

72nd plenary meeting of the United Nations General Assembly

Prevention of armed conflict [item 31 (a)]; Note by the Secretary-General (A/78/772)

24 April 2024 – 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 once more brief the General Assembly 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,

Last month, we commemorated the thirteenth year of death, displacement, and the gravest violations of human rights and international humanitarian law in Syria.

Thirteen years of a reality that appears ever more bleak, as no end to the suffering is in sight.

A reality that may appear even more hopeless, as other countries are in flames, too- in the Middle East, and indeed, in many places around the world.

While justice is badly needed, justice takes time.

Mr. President,

As I present the Mechanism's tenth report to the General Assembly, I want to stress, how, in these dark times, a clear, impartial and persistent focus on accountability is, in fact, having a positive impact. And how our work at the Syria Mechanism nurtures that hope for justice through accountability.

Justice takes time. *But-* we see in more and more instances, that the time is coming.

To date, the Mechanism has already received 367 **requests for assistance** from 16 jurisdictions, relating to 271 distinct investigations into core international crimes committed in Syria. These numbers continue to rise quickly, and since the beginning of 2024 we have seen a further acceleration in the number of requests.

The Mechanism has already supported some 254 of these requests, relating to 185 distinct investigations.

It also continues to leverage work undertaken in response to previous requests, and products from the lines of inquiry of its structural investigation, by sharing relevant information, evidence and analysis proactively with jurisdictions.

Mr. President,

Justice is also becoming more visible. And with it, the visibility of the Mechanism's role in facilitating justice is intensifying as well.

This year, we are able to report on an unprecedented number of concrete contributions by the Mechanism to **justice developments** relating to Syria. These are instances, where prosecutors and judicial authorities have authorized the Mechanism to publicly refer to support provided to past or ongoing investigations.

In **France**, the Mechanism supported the investigation leading to the trial in Paris, next month, 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.

Also in France, arrest warrants were issued, on 18 October 2023, against four Syrian high-ranking generals for complicity in deliberate attacks against the civilian population and in deliberate injury to life as war crimes for their responsibility in unlawful attacks conducted in Daraa in June 2017.

Moreover, arrest warrants were issued, on 14 November, against the Syrian President, his brother, and two Generals 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. I note that the arrest warrant issued against the Head of State is currently under appeal.

In all three cases, the Mechanism has been supporting the related investigations, including by providing information, evidence and analytical products.

In **Germany**, we already saw 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.

The Mechanism has been able to refer to its critical support in four such cases during the reporting period.

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

In **Sweden**, the Mechanism has assisted three cases which resulted in convictions of former Daesh members for international crimes, as well as two ongoing trials.

The trial currently taking place in Stockholm concerns a senior officer in the Syrian Armed Forces, prosecuted for aiding and abetting war crimes by carrying out extensive indiscriminate attacks with air and ground forces in and around the cities of Homs and Hama from January to July 2012.

Our support to this trial included a legal brief on the commencement of a non-international armed conflict in Syria that proved critical to charge the accused for war crimes.

This brief has also been shared with other jurisdictions and is therefore a good example of how the investigative and analytical work within the Mechanism's Structural Investigation is used to support investigations and prosecutions across multiple jurisdictions.

Since the publication of our written report to this Assembly, we have also been given permission to refer to our support for an investigation in **Belgium**, where 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.

Mr. President,

In all these instances, we see that justice is more than a simple verdict on right and wrong.

It is a process.

A process with many stakeholders.

A transparent process, where a new story is told, a story with many voices, many lessons to be drawn, many moments that can help stitch together the fractured pieces of broken lives.

At the IIM, we are keen to listen to the stories, to amplify the voices, and to help build the moments where justice comes to life.

This is the essence of our **victim/survivor-centred approach**, and we are grateful for the General Assembly's recognition of the crucial role played by civil society, in Syria, and on accountability and justice.

Only our close and trusted cooperation with many Syrian civil society organizations has enabled us to ensure that we are using our resources efficiently and effectively, and that we indeed pursue the most meaningful justice opportunities in the eyes of victims and survivors.

Our **thematic strategies**, on gender, children and youth, and broader justice objectives such as clarifying the fate of missing persons have been the driving force of our work with victims/survivors.

Since our last report, we made particular advances in the implementation of a child- and youth-sensitive approach. This included organizing the Mechanism's first **direct consultation with children** affected by events in Syria, to explain our mandate and hear their views on priorities regarding justice.

On the **missing persons** issue, we are keen to see the new, Independent Institution, becoming operational as soon as possible. This will be a crucial step in filling the painful gap that persists in honouring the right to know of the many families who have missing loved ones in Syria.

Mr. President,

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 **International Court of Justice** on the *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

In this context, the Mechanism is working towards the public release of 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.

Through its public release, it is our hope that this report will not only assist the International Court of Justice in its consideration of the application before it, but that it will also be of use to other accountability stakeholders pursuing justice opportunities on Syria.

The Mechanism's Structural Investigation has also progressed on its other two currently active strategic lines of inquiry.

Just last week, we held an in-person workshop under the **Lausanne Platform**, convened by the **Netherlands** and **Switzerland**, in which we exchanged with specialized civil society organizations on our respective work on **unlawful attacks**, including chemical weapons attacks. We discussed our analytical methodology, and ways in which we can strengthen our investigative efforts to fill gaps in our central repository of information and evidence.

These contacts further bolster our efforts to advance our currently open case file on the issue, while also facilitating our other efforts to advance accountability for unlawful attack related crimes.

Too few justice opportunities exist to prosecute the use of chemical weapons, and Member States have a special responsibility to support progress in accountability on this key feature of the Syrian conflict.

Our strategic line of inquiry on **ISIL**-related crimes continues with a focus on the investigation and analysis on the conscription, enlistment and use of children in hostilities. We soon expect to conclude a report and related analysis on this topic that we will share with jurisdictions.

Our work on ISIL-related crimes benefited from a dedicated workshop with civil society organizations specialized in the documentation of these crimes, with the participation of domestic prosecutors, and from consultations with victim/survivor associations, both undertaken last fall.

There continues to be an unprecedented, and rising demand from competent jurisdictions to assist their investigations into these crimes.

With the planned drawdown of **UNITAD**, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL, we expect this demand from competent jurisdictions for assistance by our Mechanism to grow even further.

Mr. President,

Justice takes time, and it requires adequate, sustained **resources**.

In 2019, this Assembly took an important strategic decision, when it voted to fund the Mechanism from the regular budget of the Secretariat.

As highlighted in the report, the Mechanism is operating in an increasingly challenging financial environment.

Beyond the current liquidity situation of the broader UN, which prevents the Mechanism from filling key vacant posts, the Mechanism's existing regular budget is insufficient to maintain the scope of its work across its structural investigation and respond to the growing demand for its services from competent jurisdictions.

These challenges are aggravated by a reduction in the availability of voluntary contributions that does not allow the Mechanism to maintain its current staffing capacity.

The achievements of the Mechanism have exceeded the expectations of many of those who voted to establish it in 2016.

In order to sustain and secure this impressive growth, this Assembly will need to urgently consider further enhancing the financial resourcing of the Mechanism so that it can maintain its staffing capacity and the expertise it possesses.

Mr. President,

Today, Syria and the region remain embroiled in conflict.

It is my hope that in these times, the light of those seeking justice for Syria can shine even stronger, with our joint support.

Every case the Mechanism has been able to support is a forceful reminder of the *need for* accountability, and also of the *possibility of* accountability, irrespective of the identity of the victim or the perpetrator.

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 hands of my successor Robert Petit, who is in the room today, and who has a rich and longstanding experience in the field of international criminal justice.

Mr. President,

I would like to thank the members of this Assembly for their faith, confidence, and foresight in creating our Mechanism.

As the only entity with a dedicated mandate to facilitate the work of jurisdictions pursuing accountability in relation to the Syrian context, it is a unique and groundbreaking institution, which, in its short lifetime, has already served as an example for other situations.

But more importantly, it is an institution that has made a real impact.

My deepest thanks go to the many Syrians, who have dedicated their lives to fighting for accountability and justice, and who have also placed their trust in us.

Without them, stories that the world needs to hear would remain untold.

Without them, inclusive justice would remain elusive.

Without them, there would be no light at the end of the tunnel.

With them, we can send a strong signal that atrocity crimes do not go unpunished.

With them, we *can* ensure justice for all victims and contribute to the prevention of future violations.

With them, we *can* bring about reconciliation and sustainable peace.

I thank you, Mr. President.