end;

(b) To ensure that relevant United Nations agencies coordinate and cooperate fully with the Mechanism, including through the timely execution of requests for information and assistance;

(c) To engage in dialogue with the Mechanism to promote coordination across the humanitarian, human rights and accountability spectrum with a view to sharing information systematically with the Mechanism;

(d) To share with the Mechanism information regarding effective humanitarian referral pathways to assist victims/survivors of international crimes in the Syrian Arab Republic and to facilitate access to support services where possible;

(e) To engage with the Mechanism on its victim/survivor-centred approach and thematic strategies on gender, children and youth, and broader justice objectives, such as helping to clarify the fate and whereabouts of missing persons, in order to facilitate inclusive justice by surfacing and addressing the experiences of a broad range of victims/survivors;

(f) To ensure that other initiatives within the United Nations system involving the investigation, documentation and/or prosecution of crimes committed in the Syrian Arab Republic are established in conformity with and in support of the Mechanism's mandate and can benefit from its work and expertise.

## **B. Cooperation with States**

57. The Mechanism requests Member States:

(a) To continue to provide support to the Mechanism through the regular budget and complementary voluntary contributions to ensure the effective discharge of its mandate;

(b) To ensure broad cooperation and engagement with the Mechanism and to implement any agreements and frameworks required to that end in a timely manner, in consultation with the Mechanism;

(c) To coordinate the efforts of relevant national actors and raise awareness of the Mechanism's mandate in order to facilitate its work;

(d) To ensure that initiatives concerning the documentation, investigation and prosecution of crimes committed in the Syrian Arab Republic take into account the Mechanism's mandate to support impartial, independent and inclusive justice;

(e) To ensure, if needed, that efficient and effective procedures are in place to facilitate access to their territories for the Mechanism;

(f) For States hosting Syrian refugee communities, to provide information and facilitate cooperation between the Mechanism and domestic agencies and local actors that are relevant to the Mechanism's work;

(g) To consider entering into cooperative agreements with the Mechanism to provide witness protection and support-related services necessitated by the Mechanism's work;

(h) To engage with the Mechanism on its victim/survivor-centred approach and thematic strategies on gender, children and youth, and broader justice objectives, such as helping to clarify the fate and whereabouts of missing persons, and to raise awareness thereof among national actors, in order to facilitate inclusive justice by surfacing and addressing the experiences of a broad range of victims/survivors.

## C. Cooperation with civil society

58. The Mechanism requests civil society:

(a) To ensure that the Mechanism has access to all relevant materials to facilitate accountability processes and, to that end, to transfer available information and evidence to the Mechanism in a timely manner;

(b) To engage with the Mechanism regarding coordination strategies for documentation work concerning past and ongoing crimes in the Syrian Arab Republic;

(c) To engage with the Mechanism on its victim/survivor-centred approach and thematic strategies on gender, children and youth, and broader justice objectives, such as helping to clarify the fate and whereabouts of missing persons, in order to facilitate inclusive justice by surfacing and addressing the experiences of a broad range of victims/survivors;

(d) To assist the Mechanism in reaching out to civil society, in particular victim/survivor associations, and to foster an overall understanding of the Mechanism's mandate and work;

(e) To share with the Mechanism information regarding effective medical and psychosocial services to assist victims of international crimes in the Syrian Arab Republic and to facilitate access to such services as required.

## VI. Conclusion

59. During the reporting cycle, the Mechanism made considerable progress towards its objective of facilitating inclusive justice for the most serious crimes committed in the Syrian Arab Republic since March 2011. It continued to invest in reinforcing its human resource and technological capacities, which has resulted in the expansion of the central repository, the enhancement of analytical processes and an increase in responsiveness to a steadily increasing number of requests for assistance. The opening of two new case files and the development of new analytical products, alongside the quality and quantity of assistance provided to competent jurisdictions despite resource limitations, underscores that the Mechanism has established itself as a competent and trusted partner in justice efforts concerning the crimes within its mandate.

60. Victims/survivors of international crimes committed in the Syrian Arab Republic and their families remain at the heart of the Mechanism's work. To deliver concretely on its rights-based victim/survivor-centred approach, the Mechanism is developing and implementing – in close consultation with victims/survivors – its thematic strategies on gender, children and youth, as well as broader justice objectives (in particular with regard to missing persons). The thematic strategies provide meaningful, actionable guidance for surfacing and addressing the experiences, perspectives and priorities of a broad range of victims/survivors throughout the Mechanism's accountability-related work and as part of its institutional culture.

61. The Mechanism is grateful for the support extended to it by States, the United Nations system, other international organizations, civil society actors and individuals. It is especially grateful to Syrian civil society, including victim/survivor associations, for its indefatigable pursuit of comprehensive justice. In line with the letter and spirit of its mandate, the Mechanism will continue to pursue all available opportunities for meaningful justice whenever and wherever they arise.