

67th plenary meeting of the United Nations General Assembly
Prevention of armed conflict [item 30 (a)]; Note by the Secretary-
General ([A/77/751](#))

25 April 2023 – 10 a.m. – General Assembly Hall

***Remarks by ASG Catherine Marchi-Uhel,
Head of the International, Impartial and Independent
Mechanism on Syria (IIIM)***

Distinguished President of the General Assembly,

Excellencies, Ladies and Gentlemen,

It is an honour to brief the General Assembly today on the occasion of its annual plenary debate on the work 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.

Mr. President,

At the outset, allow me to present our most sincere condolences to the Governments and the people of the Syrian Arab Republic and the Republic of Türkiye, and in particular to the families who have lost loved ones in the wake of the devastating earthquakes in February. Our heartfelt sympathies also go to the many who have been injured and are impacted by this tragedy.

As presented to this Assembly in our report A/71/755, over the past year, the Mechanism continued to demonstrate its value as a

justice facilitator. Today's debate is an important opportunity to situate this work within the larger efforts of the international community to ensure accountability for core international crimes committed in Syria. It is our joint responsibility to do so in an inclusive, systematic, and comprehensive manner, serving the broader justice objectives that are enshrined in our foundational resolution A/71/248 and reflected in various succeeding resolutions by this Assembly on the situation of human rights in the Syrian Arab Republic.

At this time of renewed humanitarian crisis in Syria and neighbouring Türkiye, this notion of inclusive justice, and the dire need for it, has once again been resonating in our work.

Mr. President,

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 these crimes.

Six years after its creation, our Mechanism can build on an expanding central repository of information and evidence. Our process of identifying relevant material continues to become more effective and efficient through digital tools and new data management approaches. Our analytical and targeted investigative work is progressing across all strategic lines of inquiry, advancing our structural investigation.

In our role as a justice facilitator that supports current and future investigations and prosecutions of core international crimes, we have concluded 83 cooperation frameworks with Member States, international organizations, civil society actors and other entities. We

now serve 15 competent jurisdictions, who have so far submitted 268 requests for assistance. 138 distinct national investigations have already been supported by the Mechanism, including through the provision of information, data sets, evidence, legal briefs, factual reports, and other analytical products generated through our structural investigation.

Notably, our analytical work on the situation of girls in areas controlled by ISIL was relied upon in a judgement issued in Sweden earlier this year. In another judgment in Sweden last month, a court relied upon an analytical product prepared by the Mechanism when finding a woman guilty of war crimes.

In Germany, the Mechanism continues its longstanding, fruitful cooperation with the federal prosecutor's office. Recent cases include the Moafak D. case, in which the higher regional court of Berlin on 23 February convicted a man for a war crime and murder. Another case supported by the IIM is currently in its trial phase before the higher regional court of Frankfurt. This is the Alaa M. case, in which the accused is facing charges of sexual violence and the torture and killing of civilians.

We continue to expand our catalogue of services provided to competent jurisdictions, including an increasing number of requests for targeted witness interviews to be conducted by our investigators. As such, the number of investigations supported reflects considerable case work in the pursuit of individual criminal accountability. It has led to concrete justice outcomes, with direct contributions from the Mechanism, as the recent convictions in Germany or Sweden have again shown.

In France, the Mechanism has contributed through the sharing of information and evidence and its Brief on ISIL, to the ongoing Lafarge case. The Mechanism further contributed to investigations

that led to the recent indictments for complicity in crimes against humanity and war crimes in the Dabbagh case.

Mr. President,

While these processes and their concrete outcomes are important, we remain fully aware of the devastating scale of the Syrian tragedy, and the importance of continuing to insist on more comprehensive justice in the future. We hear this demand repeatedly in our engagement with victims/survivors. For the Mechanism, the views of victims/survivors are the north star guiding its work. This commitment is reflected in the vision statement for our recently published strategic plan for 2023–2025. Our vision is to further establish the Mechanism as a crucial entity supporting and promoting current and future accountability efforts in the eyes of victims/survivors of core international crimes committed in the Syrian Arab Republic.

To achieve this vision, the Mechanism has been reinforcing and diversifying its engagement with victims/survivors, incorporating their insights into its work, and informing them about its impact as a justice facilitator. A further expression of this fundamental, victim/survivor-centered approach is our ongoing development and implementation of dedicated, comprehensive thematic strategies on gender, and children and youth. The Mechanism also continues to support broader justice objectives, such as clarifying the fate of missing persons, through identifying intersections with its accountability focused work.

In October 2022, we made our gender strategy public. It integrates perspectives from Syrian civil society gained through consultations, and its implementation is well underway, allowing us to build a gender competent institutional environment, to fill gaps in our central repository of evidence, and to integrate a gender analysis into every aspect of the implementation of our mandate. We will soon start external consultations on our Children and Youth strategy and

are already running a pilot project which enables the Mechanism to test aspects of it, including through focus group discussions with children and youth affected by the Syrian conflict.

Such engagement also forms part of our larger effort to further expand and intensify our direct cooperation with civil society actors, who continue to make critical contributions across the full breadth of our work and are important enablers in ensuring a victim/survivor-centered approach. They are both crucial sources of information and evidence, and they engage closely with the Mechanism on various aspects of its substantive work, including the work in response to requests for assistance, the Mechanism's strategic lines of inquiry and its thematic strategies.

We continue to appreciate the important support from the Netherlands and Switzerland in the context of engagements under the Lausanne platform process. We have also introduced two new, annual meeting formats with civil society actors. They consist of dedicated consultations with victims and survivors and with specialized civil society organizations working on documentation. Both new formats have already enriched the work that we do in support of accountability, whether via our responses to requests for assistance or the work undertaken in the context of our strategic lines of inquiry.

On the issue of missing persons, we have repeatedly heard from many victims and survivors how this constitutes a primary obstacle to justice in their eyes. For many, the need to know the fate and whereabouts of their loved ones is the most urgent priority. We have therefore continued to identify and make available to other relevant actors information regarding missing persons.

Mr. President,

As much as our work is about pursuing inclusive and comprehensive justice for all Syrians, it is about pursuing every available opportunity for justice in the context of core crimes

committed in Syria since March 2011, irrespective of the identity or community of the perpetrators and the victims. While we continue to see that the Syrian conflict remains one of the best documented conflicts, opportunities for accountability and justice remain all too elusive, and in complete disproportion to the scale of violations, and the immensity of the suffering.

In the absence of a competent jurisdiction seized of the entire Syrian situation, we therefore continue to explore any relevant opportunities for cooperation in the justice ecosystem for Syria, consisting of national, regional, and international accountability actors. A new support valued by national war crimes units is for us to proactively share with them information about nationals suspected to be involved in crimes committed in Syria. We also reach out to them when we become aware of the potential presence of suspects on their soil.

As mentioned in our report, the Mechanism is also prepared to provide information and analysis relevant to the legal action brought against the Syrian Arab Republic under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as part of the joint initiative announced by Canada and the Netherlands in March 2021. This would be another example where the structural investigation undertaken by the Mechanism could be leveraged in support of a new, potentially important justice opportunity.

Lastly, allow me to stress that, in the spirit of the ever-evolving international accountability eco-system, and in the face of newly emerging crises, the Mechanism remains committed to sharing lessons learned and best practices with other accountability actors working towards the investigation and prosecution of core international crimes, both in the Syrian Arab Republic as well as in other conflict situations.

Mr. President,

The Mechanism has been fully functional for over five years now, and, as reflected in the report, demand from competent jurisdictions has multiplied – and so has the variety of services provided to them. For instance, both the increased demand for witness interviews from competent jurisdictions, as well as our enhanced efforts to consult victims and survivors on our work, has led to increased needs both for investigative and analytical capacities, but also related witness and victim protection and support.

We were very grateful that this Assembly took the decision, in 2020, and voted to put the Mechanism on a solid, sustainable footing, by introducing it in the Secretariat's regular budget. Since then, however, another reality is that of the greatly increased demand for the Mechanism's services – a story of success, one could say – and we continue to depend on important voluntary contributions from Member States. I would like to take this opportunity to thank them for this strong and continued commitment. Without their contributions, we could not provide the breadth and quality of services that we currently do – both regarding the support to competent jurisdictions, the advancement of our structural investigation, and, not least, our strong partnership with – and the growing trust of – victims and survivors, and civil society organizations at large.

Mr. President,

As a justice facilitator, our Mechanism can only show its added value, and succeed, through cooperation. This cooperation, with Member States, the United Nations system, other international organizations, civil society actors and individuals, really makes our Mechanism come to life. It generates those precious opportunities for inclusive justice, a justice that too many Syrians have been awaiting, for too long. We are especially grateful to Syrian civil society, in particular victim/survivor associations, be they in Syria, in the region or abroad, who, after more than twelve years of conflict, have not lost

their faith in the hope that justice, however imperfect it may be, can bring to society.

And I am personally grateful to the Mechanism's highly professional and highly skilled staff, who embody the impartiality and independence that are the pre-requisite of inclusive and sustainable justice. Jointly with our many partners, we have created an extraordinary capacity and expertise that we are keen to make available to all interested Member States.

Mr. President,

As I conclude, I would like to pay tribute to a person who has been a source of inspiration to many of us and who passed away earlier this month. Benjamin Ferencz, a former prosecutor at Nuremberg, embodied the perseverance, creativity and optimism that have been essential to the progress made in our field over the past decades, including the establishment of our own Mechanism. May his memory be a source of strength, and may he continue to inspire us.

I thank you, Mr. President.