

# Prioritising Justice and Accountability

Last month we marked the thirteenth year since the start of the conflict in Syria. Thirteen years of immense human rights violations and breaches of international criminal law that have resulted in unimaginable loss and disruption. So many countries, not only in the Middle East are dealing with escalating conflict.

Having worked in international justice for most of my career, I've been reflecting on the nature of and purpose of this work. As international law frameworks are increasingly being tested, how do we respond when the demand is for quick solutions over the slow, sustained efforts of legal processes?

When I was appointed in 2017 as the head of the IIIM, it was a new type of accountability body. The path was undefined and not necessarily obvious, but our destination was clear. To paraphrase Kofi Annan, while the fabric of international justice is very thin, our objective at the IIIM is to be with those weaving it denser and stronger, no matter the challenges. Justice for victims/survivors and accountability are the priorities, and the world must not falter in its commitment to uphold international law just because it takes time and resources.



The IIIM is part of a collective effort, working alongside justice actors and the tireless representatives of Syria's civil society. Without the dedicated civil society organizations, our progress would be limited. It is this coordinated cooperation that allows the IIIM to effectively support jurisdictions investigating international crimes in the context of Syria and contribute to the cases that seek to prosecute perpetrators in the courts of law.

The false debate on prioritising human rights over justice and accountability or even sacrificing justice and accountability in the service of a compromised peace, cannot be allowed to gain momentum. There must be no equivocation, no compromise on this. Justice and human rights are not an either or, they are intertwined. Human rights are the minimum we expect, but the goal is always justice. For as every child knows, without justice there can be no peace and as every adult knows, political appeasement does not bring peace.

We must continue to seize opportunities for justice and hold the international community to its commitments and obligations.



In these uncertain times, I can confidently say that while there is still a long way to go, the IIIM's impartial and dedicated focus on justice facilitation has yielded significant results.

To date the IIIM has received **371** Requests for Assistance (RFAs) from **16** jurisdictions.

Of these we have already supported **254** of these, which relate to **185** investigations.

In our justice updates sections, you will see the unprecedented number of concrete contributions made by the IIIM to justice developments relating to Syria. These are only the instances where prosecutors have allowed us to publicly refer to the support provided to past or ongoing investigations and cases, as the IIIM has supported an even greater number. However, even the public numbers tell the story of significant justice progress.

My team does not only respond to requests, they also share proactively. Work conducted for previous requests, legal and analytical products developed for our own lines of inquiry within the IIIM's structural investigation, or relevant evidence identified following proactive searches are also offered to jurisdictions. We look for every opportunity to support justice processes.

An important development the IIIM is working on is the public release of a report on detention-related crimes. This has been a focus area within our structural investigation and is interlinked with broader justice objectives going beyond criminal proceedings. We hope that this report will not only be of value to the ongoing proceeding at the International Court of Justice (as submitted by the Netherlands and Canada), but that it will also be of use to other accountability stakeholders pursuing justice opportunities on Syria. Each of our previous products while not public have been developed so they can be used by a range of different jurisdictions. Supporting the IIIM's work is a cost-effective way to support multiple investigations and prosecutions.

Every investigation or case the IIIM has supported is a forceful reminder of the need for accountability, and also of the possibility of accountability, irrespective of the identity of the victim/survivor or the perpetrator.

As the only entity with a dedicated mandate to facilitate the work of jurisdictions pursuing accountability in relation to the Syrian context, the IIIM is a unique and groundbreaking institution. In its short lifetime, it has

already served as an example for other situations. But more importantly, it is an institution that has made a real impact.

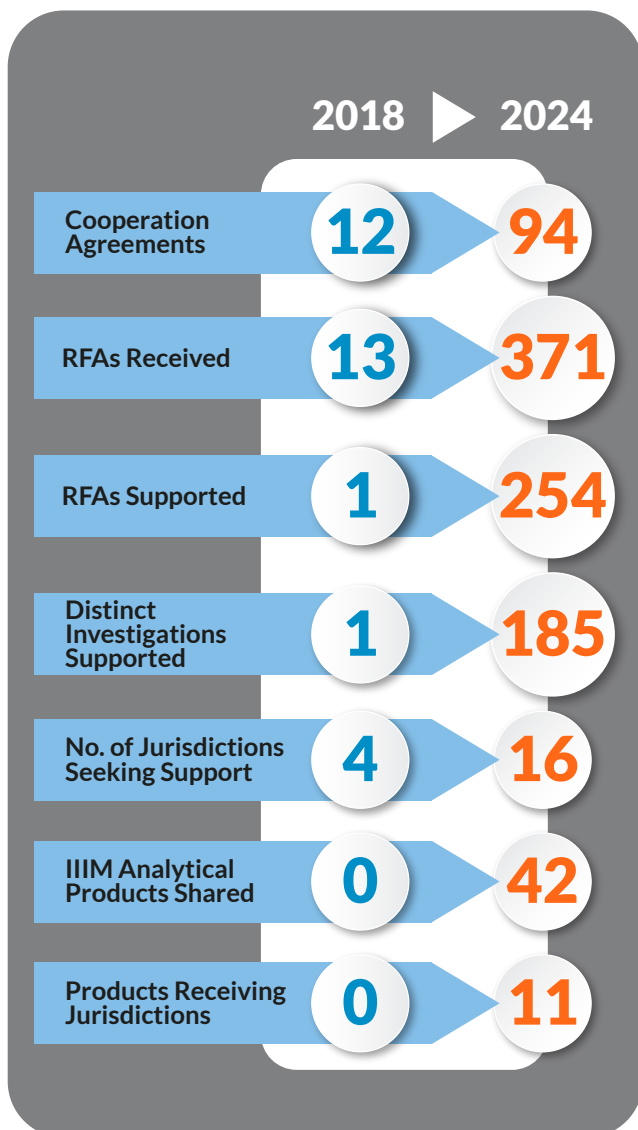
It has been an honour and a privilege to help build the IIIM, and to bring together its unique team of experts in the many areas required to facilitate justice, from lawyers, investigators, and analysts, to protection, support, digital information management, and operations. I am reassured to leave this team in the capable hands of my successor, Robert Petit, who has a rich and longstanding experience in the field of international criminal justice.



I want to end by expressing my gratitude to those who make our work possible. I have been extremely fortunate to have had the opportunity to work closely with many of Syria's civil society representatives. They have been gracious with their support to me and my team, late comers to the work they had already been doing for several years. Without their cooperation and inspiring advocacy, the IIIM would not have been able to achieve what it has and they will continue to be the cornerstone of the mechanism's work. My deepest thanks go to the many Syrians who have dedicated their lives to fighting for accountability and justice, and who placed their trust in us. I have every faith that together we will succeed in delivering the inclusive justice they are owed.

**Catherine Marchi-Uhel**

# Progress Since 2018



The IIIM was established in December 2016 and became operational in 2018. As a novel justice and accountability entity, the IIIM team built it from the ground up to meet its needs and fulfil the mandate. The IIIM has developed agile and responsive operational frameworks, and an innovative infrastructure to handle the voluminous multi-format material it collects. It has forged cooperative relationships with other stakeholders and justice actors, many of whom had been involved in evidence documentation and collection for Syria since 2011.

With support and cooperation of a range of partners, the IIIM has evolved into a significant contributor to the international justice and accountability ecosystem. Many of the approaches and methodologies it pioneered to fulfil its mandate have now become common practice.

At the core of all these efforts is the IIIM's victim/survivor centred approach (VSCA). This approach, integral to the IIIM's DNA from the outset, has guided all our interactions with civil society and has even been referred to as the standard for two-way dialogue.

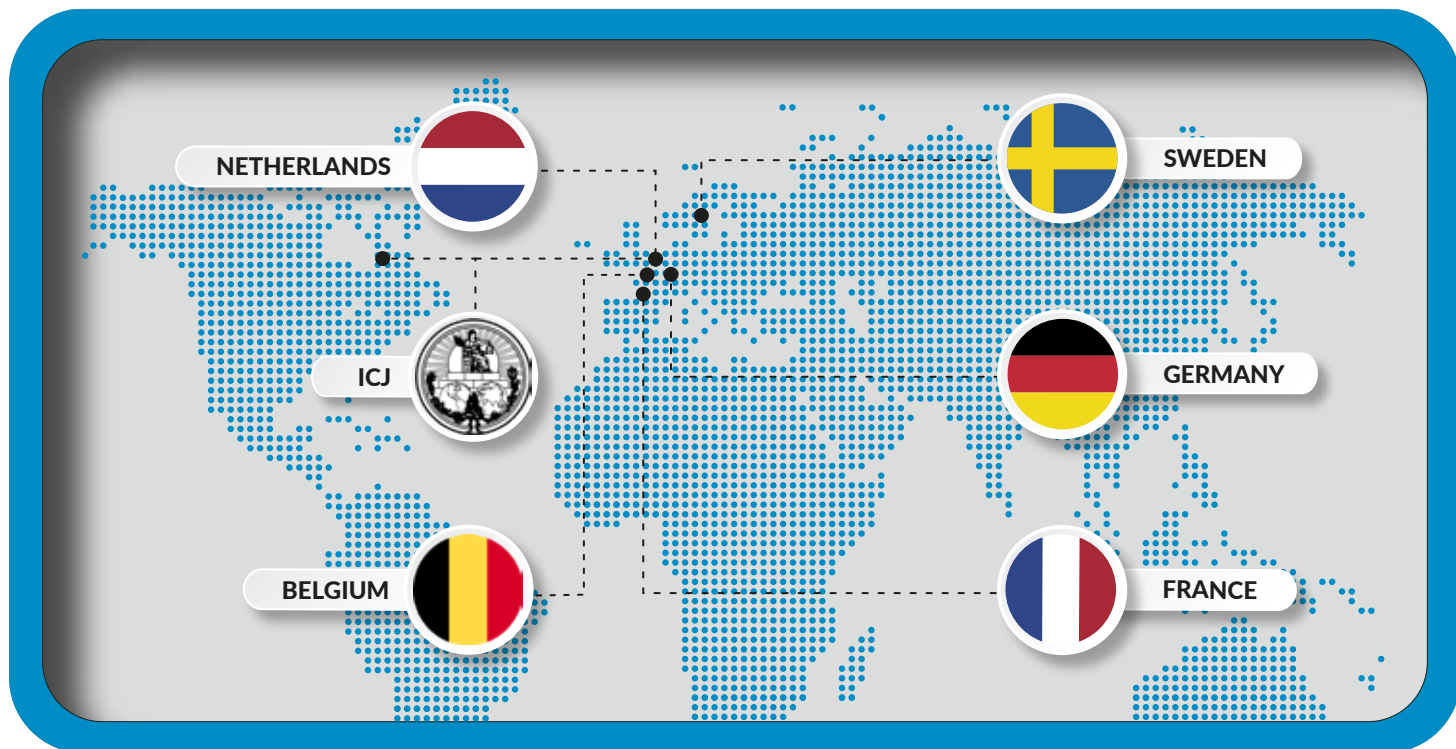
The IIIM's thematic strategies for inclusive justice have been shaped by our discussions and consultations with representatives of victim/survivor associations, aiding us in prioritising areas of focus. Gender and Children and Youth were clear areas for us to integrate into our work. However civil society underscored that the issue of missing persons, given the magnitude of individuals whose fate was unknown, was their most urgent concern.

The IIIM proactively established a framework that would allow us to identify and share relevant information with those entities mandated to search for the missing, in a timely manner. Based on experience of previous conflicts this was something that typically happened years later, but we understood we could implement in the course of our work and enable us to contribute to broader justice objectives.

The IIIM's contribution to a range of justice initiatives and processes are substantial. While we cannot disclose all the details of our work and the support we provide to competent jurisdictions, we can share our progress since we became operational.

# Publicly Disclosable IIM Contributions to Justice Developments

Since the last bulletin these are some of the justice developments that jurisdictions have given us permission to disclose our support for a full list see the justice development map [here](#).



## France

The IIM supported the investigation leading to the trial in Paris, upcoming in May, of three senior Syrian intelligence officials, in absentia, for complicity in crimes against humanity and war crimes for their responsibility in the disappearance and death of two Franco-Syrian nationals. Additionally outgoing IIM Head, Catherine Marchi-Uhel, will be appearing in court as a context witness.

Arrest warrants against the Syrian President, his brother and two Generals were issued in November 2023 on charges of complicity in crimes against humanity and in war crimes for their responsibility in chemical weapons attacks conducted against civilians in Douma and Eastern Ghouta in August 2013. The IIM continues supporting the investigation, including by providing information, evidence and analytical products.

## Sweden

The trial of a senior officer in the Syrian Armed Forces for abetting war crimes by carrying out extensive indiscriminate attacks with air and ground forces in Homs and Hama Governorates in 2012 is currently taking place in Stockholm.

Our support to the investigation included a brief on the commencement of the non-international armed conflict (NIAC) in Syria that proved critical to charge the accused for war crimes.

This NIAC brief has been shared with other jurisdictions and is a good example of how the investigative and analytical work within the IIM's Structural Investigation is used to support investigations and prosecutions into core crimes committed in Syria across multiple jurisdictions.

## Belgium

A Syrian national was indicted, on 24 January, on charges of crimes against humanity and war crimes for killings and torture committed by a pro-Government militia in Salamiyah, Hama Governorate, in the period 2011-2016. The IIM continues supporting the case.

## Germany

Along with conducting the greatest number of trials and convictions in previous years, there have been important additional arrests, indictments and trials for war crimes and crimes against humanity charges, and the IIM has been able to refer to its critical support in four such cases.

This support included in particular the provision of critical witness evidence and evidence that allowed the addition of war crimes charges.

## International Court of Justice

One key justice opportunity that we have identified in our consultations with civil society, in particular with victim/survivor associations, has been the ongoing proceeding before the **ICJ** on the Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this context, the Mechanism will publicly release, for the first time, a report on **detention-related crimes** which has been an area of focus within the Mechanism's Structural Investigation over the past years. Like our other lines of inquiry, the work on our detention line of inquiry is closely interlinked with our broader justice objectives and thematic strategies for inclusive justice.

# Recent Updates

## IIIM Report to the UN General Assembly

The IIIM annual report to the UN General Assembly (UNGA) was submitted earlier this year. The full report is available [here](#) to read, and the presentation of the report by the IIIM Head, Catherine Marchi-Uhel, to the UNGA on 24 April can be viewed [here](#).

The report highlights the IIIM's progress and achievements. The IIIM head expressed her deep appreciation for the support of civil society which is indispensable for inclusive justice. She emphasized that the IIIM's achievements have exceeded the expectations of many of those who voted for its establishment in 2016, as evidenced by the increasing requests for assistance and contributions made by the IIIM. To sustain and secure this remarkable growth, she urged the General Assembly to urgently consider augmenting the financial resourcing of the IIIM to maintain its staffing capacity and expertise.

## Lausanne Platform



The IIIM held its annual in-person workshop under the Lausanne Platform, convened by the Netherlands and Switzerland. This year's

focus was on unlawful attacks, including the use of chemical weapons. The IIIM engaged with specialized civil society organizations to discuss our analytical methodology, and ways to strengthen our investigative efforts to fill gaps in our central repository of information and evidence.

These dedicated in-person meetings and discussions on this line of inquiry will bolster efforts to advance our open case file and facilitate our other efforts to advance accountability for unlawful attack-related crimes.

Too few justice opportunities exist to prosecute the use of chemical weapons, and the IIIM reminded UN member states during presentation of its oral report that they bear a special responsibility at the General Assembly to support progress in accountability on this key feature of the Syrian conflict.

## Genocide Network



On 16 April, the IIIM participated in the European Network for Investigation and Prosecution of Genocide, Crimes Against Humanity, and War Crimes, commonly known as the Genocide Network. This biannual cooperation meeting brings together national authorities dedicated to investigating and prosecuting core international crimes.

For our senior IIIM team members, this event provides a vital opportunity to engage with prosecutors and war crimes units. It also serves as a platform to enhance understanding of our ongoing activities in the fight against impunity.

## New Head of the IIIM

On 22 March, the Secretary General appointed Robert Petit as the new Head of the IIIM. He will assume his post on 2 May 2024. Mr. Petit brings to the position 35 years of criminal justice experience in both national and international settings. Since 2017, he has been the senior United Nations official to lead the United Nations Follow-On Mechanism on the Democratic Republic of the Congo in relation to the murders of two members of the Group of Experts in March 2017. Mr. Petit also served as Senior Counsel and Team Leader in the Crimes against Humanity and War Crimes Section of Justice Canada.

Mr. Petit, a former Crown Attorney in Canada, has held various international senior prosecutorial positions, including International Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia, Senior Trial Attorney at the Special Court for Sierra Leone, and Prosecutor of the Serious Crimes Unit, United Nations Mission in East Timor.

# FAQs

Given the financial challenges the IIIM is facing, a number of recurring questions have come up during our engagement with civil society. Below we answer some of the more pressing ones but as always please reach out should you have any additional queries.

- **Who can access the IIIM's collection in the Central Repository of Information and Evidence?**

Access to material in the IIIM's Central Repository is strictly controlled, including within the IIIM. The IIIM's mandate has tasked the IIIM to share material and prepare files to share with competent jurisdictions. These are jurisdictions that can try core international crimes, respect human rights standards and would not apply the death penalty for the crimes considered. The IIIM cannot share material with any other actors. The IIIM only shares material with competent jurisdictions when informed consent has been obtained from the source.

- **Should the IIIM's mandate come to an end, what will happen to the material it has gathered?**

This common question primarily relates to concerns about potential release of material to actors not cleared to receive it or that the material will stagnate. While we do not foresee an end to the IIIM's mandate in the near future, especially as jurisdictions continue to investigate and prosecute in the context of Syria, planning is underway to ensure a safe and effective framework for managing

the IIIM's archives when the time eventually comes.

- o For the first concern: The mandate requirement that our collected material can only be shared with competent jurisdictions remains, even once the IIIM's work eventually ends. Material could not be shared with jurisdictions that would not respect human rights standards.
- o The IIIM shares material only with the informed consent of sources. Informed consent from the sources for sharing their materials is provided in the IIIM's Terms of Reference and a cornerstone for the UN.
- o Lastly: it is crucial that the material collected does not remain stagnant and inaccessible in the UN archives. When the IIIM's term does end, making use of the material collected and sharing it with jurisdictions, will require resources and expertise. This is something that we regularly emphasize as an important consideration not just for the IIIM but for other investigative and collection bodies.

- **Will you support the Independent Institution for Missing Persons?**

The IIIM has had a missing persons strategy in place for a number of years as this was a key priority for victims/survivors. The IIIM was a strong and public supporter of the civil society campaign to establish a dedicated body focused on this file and, in accordance with its sources' consent, stands prepared to share information with the new institution as soon as it becomes operational.

## Contact Us

Thank you for your continued engagement with our bulletin, we appreciate all the feedback we receive. Please keep sending in questions and suggestions for future features and we'll make sure to include these in the next editions.

Our website is a great resource to explore more about the work of the IIIM and our recent activities. You can also browse previous bulletins for a full picture of our structural investigation and thematic strategies.

If you have any comments, questions, or if you were forwarded this bulletin and would like to be added to our mailing list, drop us a line at [iiimsyria@un.org](mailto:iiimsyria@un.org).

Thank you again for your continued support and cooperation.