



General Assembly

Seventy-third session

76th plenary meeting

Tuesday, 23 April 2019, 10 a.m.

New York

Official Records

President: Ms. Espinosa Garcés. (Ecuador)

The meeting was called to order at 10.25 a.m.

Tribute to the victims of terrorist attacks in Sri Lanka

The President (*spoke in Spanish*): Before we proceed to consider the item on our agenda for this morning, on behalf of the General Assembly I would like to express our sincere condolences to, and solidarity with, the Government and the people of Sri Lanka for the tragic loss of life and damage caused by the terrorist attacks that took place over the weekend. I would now like to invite representatives to stand and observe a minute of silence in honour of the memory of those who lost their lives.

The members of the General Assembly observed a minute of silence.

Agenda item 34 (*continued*)

Prevention of armed conflict

Note by the Secretary-General transmitting the 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 (A/73/741)

The President (*spoke in Spanish*): Members will recall that, in paragraph 31 of its resolution 73/182, of 17 December 2018, the Assembly invited the Head 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

“to prepare the reports of the Mechanism for presentation on an annual basis in the month of April at a plenary meeting of the General Assembly, starting at its seventy-third session, under the agenda item entitled ‘Prevention of armed conflict’, within existing resources”.

Accordingly, the Assembly has before it for this meeting a note by the Secretary-General transmitting the report of the Mechanism, prepared pursuant to resolution 73/182 and circulated in document A/73/741.

Pursuant to resolution 73/182, I now give the floor to Ms. Catherine Marchi-Uhel, Head of the Mechanism, to present its report.

Ms. Marchi-Uhel: I would like to thank the General Assembly and Member States for its annual invitation to present the reports of the International, Impartial and Independent Mechanism, mandated to assist in the investigation and prosecution of core crimes committed in the Syrian Arab Republic since March 2011.

The Mechanism was created by the General Assembly in December 2016 under the agenda item “Prevention of armed conflict”. I find it very fitting that the discussion of its report is being held under the same item today.

Throughout my career, I have observed time and time again that we can only deter core international

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

19-11750 (E)



Accessible document

Please recycle



crimes if we do not merely create the necessary legal frameworks and promote compliance by fostering understanding of the rules, but also enforce them. By doing that we can work towards change and sustainable peace, whether in the former Yugoslavia, Rwanda, Cambodia, Syria or elsewhere.

We know that accountability often takes time, that we have not yet managed to close many impunity gaps in various past and ongoing conflicts around the world, and that justice is frequently at risk of being sacrificed to other interests. The General Assembly has made sure that will not be the case for Syria. By creating the Mechanism, States decided that we cannot wait for a comprehensive justice process for Syria to commence.

The time to prepare for justice is not in the distant future, but right now. We must act swiftly to collect, consolidate and preserve information and evidence of the vast range of crimes committed by all sides. We must make it clear to those risking their lives every day to gather documentation that their efforts will not be in vain. We must assure the countless survivors that crimes will be thoroughly investigated. Most important, by creating the Mechanism, States sent an unequivocal message to perpetrators from all sides, especially those in a position of power, that the international community will not stand idly by in the face of atrocities.

(spoke in French)

My team and I have been given an exceptional opportunity. We have been entrusted with setting up the foundations of a comprehensive criminal justice system for the most serious alleged crimes committed in Syria. We have been granted the authority to compile case files on the people responsible for those crimes so that they can be brought to justice before the competent courts now and in future.

We represent a new model of the international criminal justice system, born out of a desperate situation, which resulted, above all, from the inability to stop crimes from being committed and the unwillingness of the Syrian authorities to bring the perpetrators to justice so that they could be fairly tried. The model was also born out of the impasse within the Security Council, which prevented the situation in Syria from being referred to the International Criminal Court or the adoption of other approaches to obtaining justice under Chapter VII of the Charter of the United Nations.

(spoke in English)

However, we see in the model of the Mechanism an opportunity to help address some of the weaknesses in the existing international criminal law framework. We see opportunities to bridge the divide between fact-finding missions and commissions of inquiry, on the one hand, and international courts and tribunals, on the other. We see opportunities to aggregate and centralize large volumes of information and evidence obtained from civil society, international organizations, States and individuals, and to vet, process and analyse such information and evidence according to international criminal law standards and with high-tech capabilities. We have been operational since May 2018, and have collected more than 1 million records, and the collection is growing exponentially with the integration of entire databases.

We see opportunities to use new resources for filling the gaps in existing evidence by conducting targeted investigations. Similarly, the Mechanism's model can assist domestic criminal-justice actors in their effort to prosecute individuals for crimes committed in Syria by providing them with evidence, structural analysis, expertise and peer-to-peer engagement.

Reflecting the potential of an integrated approach between international and national actors, the Mechanism has received a total of 23 requests for assistance from war-crimes units and national judiciaries to date. We expect such requests to continue to increase. We have begun sharing material with national jurisdictions and opened one case file connected to ongoing proceedings in an international jurisdiction. We also see opportunities for opening case files connected to proceedings in other jurisdictions in the near future.

In dealing with a conflict for which there is probably more video footage available than an individual could watch in a lifetime, it is important to be strategic. Documenters are often criticized for repeating work that has already been done by others. That is especially the case, and is problematic, when victims are asked to unnecessarily relive their trauma. The Mechanism is working to break that cycle by building an effective and efficient central repository of information and evidence.

The United Nations has obtained state-of-the-art technology to categorize, de-duplicate, secure and retrieve such material. The case-file-building component of the Mechanism's work presents a number

of challenges. In particular, for some of the case files, it is not known which jurisdiction may receive the file and therefore which legal and procedural framework may potentially apply. In addressing that challenge, the Mechanism is adopting a flexible approach so as to maximize the chances that its analytical and case-file-building work will be of assistance to recipient jurisdictions. We have opened two case files, one of which relates to ongoing proceedings in a national jurisdiction, as I mentioned earlier.

The beauty of developing and building a new accountability model is that we can learn from the past and ensure that more attention is paid to areas that have been historically overlooked, such as certain categories of crimes, crimes against children, and sexual and gender-based crimes. It also provides an opportunity to actively address biases in the workplace and foster a positive communication and working culture for all. My deputy and I are especially committed to ensuring that gender perspectives are incorporated throughout the entire Office and all areas of our work. Only by ensuring a higher level of gender awareness can we make sure that all of our staff members fully explore their potential in line with the tasks assigned to them and that our substantive work effectively addresses gender issues.

I would like to raise a word of caution on managing expectations at an early stage. The work we have been tasked with will not be finished tomorrow, this month or by the end of the year. To gather and prepare the evidence that proves guilt beyond a reasonable doubt, especially for complex, large-scale crimes, takes time. Multiplying that time by the number of alleged offenders exponentially increases the amount of time needed for our work.

We are therefore making the best possible use of economies of scale and deploying our limited resources as effectively as possible. In following the commencement of the process by the Secretary-General to include the Mechanism in the 2020 regular budget, we have completed our preparatory work to ensure sustainable funding for the Mechanism now and in the years to come. I would like to take this opportunity to call on States to continue supporting the transition of the Mechanism to the regular budget.

Many States, predominantly from the Group of Western European and other States, along with international organizations such as the Organization

for the Prohibition of Chemical Weapons, United Nations actors, including the Independent International Commission of Inquiry on the Syrian Arab Republic, and various Syrian non-governmental organizations have already entered into frameworks with us to enable information and evidence to be swiftly transferred to the Mechanism. I would therefore like to ask all representatives of States present in this Hall to provide us with the information and evidence in their possession and facilitate access to witnesses and victims within their territories. I continue to invite the delegation of the Syrian Arab Republic to cooperate with us.

In conclusion, the Mechanism is now a reality. It is a new model with significant potential. It provides an opportunity to process large volumes of information and evidence for use in criminal proceedings by consolidating, preserving and analysing that information and evidence; prepare the groundwork for comprehensive justice under the auspices of the United Nations; assist in investigations and prosecutions in the competent jurisdictions, as appropriate; and embody the belief of the General Assembly that there can be no sustainable peace without justice and that impunity for the crimes committed in Syria is only temporary.

The President (*spoke in Spanish*): I now call on the Minister for Foreign Affairs and Trade of Hungary.

Mr. Szijjártó (Hungary): I represent a country of Europe, a continent that has recently faced many security risks as the direct result of developments in its southern and the south-eastern regions. We have seen direct and unquestionable proof of those negative developments in the massive influx of illegal migrants to Europe, our most serious security challenge since the European Union was founded.

The unstable situation in southern and south-eastern Europe has resulted in a continuous flow of migrants, posing a security threat to our continent. In responding to those issues, the magic expression in Brussels and the European Union is “tackling root causes”. One of the most significant root causes of those migratory flows arriving in Europe has been the situation in Syria in recent years.

We must be honest, at least to ourselves, and acknowledge that the international community has failed when it comes to preventing crimes against humanity and massacres in the southern and south-eastern regions bordering Europe. Millions of people have been forced to leave their homes and war-torn

areas. The effects of a war raging a long way from Europe have been felt in the heart of Europe as well.

The war in Syria has become one of the most serious humanitarian crises of our century. More than 5 million Syrians have had to leave the country, many of them displaced to Lebanon, Jordan and Turkey. I would like to pause for a second, because it is important to pay respect to countries — in this case, Lebanon, Jordan and Turkey — that border on war-torn neighbours. They take care of hundreds of thousands, even millions of refugees, and strengthen the validity of the concept that we should make it possible for refugees to stay as close to their homes as possible because returns will only be realistic from nearby locations.

We should also give respect to the United States for leading a global coalition against the Islamic State in Syria and the Levant (ISIL), which has recently achieved a number of military successes, as a result of which 98 per cent of the territories previously occupied by ISIL have been liberated. I therefore think it is high time for the international community to set a new goal, of assisting and helping the people who had to flee their homes to return.

That is why I think it will be very important for us to work to enable Syrian refugees to return to their homes as soon as possible. However, we must realize that a great deal of work has to be done to make that happen. It would be great if we could change our approach from managing and inspiring migratory flows to placing much greater emphasis on helping people to return to the places they have been forced to abandon.

We in Hungary support a peaceful solution to the situation in Syria as far as possible through negotiations leading to a mutually acceptable political solution, but we all know that in order to make it possible for people to return to their homes, we have to create the appropriate physical, legal and security conditions and ensure that those who committed crimes against humanity are brought to justice.

We must not end up in a situation in which impunity prevails. We are committed to democracy, the rule of law, strong institutions, universal jurisdiction and justice, as well as to strengthening the principle of accountability. That is why Hungary has been a strong supporter since its inception 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, because of our strong belief that impunity is absolutely unacceptable.

We therefore welcome the recent report on the operations and activities of the Mechanism (see A/73/741). We view it as very significant progress that the Mechanism has approved its operational principles, making it possible for operations to be carried out to the highest possible standards. We also welcome the fact that the Mechanism has been able to collect further evidence, which must be the basis for bringing people to justice. In our view, the Mechanism's operations should be respected so as to establish effective cooperation with all stakeholders involved, including Governments and State and non-State institutions.

We should ensure that the exchange of information is highly effective, sharing best practices among Member States and taking the advice of relevant countries into consideration. We respect the focus in the operations of the Mechanism on the rehabilitation of survivors, who will have a very important role to play in social reconstruction. Since the Mechanism has been in place we have contributed €50,000 to it on an annual basis and will continue to do so. We support the integration of its operations into the general budget of the United Nations.

We must be clear that permitting impunity runs the risk of those who commit such terrible crimes doing so again, which is something that we absolutely must prevent and avoid.

Finally, I represent a country that is not only European but also Christian. Hungary has been a Christian country for more than 1,000 years, which is why I also have a responsibility to speak out on behalf of the Christian communities in the region, who have been suffering and have persistently faced torture and even the danger of elimination. Unfortunately, we note tendencies in the international arena that suggest that prejudice against Christians may be the last acceptable form of discrimination. That is unacceptable to us, however. It is clear to us that Christianity has become the most persecuted religion globally. That is why, in dealing with issues in the Middle East, in Syria and its neighbouring regions, we must also pay attention to Christian communities as well. We must take seriously all crimes committed against any religious minority or community, including the Christian community.

We will continue to be a strong supporter of the Mechanism and to provide it with financial support.

Mr. Drobnyak (Croatia): I have the honour to speak on behalf of Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

We welcome today's debate on the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which underlines the continued principled commitment of the wider United Nations membership to justice for serious crimes committed in Syria.

The European Union (EU) promotes a global order based on the rule of law that provides no shelter for the perpetrators of the most serious crimes under international law. There cannot be sustainable peace without justice.

We would like to thank the Head of the Mechanism and her team for the third report of the Mechanism (see A/73/741) and for her leadership. We are pleased to see the progress that the Mechanism has made in the reporting period and we welcome the opening of two case files and the increased cooperation with jurisdictions. Those achievements demonstrate the acceptance and effective functioning of the Mechanism even though it has not yet reached its full capacity. We also appreciate the Mechanism's continued efforts to engage and coordinate with other stakeholders, especially civil society.

The conflict in Syria has continued for more than eight years and caused immense suffering. Millions of people have faced starvation, sieges and armed offensives inside Syria, along with blatant and ongoing violations of human rights and international humanitarian law, in particular at the hands of the Syrian regime. Millions have been forced to seek refuge in other countries and millions have been displaced internally. The Syrian regime bears the overwhelming responsibility for the catastrophic humanitarian situation and the suffering of the Syrian people.

We wish to voice our concern at the increased number of violations of the ceasefire in Idlib, especially

on the part of the Syrian regime, and we call on Turkey and Russia to fulfil their commitments and pursue dialogue to address that situation. We also stress the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic, and we welcome the Special Envoy's emphasis on the need to release detainees and abductees and clarify the fate of missing persons.

As outlined by the co-Chairs and the donor community at the third Brussels Conference on Supporting the Future of Syria and the Region — which brought together 57 countries and more than 20 international organizations and United Nations agencies in March — the conditions inside Syria do not lend themselves to the promotion or facilitation of organized voluntary returns in conditions of safety and dignity in line with international law.

The European Union reiterates that there can be no military solution to the Syrian conflict and that a political solution and political transition are required, in line with Security Council resolution 2254 (2015) and the 2012 Geneva communiqué (A/66/865, annex) negotiated by the Syrian parties within the United Nations-led Geneva process. The EU reiterates that it will be ready to assist in the reconstruction of Syria only when a comprehensive, genuine and inclusive political transition is firmly under way.

Accountability and transitional justice based on due process that facilitates genuine national reconciliation are prerequisites for lasting peace in Syria. All those responsible for breaches of international law, some of which may constitute war crimes or crimes against humanity, must be held accountable, including those who commit crimes against religious, ethnic and other groups and minorities.

We will remain at the forefront of accountability efforts and will relentlessly pursue accountability for violations of international law, including international humanitarian law, committed in Syria. We will continue to support the documentation of human rights and other violations and of efforts to gather evidence with future legal action in view. We will continue to call for the referral of the situation in Syria to the International Criminal Court.

Both the Mechanism and the Independent International Commission of Inquiry on the Syrian Arab Republic play an important role in that regard. Increased cooperation between the two entities and

ensuring sufficient, predictable and sustainable financial resources for them are crucial.

In addition to contributions by individual EU member States, the European Commission contributed to the establishment of the Mechanism, providing an initial €1.5 million for the early efforts of the Mechanism. The EU appreciates all the efforts made to date to enable the Mechanism to become fully operational.

At the third Brussels Conference, participants renewed their full commitment to promoting accountability and justice as an inherent part of a genuine and sustainable reconciliation in Syria. The co-Chairs welcomed the development of the Mechanism and its continuous efforts for justice and accountability. They called on the international community to continue ensuring that the Mechanism is provided with the necessary support and funding. A side event on the theme “Ensuring justice and sustainable peace in Syria” shed light on the crucial importance of enhanced cooperation between national authorities, civil society and international accountability mechanisms such as the Mechanism.

Following those deliberations, the European Commission announced a further €3 million in additional support to help the Mechanism pursue its mandate, while addressing staffing and technical needs and extending analytical capabilities, including artificial intelligence, computer vision, satellite imagery and open-source investigative methods. That intervention will complement other EU-funded projects in the field of accountability, reconciliation and transitional justice across the country, including the work of the Commission for International Justice and Accountability and the International Commission on Missing Persons.

Finally, we welcome Secretary-General’s announcement that he will include the necessary funding for the Mechanism in the regular budget proposal for 2020. The EU underscores the need for predictable financing for the Mechanism from the United Nations regular budget going forward, as is the case for all other core activities of the United Nations, and we encourage other countries to join us in supporting that proposal when discussed in the Fifth Committee.

Mr. Wenaweser (Liechtenstein): I have the pleasure of speaking on behalf of Andorra, Austria, Belgium, Chile, Costa Rica, Estonia, Georgia, Guatemala, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta,

Mexico, Monaco, the Netherlands, Qatar, Slovenia, Switzerland, Turkey and Ukraine, as well as my own country, Liechtenstein.

We welcome this first formal debate on the 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 (see A/73/741), a further step in the engagement of the General Assembly to ensure accountability for the crimes committed in the Syrian conflict.

We salute the head of the Mechanism, Catherine Marchi-Uhel, and thank her for the presentation of the report and, more importantly, for her strong leadership role since the creation of the Mechanism. The work of her team has been characterized by the highest levels of professional competence, technical expertise, seriousness and a depth of commitment commensurate to the task.

I had the honour to introduce, from this rostrum, the draft resolution that was adopted in December 2016 as resolution 71/248, which created the Mechanism as an initiative in the common effort to ensure accountability for the most serious crimes under international law.

The creation of the Mechanism was driven in equal parts by horror at the atrocities committed on a daily basis in Syria, in particular during the assault on Aleppo that was going on at that time; our collective shame and frustration at the Security Council’s inaction; and our firm belief that achieving accountability was possible as well as necessary. It was a pioneering effort almost, a journey into uncharted territory. We can say today, with conviction and satisfaction, that our hopes for the Mechanism were justified and that our expectations have been met if not surpassed.

States, civil society and the United Nations system have responded positively to the mandate and work of the Mechanism. The most obvious illustration of that strong response is the extensive sharing of information that has enabled the Mechanism to proceed with its work efficiently and to produce concrete results at an early stage. We continue to encourage all Member States to do the same, particularly those that have so far not engaged with the Mechanism.

The engagement of civil society, both national and international, has been essential to the success

of the Mechanism to date, both with respect to information-sharing and for the political acceptance of the Mechanism. We applaud civil society for its immensely important work, often carried out in difficult circumstances, and we commend the strong working relationship established by the Mechanism, including through support from States, especially in the Lausanne process.

There is overwhelming evidence of the numerous atrocities committed in Syria. It is imperative that all relevant material and documentation be handed over to the Mechanism as soon as possible. In particular, it should be emphasized that the Mechanism has jurisdiction over the use of chemical weapons, which is a war crime in all circumstances and can amount to a crime against humanity. The efforts undertaken by the Security Council in that respect were at best only partly successful and came to an abrupt and frustrating end.

The Mechanism is currently the only path to criminal accountability for those who are responsible for the repeated use of internationally prohibited weapons. We therefore repeat our call for the information gathered by the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to be handed over in its totality to the Mechanism, in accordance with the terms of resolution 71/248.

The Mechanism is doing immensely important work. It has already produced two case files, galvanized the efforts of the international community to fight impunity for the atrocities committed in Syria, given hope to the thousands of victims that the world is, after all, not indifferent to their suffering, and shown that innovative approaches in the area of accountability are possible and necessary and that they can be effective.

However, it can be only a partial answer to the enormous challenge we are facing. While it has de facto prosecutorial competence, it is not a court, and an important void therefore remains to be filled. Meanwhile, we would like to thank all those States that have stepped up and undertaken criminal proceedings in their national courts on the basis of the principle of universal jurisdiction.

We very much hope that the proceedings in Germany, the Netherlands, Sweden, Spain and other countries are only the beginning of the response of States to the impunity gap created by the unwillingness of the Syrian judiciary to do its work and the fact that two permanent

members of the Security Council have blocked the path to the International Criminal Court (ICC), which corresponded to the wish of the overwhelming majority of the United Nations membership. We would like to reiterate once more our position that the ICC was created, 20 years ago, precisely for the type of situation that has evolved in Syria. Given that two thirds of the Council's membership have committed to the code of conduct on mass atrocities of the Accountability, Coherence and Transparency group, the Council has a continued obligation to refer the situation to the International Criminal Court.

If the creation of the Mechanism has opened a new path towards accountability — one that is not unique to Syria, as the Human Rights Council has demonstrated by using the same approach to the situation in Myanmar — it has also represented an important show of force by the Assembly. In the face of inaction on the part of the Security Council, the Assembly has taken matters into its own hands by voting, by an overwhelming majority, to create the Mechanism.

It is our strong hope that such action will be repeated with respect to other challenging tasks on which the Council is deadlocked, and there is reason to fear that there will be many. It is firmly enshrined in the Charter of the United Nations and long-established practice that the General Assembly has ample space to take action with respect to situations that threaten peace and security, and it is clear that it should do so more frequently in the current situation. Adopting important and politically relevant decisions is also the easiest and most obvious way to restore the role of the Assembly as the central policymaking body of the United Nations.

Later this year, the Assembly will be called on to complete the work as set out in resolution 71/248. We all decided in 2016 that the Mechanism would be funded initially by voluntary contributions. The fact that there was such a positive response to the funding request from States in all regions reflects the widespread political acceptance that the Mechanism enjoys.

With the initial phase of the International, Impartial and Independent Mechanism over, the time has come to fund it from the regular budget, in the same way that the independent investigative mechanism for Myanmar is funded. The Assembly has therefore requested the Secretary-General to include full funding for the International, Impartial and Independent Mechanism in his next budget proposal, on which the Assembly

will act towards the end of this year. We look forward to working with all States to take that process to a successful conclusion.

The work of the Mechanism is on a good path. We are encouraged and we have reason to be hopeful. We are confident that the political acceptance of the Mechanism will continue to grow and that cooperation and information-sharing by States will intensify. We are committed to working on all of this, but we will also not lose sight of the most important policy goal, on which we have a long way to go. The accountability discussion must not take place in a bubble or in isolation from the rest of our conversation about Syria.

On the contrary, we should insist on the inclusion of the justice dimension in the discussion of the political process tasked with bringing an end to the conflict and charting the way to sustainable peace for Syria. In this particular case, it is obvious that sustainable peace is only possible if there is a reckoning with the past and an accountability process that helps to determine the future leadership of the country.

In July we will meet in the framework of the high-level political forum to discuss the implementation of the 2030 Agenda for Sustainable Development, with a focus on Sustainable Development Goal 16. That will provide a fine opportunity for all of us to talk about the importance of access to justice for all and the need for accountable institutions in order to achieve sustainable development.

However, those concepts are not abstract — they are meant to be applied in practice, and there is sadly no better case study to illustrate them than the situation in Syria. We were encouraged by the discussions at the third Brussels Conference on Supporting the Future of Syria and the Region, which gave us an indication that there is a growing awareness among States that accountability must indeed be part and parcel of the political process. That will not make the process easier, but it will make it at least potentially effective in the long run.

At that same conference in Brussels this year, a representative of a Syrian non-governmental organization stated that the best moment for the victims of the Syria conflict in the past years was the day that the Mechanism was created. The peace effort for Syria will be successful only if it serves the needs of the Syrian people.

Ms. Al-Thani (Qatar) (*spoke in Arabic*): I thank you, Madam President, for convening this meeting, which is the first official one pursuant to resolution 73/182 on an important issue, owing to its legal and humanitarian dimensions. I also thank Ms. Catherine Marchi-Uhel, Head 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, for introducing her report (see A/73/741). I also thank the staff of the Mechanism for their efforts.

I associate myself with the statement just delivered by the Permanent Representative of Liechtenstein.

The State of Qatar is attentive to the Mechanism, based on the legal and moral responsibility to ensure justice for victims and promote the prospects for achieving sustained peace in Syria. That cannot be achieved without justice and accountability. This position is in line with the standing policy of the State of Qatar of strengthening human rights at the international and regional levels, in cooperation with the United Nations and international partners.

This meeting reflects the broad international attention paid to the Mechanism and the insistence of the international community on rejecting impunity and attaining accountability for the most serious crimes under international law. The Mechanism's importance derives from the fact that the legal guarantees in Syria are insufficient at the national level. The international efforts are therefore important in order to activate the Mechanism amid clear symptoms of impunity and attempts to conceal the facts pertaining to the use of chemical weapons and other crimes.

The third report of the Mechanism highlights the tangible progress that has been made in the implementation of its mandate as the central depository of information and evidence on crimes committed in Syria. Indeed, exceptional efforts have been made to consolidate, store and organize information, as well as to bring scattered evidence together. Today the Mechanism has more than a million pieces of data, which will play an important role in determining the criminal accountability of various individuals.

We commend the leadership of the Mechanism in applying the highest professional standards and cutting-edge technology in order to increase its effectiveness and performance. In that regard, we encourage the

leadership of the Mechanism to continue applying a comprehensive approach in order to achieve justice and to be an exemplary model of an effective institution that is subject to accountability. We hope that the Mechanism will be fully functional as soon as possible.

In order to ensure the implementation of the Mechanism's mandate, it should be funded from the regular budget of the United Nations, beginning in 2020. That will contribute to its sustainable funding so as to ensure better predictability, as well as enhance its status as an entity of the United Nations, strengthen its credibility and ensure its independence.

The State of Qatar has provided \$1 million to support the Mechanism in 2019. We stress the importance of continued political support to it and of States' cooperation in providing it with information and evidence of violations committed. We also emphasize the importance of coordinating effectively with it in the exchange of ideas, experience, information and evidence between the Mechanism, United Nations entities, international organizations such as the Organization for the Prohibition of Chemical Weapons and the Independent International Commission of Inquiry on the Syrian Arab Republic, and civil-society organizations. In that respect, we support the recommendations included in the third report of the Mechanism on cooperation with international organizations, States and the international community.

In conclusion, we express our confidence in the work of the Mechanism in carrying out its functions under the mandate given to it by the General Assembly and in achieving the desired results so as to uphold the interests of our brother people of Syria and the principles of international justice.

Mr. Al Arsan (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation would like to stress that its participation in today's meeting and in this open debate on the so-called 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 must not be interpreted in any way as recognition by the Syrian Arab Republic of the existence of the Mechanism or any of its mandates, competencies, activities or work.

The so-called Mechanism will always be an illegal body. It was born dead and will remain dead. It means nothing to the Syrian Arab Republic. It has

meaning only to the representatives of Governments that breached the Charter of the United Nations and supported its establishment. The Governments that have been funding it since 2016 are trying to involve States Members of the United Nations in attempts to fund this illegal body through the regular budget of the United Nations.

As my colleagues are aware, the Syrian Arab Republic and other countries have on various occasions sent letters on this subject to the Secretary-General and the President of the General Assembly, the most recent of which is contained in document A/73/562. Annexed to that document is a legal fact sheet entitled "Wrongful Acts Can't Be Promoted or Legalized". It reveals the serious legal shortfalls that have marred the so-called Mechanism. It proves that resolution 71/248, which led to the establishment of the Mechanism, is not based on consensus but is rather the result of a meagre majority and an exclusionary process led by two delegations, based mainly on polarizing political and financial practices that are now threatening the effectiveness and balance of the work of the United Nations. Some of my colleagues may not know that the Secretariat, together with the Governments that promote the so-called Mechanism, continues to be incapable of refuting any of the legal evidence and argument presented in that legal study and in our previous letters.

Today we are presenting to the Assembly well-grounded legal evidence of violations of the Charter of the United Nations that occurred when the so-called Mechanism was established. The Charter serves as the main arbitrator between us. We use it as a compass and guide in our work to achieve the noble goals set by the founders of the United Nations 73 years ago. The first of those legal breaches lies in the fact that the non-consensus resolution 71/248, which led to the establishment of the so-called Mechanism, is a serious violation of Article 12, paragraph 1 of the Charter, which states:

"While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

As the Assembly knows, the Security Council remains fully involved in its responsibilities and mandate with regard to the situation in Syria, which

renders any interference in that regard by the General Assembly without a request from the Security Council a full violation of the provisions of Article 12. Since we are talking about competencies and mandates, I call on all members of the Assembly to carefully read Articles 10, 11, 12 and 22 of the Charter, which clearly outline the mandates of the General Assembly. There is no suggestion whatever in those Articles that the General Assembly has the power or mandate to establish an investigative organ, a judicial organ or a mechanism such as the one we are dealing with today, because that mandate belongs exclusively to the Security Council.

We are merely presenting some of the legal violations committed by the General Assembly when it adopted its non-consensus resolution 71/248. They are all serious violations that will have consequences that render the so-called Mechanism an illegal entity, not to be accepted by the United Nations. Allow me to highlight some of those legal consequences.

First, the so-called Mechanism cannot be considered a subsidiary body established by the General Assembly. Accordingly, the Secretary-General should not have taken the decisions to appoint a Head and Deputy Head of the Mechanism or to create its secretariat. Secondly, the so-called Mechanism should not have been granted any legal status or personality. Thirdly, as a result, it does not have the competency to conclude agreements with Member States or any other entities. Fourthly, the United Nations should not allocate any part of its regular budget to support the establishment of the so-called Mechanism or its work. Fifthly, no information or evidence collected, archived or analysed by the so-called Mechanism can be relied on as valid evidence should criminal proceedings commence in the future.

In order to leave no doubt about what I am saying, I want to provide the Assembly with a recent example of good practice within the work of the United Nations in that area. It is a good and laudable example that proves that the Security Council is the sole body with explicit power to establish such mechanisms and that the establishment of such mechanisms should be based on a request by the Government of the State concerned, following consultations with that Government and after reaching an agreement on the conditions and modalities of the work of such legal bodies. As members may recall, the example is Security Council resolution 2379 (2017), which in paragraph 2 refers to the situation in our brother country of Iraq. It requests the Secretary-General

“to establish an Investigative Team, headed by a Special Adviser, to support domestic efforts to hold ISIL (Da’esh) accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes”.

Before the Security Council adopted that resolution, the Secretary-General held lengthy consultations with the Government of Iraq. They were in communication for several months until an agreement was reached on the criteria and code of conduct governing the activities of the Investigative Team. All of this took place prior to the Council’s adoption of resolution 2379 (2017) by consensus.

However, with regard to the establishment of the so-called Mechanism, no consultations or coordination took place with the Government of the Syrian Arab Republic, which did not request the assistance of the United Nations in that respect. Worst of all, the General Assembly exceeded its powers and infringed on the mandate of the Security Council by creating a body it does not have the power to establish.

I have presented realistic and established legal evidence. We believe that the majority of Member States will remain vigilant and cautious when addressing the serious legal and political implications of the malicious attempts to promote the illegal so-called Mechanism. Those standing behind its establishment have unfortunately trapped the United Nations into setting an illegal precedent that circumvents international law and its principles and is based on controversial concepts such as universal jurisdiction. As a result, it serves as a model that could be used by those who have political and financial influence within the United Nations whenever they decide to interfere in the internal affairs of other Member States.

We call on all members of the General Assembly to carefully consider the content of the reports prepared by the Head of the so-called Mechanism, in particular the third report (see A/73/741). From the beginning, those in charge of the Mechanism adopted a hostile and biased position on the Syrian Arab Republic that seeks to undermine the status and position of its legal and judicial national institutions. I ask members to be vigilant when reading their reports, which include terms and criteria not foreseen in the non-consensus resolution that established the so-called Mechanism. In addition, they have taken advantage of the resolution’s ambiguity and are seeking to expand the prerogatives

and activities of the so-called Mechanism and create a prosecutorial body with powers enjoyed only by national bodies in Member States.

What is worse and even more dangerous is that the Head of the so-called Mechanism and its other leaders have embarked on a cheap promotion campaign for their illegal work, claiming that the Mechanism has become the central depository for information and evidence related to crimes alleged to have been committed in the Syrian Arab Republic since March 2011. They have even concluded agreements and cooperation protocols with Governments and other entities and organizations.

I would like to question the seriousness of the practice of collecting, preserving and storing such so-called evidence in depositories in Geneva, 1,800 miles from the Syrian Arab Republic, without any cooperation or coordination with the Government of the country concerned. The Mechanism cooperates and coordinates with Governments that have been hostile to the Syrian Government since the first day of the crisis in Syria. These kinds of collusion and antagonism towards Syria have facilitated the influx of tens of thousands of foreign terrorist fighters into Syrian territory.

I would like to ask a very simple but important logical question. Who could expect the Government of the Syrian Arab Republic, or any other Government, to accept that so-called evidence is being collected outside its national borders by an entity as bizarre as the so-called Mechanism, established without the consent of the country concerned and without consulting it, in violation of the jurisdiction of the General Assembly and, above all, without the minimum guarantees and criteria regarding the credibility of the chain of custody that are defined in criminal law?

An honest, professional response to that question would find that the reports issued by the Head of the so-called Mechanism merely promote a substandard product for the sole purpose of bringing political pressure to bear on the Syrian Government and its allies after they have waged a proxy war on behalf of the international community against the terrorism of Da'esh, Al-Qaida, the Al-Nusra Front and the foreign terrorist fighters who poured into Syria from more than 100 countries. That information is provided in reports of the Security Council teams pertaining to counter-terrorism.

Those in charge of the so-called Mechanism, together with the Governments promoting it, are

attempting to find a way to alleviate the burden of funding it themselves. Members should pay attention to their attempt to avoid the burden of funding the so-called Mechanism. They would like Member States to pay the bill for its illegal activities and to transfer the burden of its funding to them by funding it through the regular budget of the United Nations. We should be cautious about the resulting burdens and commitments given that the mandates for the so-called Mechanism are not bound by place or time and include no restrictions or criteria in line with the Charter of the United Nations or its established working methods.

The political situation in the Syrian Arab Republic is at a critical juncture. The political process is moving forward under the auspices of the United Nations, through the work of the Special Envoy of the Secretary-General. However, the process remains fragile and difficult, since a number of Governments have rejected it on the grounds that it is Syrian-led and not subject to negative foreign interference.

That fact makes it incumbent on the United Nations and the Secretary-General to address the real challenge, which is preserving the credibility of the political process and dissociating the Secretariat from any political and financial pressures or attempts to polarize opinions by the Member States that promote the so-called Mechanism under the pretext of achieving a so-called transitional justice in Syria.

Accordingly, my country believes that any action taken by the Secretariat to promote the so-called Mechanism will add pressure or pose a genuine threat to the political process, thereby raising serious questions about the professionalism and impartiality of the United Nations as a facilitator of the political process in Syria. In that context, my country rejects in explicit and clear terms any suggestion by the Secretariat that the so-called Mechanism is not linked to the political process.

I would like to remind the Assembly and the Secretariat that the funders and supporters of the so-called Mechanism are the same parties that are attempting to interfere in the political process in Syria by preventing the return of Syrian refugees and displaced persons to their homes, impeding funding for reconstruction and recovery in Syria and perpetuating the oppressive economic blockade on the Syrian people, which is undermining all aspects of their daily lives.

Despite the terrorist war being waged against it, I can assure Member States that the Syrian Arab Republic

takes pride in the fact that it has well established national, legal and judicial bodies and institutions that have the genuine capacity and will to achieve justice, accountability, redress and reconciliation. If the specialized legal bodies of the United Nations want to provide technical support to the Syrian Arab Republic for the purpose of strengthening the capacity of those national institutions, they know where to go in Syria. They also know quite well whose door they should knock at, and the rules of procedure that should be followed when such technical assistance is given.

In conclusion, today we are addressing the enlightened minds and conscience of the representatives of Governments that still give weight and value to the Charter, Governments that refuse to pay lip service to those with political, economic and military influence that seek to interfere in the destiny of the peoples of the world and in the internal affairs of other States. We call on them to exercise the greatest possible responsibility in defending multilateral diplomacy and protecting and respecting international relations and the Charter. We call in clear terms on all members to examine the legal, realistic and non-politicized evidence we have presented today. We ask them to consider the malicious political motives of those responsible for establishing the so-called International, Impartial and Independent Mechanism. We are confident that when that is done, they will take the wise, correct decision to reject that illegal body. I ask members to dissociate themselves from any form of cooperation with it, because it is an irregular entity that does not belong to the established frameworks of the United Nations. We are fully confident that members will reject any attempt by some Governments to involve them and place the burden of funding the illegal body on their shoulders through the regular budget of the United Nations.

I apologize for speaking at such length, but our country and nation has thousands of years of history. The people of our country are trying to escape the crisis and eliminate terrorism and its consequences. They want to move forward. Whatever the cost, the Syrian nation and people will not allow anyone to manipulate the Charter in an attempt to tamper with the fate of their country, the Syrian Arab Republic.

Mr. Stefanile (Italy): Italy aligns itself with the statements delivered by the representatives of Croatia and Liechtenstein, and I would like to add a few remarks in my national capacity.

At the outset, we would like to thank Ms. Marchi-Uhel for her third report (see A/73/741) 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, as well as for her insights on the important and hard work ahead.

Eight years after it began, the Syrian conflict has resulted in devastating human suffering, along with sieges, starvation, the indiscriminate bombing of civilians, population displacement, disappearances, the killing of innocent people, terrorist atrocities and the repeated use of chemical weapons. Notwithstanding the commitment to a political solution that has been collectively reiterated at every level, a military solution is still being pursued at an intolerable cost of innocent lives, especially those of children and women.

We are grateful to the former Special Envoy, Mr. Staffan de Mistura, for his tireless efforts during his mandate. We strongly support the current Special Envoy, Mr. Geir Pedersen, in taking a holistic approach to the implementation of resolution 2254 (2015), with a view to fostering a safe and neutral environment that can lead to a credible constitutional process and free and fair elections under United Nations supervision.

The full implementation of resolution 2254 (2015) remains the only way out of the crisis. Accountability for the atrocities perpetrated during this terrible conflict is key to achieving true reconciliation and lasting peace. It is crucial to ensure that large-scale crimes against humanity and war crimes, especially sexual violence and gender-based crimes and crimes against minorities, do not go unpunished.

We therefore strongly support the Mechanism, as we continue to believe that it can make an important contribution to establishing accountability, documenting atrocities, ascertaining facts, gathering and preserving evidence and preparing cases for trial. In that respect, we welcome its third report and encourage national authorities to continue to increase their efforts to cooperate with the Mechanism in order to bring to justice those responsible for such heinous crimes.

With regard to the Mechanism's financing, Italy is among the Member States that have contributed significantly to it since its inception. We welcome the ongoing transition to the United Nations regular budget

and are ready to provide a voluntary contribution for 2019 so as to help cover the transition.

Italy reaffirms its full support for the existing mechanisms created by the General Assembly and the Human Rights Council to ensure accountability for serious crimes committed in the context of the Syrian conflict. We firmly believe that justice is an essential condition for lasting peace in Syria and the wider region.

Ms. Juul (Norway): I have the honour to speak on behalf of the Nordic countries — Denmark, Finland, Iceland, Sweden and my own country, Norway.

It is unfortunate that many of the statements we have made for the past several years bear repeating. The thousands who have vanished, who have lost loved ones, who have been tortured, starved or gassed or have had to flee their homes deserve justice. We remain deeply concerned about the continued flagrant disregard for international law and systematic violations of human rights and international humanitarian law in Syria, overwhelmingly perpetrated by the Syrian regime.

Without accountability and transitional justice, lasting peace remains out of reach. Those responsible for international crimes must be brought to justice. Since the process began the Nordic countries have been strong supporters of the accountability agenda and of the establishment 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.

We still firmly believe that referring the situation in Syria to the International Criminal Court is the best option for achieving accountability for the most serious crimes that have taken place, and we continue to deplore the impasse in the Security Council on that issue.

We thank the Mechanism for its most recent report (see A/73/741) and for its dedicated work. It serves as the focal point for a holistic approach to accountability in Syria based on the collection of evidence by civil-society organizations in order to build cases for prosecution by international entities.

Atrocities have been committed on all sides and continue to be an everyday occurrence in Syria. The Nordic countries commend the full integration of the gender perspective and expertise on sexual and gender-based crimes, as well as crimes against children, into the Mechanism's work. In addition, we welcome

the objective of advancing Sustainable Development Goal 16 by promoting equal access to justice for all. We also commend the commitment to developing a victim-centred approach and supporting broader transitional-justice objectives.

The Mechanism represents an important contribution to securing justice for the Syrian people. The Nordic countries welcome the Secretary-General's announcement that the necessary funding for the Mechanism will be included in the regular budget proposal for 2020. The Mechanism is too important to rely purely on voluntary contributions. We remain fully committed to its work and mandate.

Mr. Nasimfar (Islamic Republic of Iran) (*spoke in Arabic*): I would like to begin by expressing my country's heartfelt condolences and solidarity to the people, the Government and the Permanent Mission of Sri Lanka in the wake of the recent terrorist attacks in Colombo. Unfortunately, tragic news of terrorist incidents around the world is becoming terribly routine, and shows that the international community has a long way to go in addressing this evil.

The Islamic Republic of Iran supports combating impunity, ensuring accountability and preparing for the administration of justice in a non-selective and inclusive manner. Unfortunately, past experience has shown that the United Nations has been unable to maintain a coherent, just approach to preventing conflict and ending impunity. What we are seeing today can be characterized as selectivity and double standards, with some countries having to bear the brunt of political considerations while other, more favoured countries commit atrocities that are always overlooked, no matter how serious they are.

That is exactly the story behind the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which some countries managed to establish in the General Assembly through a resolution adopted by a vote that could secure only a weak majority (resolution 71/248).

When we consider the global situation today, it is obvious that justice does not matter at all for certain supporters of the Mechanism. If it did, why then have the Mechanism's proponents shown no interest in creating similar mechanisms for Yemen or Palestine,

where countless horrific crimes have happened and continue to happen? The recent developments in the International Criminal Court further exemplify how the rule of law is being defied and weakened in one way or another by the rule of power.

The Syrian Arab Republic has suffered greatly from the evils of foreign-induced terrorism and extremism over the past several years. The people and the Government of Syria have paid a heavy toll in their fight against the dark elements of terrorism and those who have sponsored, armed and supported such elements from outside the country financially, logistically and ideologically. It is incumbent on the international community to support Syria in its fight against terrorism and extremism. All countries are under an obligation to deny terrorist groups in Syria the freedom to operate and move, to deny them financial, material and political support, and, where appropriate, to extradite members arrested on the basis of the principle of extradite or prosecute.

Impunity for terrorists cannot be permitted. It is the responsibility of the Syrian Government to bring to justice those terrorists, including foreign terrorist fighters, who have committed countless crimes against the Syrian people. First and foremost, the United Nations should assist the Syrian Government to that end. Any United Nations initiative should provide support to the Syrian Government so as to help it to fight terrorism. However, the establishment of the Mechanism represents a total departure from the rule of law and the Charter of the United Nations in a way that seriously undermines its legitimacy and legal validity. I want to point out some of the legal and political ramifications of the perversity of the Mechanism.

First, it was created in violation of the United Nations Charter, particularly paragraph 7 of Article 2, because it was designed to intervene in matters that are essentially within the domestic jurisdiction of a State Member of the United Nations. The only permissible exception to that rule is the adoption of enforcement measures under Chapter VII of the Charter. The General Assembly's political move in creation of the Mechanism may therefore be categorized as *ultra vires*, in violation of paragraph 7 of Article 2 of the United Nations Charter, as well as of its Article 12, since the crisis in Syria at the time of the adoption of the General Assembly resolution was under consideration by the Security Council.

Secondly, we are not convinced as to how the establishment of a mechanism without consulting or involving the country concerned can have any practical or meaningful results. Evidence for atrocities that have occurred in Syria can be collected, substantiated and preserved only in Syria, not in Switzerland, and through open and anonymous sources, Governments or parties that have taken part in or supported terrorist groups. In the same vein, crimes committed in Syria should be prosecuted in Syria, or the Mechanism's activity could rise to the level of being an application of the principle of universal jurisdiction, which is highly controversial.

Thirdly, it is obvious that the main intention behind the creation of the Mechanism was advancing a political agenda in the guise of a quest for justice. It is clear that the Mechanism was created to exert political pressure on the Syrian Government immediately following the retaking of eastern Aleppo by the Syrian Army from the terrorists. For that reason, it is safe to assume that the impartiality and independence of the Mechanism have been compromised in the light of the same political considerations. It is therefore hard to imagine how the Mechanism could question the main sponsors of terrorism in Syria.

Finally, we maintain that only the people of Syria, free from external pressures, should decide their political future through nothing less than a genuine, Syrian-led and -owned peace process that can achieve enduring peace and national reconciliation.

Mr. Alotaibi (Kuwait) (*spoke in Arabic*): I thank you, Madam, for convening this important formal meeting on 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. I also thank Ms. Catherine Marchi-Uhel for presenting the third report of the Mechanism (see A/73/741), and for her efforts and those of her team to ensure accountability for the crimes perpetrated in Syria.

As the Syrian crisis enters its ninth year, we enter another year of lack of accountability for the perpetrators of various crimes in Syria. The Syrian crisis has given rise to serious violations of international human rights law and international humanitarian law, some of which reach the level of war crimes and crimes against humanity, including allegations of the

use of internationally prohibited weapons such as chemical weapons.

Mr. Ten-Pow (Guyana), Vice-President, took the Chair.

In response to the continued violations and lack of accountability in Syria, the State of Kuwait has supported the establishment of the Mechanism from the beginning. We were among the countries that voted in favour of resolution 71/248, which established the Mechanism. We have voluntarily contributed to its budget because we believe that the people who have perpetrated war crimes and crimes against humanity on our brother people of Syria must be held accountable. There can be no sustainable and inclusive peace in Syria without achieving justice and ensuring accountability for those who have perpetrated those crimes.

We condemn all violations of human rights by all parties. We believe that those responsible for targeting civilians in any way, whether through air strikes, artillery shelling, chemical weapons, forced abductions, deliberate killings or by targeting civil and health facilities must be held accountable for their crimes. Impunity has unfortunately been rampant in the Syrian conflict, resulting in the most heinous and blatant violations of every principle of international human rights law, international humanitarian law and relevant General Assembly and Security Council resolutions.

We have observed that the Mechanism has recently increased its activities and efforts in order to enable it to carry out its tasks, including by cooperating with other independent entities, such as the Organization for the Prohibition of Chemical Weapons, so as to exchange information with a view to achieving justice. We would like to take this opportunity to affirm our support for the Mechanism in its efforts to ensure accountability for the crimes committed in Syria. We believe it is important to fund the Mechanism's budget from the United Nations regular budget.

In conclusion, we reaffirm that there can be no military solution to the crisis in Syria. Only a settlement based on Security Council resolution 2254 (2015) and the Geneva communiqué of 2012 (S/2012/522, annex) will enable the people of Syria to achieve their legitimate aspirations through a political settlement agreed by all constituents that preserves the country's unity, independence and sovereignty.

Mr. Arbeiter (Canada): I would like to thank Ms. Marchi-Uhel and 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 today's briefing and for the Mechanism's third report (see A/73/741) to the General Assembly.

I want to start by reiterating Canada's strong support for the Mechanism and the important work it does in pursuit of justice and accountability. The crimes being committed in Syria, including the use of chemical weapons, are a clear violation of the norms and standards that the international community has put in place. The state of impunity for crimes committed in Syria is unacceptable. We must not allow what is happening in Syria to be normalized.

Canada sees the Mechanism as a critical tool for ensuring that the perpetrators of the most serious crimes, including war crimes and crimes against humanity, are held to account. We have faith that the work done by the Mechanism will contribute to eventually bringing justice for the victims and that it will also contribute more broadly to eventual transitional justice efforts in Syria. We have carefully noted the recommendations outlined in the report.

Canada was pleased to announce in February that we are providing an additional \$1.5 million to the Mechanism, bringing our total contribution to \$2.9 million. Canada calls on States to continue to support the critical work done by the Mechanism, including through voluntary funding for 2019 and by supporting its inclusion in the United Nations regular budget in 2020.

(spoke in French)

We are determined to hold all perpetrators of war crimes and crimes against humanity accountable and to continue advocating for the rights of civilians affected by the conflict that is devastating Syria. Canada is discussing modalities for cooperation and information-sharing. We also commend the Mechanism for its work in the field of witness protection.

We are pleased to note that support continues to grow for the Mechanism. The increasing number of requests for assistance since April 2018 from national war-crime units with a view to supporting ongoing

investigations and prosecutions demonstrates the need for the Mechanism and its high-quality work.

Impartial justice is an indispensable part of achieving a sustainable peace in Syria. Today Syrians are still subject to arbitrary arrests and detentions, mostly at the hands of the Syrian regime. Canada calls on all parties to the conflict to respect the rights of civilians and comply with international humanitarian law. In addition, many Syrians are not provided with the civil documents they need to perform day-to-day activities and lack adequate basic services. Furthermore, the seizure and demolition of property continues, making it impossible for many refugees and internally displaced persons to ever return to the homes they left during the conflict. Finally, the ongoing hostilities, as noted in the most recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/40/70), damage the possibilities for the safe and lasting return of millions of internally displaced persons and refugees.

Canada's actions reflect our belief that for a durable peace in Syria, justice must be afforded to the victims of crimes committed during the conflict. Syrians need the support of the international community and will continue to need it in the years to come. For those reasons, Canada urges all Member States to support the important work of the Mechanism.

Mr. Simonoff (United States of America): The United States welcomes the submission of the third 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. We are proud to support the Mechanism's work and would like to congratulate it on its progress to date.

In particular, I would like to applaud Catherine Marchi-Uhel, Head of the Mechanism, and Michelle Jarvis, her Deputy, on their significant efforts to step up the Mechanism's activities. That is why the United States recently announced its intention to provide an additional \$2 million in support of the Mechanism in addition to our contribution of \$350,000 last year. The United States commitment to accountability in Syria is unwavering, because without accountability the peace we seek — the stable, just, enduring peace that the Syrian people deserve — will remain elusive.

In addition to our voluntary contributions, I am pleased to announce today that the United States will also support the funding of the Mechanism from the United Nations regular budget through assessed contributions. We urge all Member States to support regular budget funding for the Mechanism, through the Fifth Committee and ultimately through the General Assembly, so that its important work will be on a firm financial footing. The United States would also like to stress the importance of maintaining fiscal discipline by reprioritizing resources in the United Nations regular budget when incorporating the Mechanism.

In the years since the Mechanism started its work, it has made impressive progress in implementing its mandate to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses. The United States applauds its commitment to ensuring that in the process of pursuing justice and accountability, it is integrating the voices of Syrian women and girls. The United States also applauds the widespread cooperation among Member States, civil society and multilateral mechanisms, including the Commission of Inquiry and the Mechanism.

Together with civil society, the international community is engaged in a robust and comprehensive approach that can ultimately bring justice to the thousands of victims of the Al-Assad regime's atrocities. The Mechanism is making invaluable progress in its structural investigations and case-building work, which are providing the foundations for criminal cases. The United States looks forward to that information being available to support new prosecutions, where jurisdiction exists, in accordance with international law.

The recent arrests of Al-Assad regime officials in Germany and France demonstrate the valuable role that outside documentation can play in supporting justice proceedings in countries other than Syria. Outside documentation was crucial in the civil case before the United States District Court in Washington, D.C., that found the Al-Assad regime civilly liable for the extrajudicial killing of American journalist Marie Colvin.

It is also essential to ensure accountability for the use of chemical weapons in Syria. For example, member States of the Organization for the Prohibition of Chemical Weapons (OPCW) voted overwhelmingly last year to give the OPCW additional tools to respond

to chemical-weapon use, including the means to identify the perpetrators of chemical-weapon attacks in Syria. That was a significant achievement on the path towards holding those who use chemical weapons in Syria accountable.

The United States strongly supports the OPCW's attribution arrangements. We look forward to its new Investigation and Identification Team becoming fully operational and beginning its work to identify perpetrators of chemical-weapon use in Syria in cases where it has been determined that the use or likely use of chemical weapons has occurred.

Eight years ago, the Al-Assad regime chose to meet Syrians' peaceful demands for respect for their human rights and fundamental freedoms with barrel bombs, chemical weapons, starvation, sexual violence, torture, arbitrary detention and the denial of fair-trial guarantees. Those acts have been repeatedly documented in numerous United Nations reports, and some of them may amount to crimes against humanity and war crimes by the regime.

The United States will continue to provide the political, diplomatic and financial support essential to ensuring that there are real consequences for the atrocities committed in Syria, whether its victims are the thousands of detainees held arbitrarily in Al-Assad's prisons, those who have suffered from or been killed by indiscriminate barrel-bomb and chemical-weapon attacks or the many civilians who have been exposed to the regime's starve-and-surrender tactics in Homs, Aleppo, Dar'a and eastern Ghouta. The United States, alongside its many allies and partners, remains committed to holding the perpetrators of atrocities in Syria accountable.

It is deeply regrettable that the Security Council has been unable to reach a consensus on ways to ensure accountability for the Syrian people. The United States appreciates the role of the members of the General Assembly in establishing and providing a mandate for the Mechanism. Attempts to undermine the Mechanism by claiming that the Assembly overstepped its authority in establishing it are baseless. We emphatically reject arguments that the Mechanism was created in violation of the Charter of the United Nations.

The Mechanism is a vital entity that will help provide prosecutors and investigators with the evidence needed to make their case during trial, thereby achieving a measure of justice for the many victims of the atrocities

of the Al-Assad regime. The Syrian people should be heard and every individual Syrian should have the opportunity to seek justice. Accountability and justice are essential to the international community's efforts to ensure that a lasting United Nations-led political process in Syria can take hold.

Mrs. Chatardová (Czech Republic): I would like to start by expressing my country's gratitude to Ms. Catherine Marchi-Uhel for her presentation of the reports and her leadership 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. All three reports submitted by the Mechanism to date have provided us with valuable insights into its preparatory process and the promising first steps it has taken since its establishment in 2016.

There is a distinct advantage in reviewing two successive reports at once. It facilitates our ability to gain a broader perspective on the progress made over the entire period under review. As demonstrated in the reports, the Czech Republic welcomes the fact that the Mechanism is comprehensively and consistently implementing its mandate and terms of reference.

We would like to offer a few comments on the second and third reports (see A/73/295 and A/73/741) of the Mechanism. We are pleased to see that the Mechanism is maintaining a clear focus on its collection and analytical efforts. We consider the structural investigations to be a relevant part of those efforts, as specifically mentioned in the reports, for determining individual criminal responsibility for the most serious crimes committed in Syria.

As we noted last year (see A/72/PV.100), it is extremely important to devote as much attention as possible to upholding the criminal law standards for dealing with evidence of violations within the Mechanism's mandate. It would certainly be interesting to see a broader use of the knowledge gained on the basis of the structural investigations. For instance, could such knowledge, if shared, be of any assistance with regard to combating organized crime?

Furthermore, we appreciate the fact that even at this early stage of its functioning, the Mechanism is ready to undertake a review and draw from the lessons learned in responding to initial requests for assistance. That would be a clear asset and we look forward to

the outcome of such a review. The growing number of requests for assistance is solid evidence that the role of the Mechanism is important, useful and relevant in practical terms.

In conclusion, the Czech Republic has voluntarily contributed to the Mechanism's budget and has pledged to do so for the upcoming year as well. At the same time, we strongly support its funding from the United Nations regular budget, which is a clear precondition for the predictable and sustainable funding of the Mechanism in the future.

Mr. García Moritán (Argentina) (*spoke in Spanish*): First of all, I would like to express the appreciation of my delegation for the convening of this General Assembly meeting to consider the third 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 (see A/73/741).

My delegation congratulates Ms. Catherine Marchi-Uhel, Head of the Mechanism, for the work she has done and thanks her for the information she has provided this morning. In that regard, Argentina reiterates the importance of ensuring that the serious violations and abuses of human rights and international humanitarian law committed by all parties during the conflict in Syria are duly investigated and prosecuted, either by the competent national authorities or by the applicable international mechanisms.

For those reasons, Argentina voted in favour of resolution 71/248 as a means to ensure the preservation of evidence and to enable effective accountability in future, without prejudice to its affirmation that the primary jurisdiction over events that occur during the conflict in Syria and the obligation to investigate them belongs to Syria's own courts.

Regarding the financing of the Mechanism and its inclusion in the regular budget of the United Nations for 2020, we continue to believe that an instrument of accountability within the United Nations should be financed through the regular budget of the Organization, as a guarantee of impartiality and independence.

Argentina therefore expects to receive the detailed proposal mentioned in paragraph 44 of the Mechanism's third report, which will be considered by the relevant bodies of the Organization — the Advisory Committee

on Administrative, Budgetary and Financial Matters, the Committee for Programme and Coordination and the Fifth Committee — according to the procedures established for the approval of the budget. We believe that such a proposal should take into account the need to guarantee the impartiality and independence of the Mechanism, as well as the highly compromised financial situation that the United Nations is currently facing.

Under international humanitarian law, attacks on civilians, schools, cultural property and places of worship, in addition to obstructing access to humanitarian assistance, constitute a violation of international law. In that framework, we invite those States that have not done so to adhere to the Safe Schools Declaration, an initiative led by Norway and my country that seeks to reinforce political support for the protection and continuation of education in the context of armed conflicts.

Argentina has stated in all discussions about Syria that the only possible solution to the conflict there is political, not military, as has been recognized by the Security Council. Argentina reiterates its call to the international community to work to preserve peace and security, while avoiding actions that could lead to the escalation of tensions, and we also advocate taking a path of dialogue within the framework of existing international commitments.

In conclusion, I would like to reiterate Argentina's support for the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic.

Mr. Delattre (France) (*spoke in French*): The Syrian conflict has left nearly 500,000 dead, tens of thousands missing and millions displaced. Violations continue to be committed, particularly in areas under the control of the regime or where it has recently regained control. Every effort must be made to ensure justice for all those victims. This initial General Assembly debate is an opportunity to strongly reaffirm that argument.

I would first like to commend Ms. Catherine Marchi-Uhel for her professionalism and the progress already made 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, of which she is Head.

We are aware of the Mechanism's many challenges, including the organizational and technological challenge represented by the volume and variety of the evidence that must be gathered. Fiscal sustainability is another issue, for which the transfer recommended by the Secretary-General to the regular budget as of 2020 is indispensable. Until then, France will renew its financial contribution for the year 2019. The Mechanism has taken up its challenges and has produced results, with two criminal cases opened and increased cooperation established with the relevant courts in Syria.

I would like to make three appeals today, with the aim of enabling us to make further collective progress. My first is that we express our admiration for Syrian actors such as Anwar Al-Bunni, laureate of the Franco-German Prize for Human Rights, and Mazen Darwish, who are continuing their vital task of documenting crimes. We salute their courage and invite them to continue cooperating with the Mechanism.

My second appeal is to United Nations mechanisms, including the Independent International Commission of Inquiry on the Syrian Arab Republic, as well as the Organization for the Prohibition of Chemical Weapons and all other relevant entities, to provide the full cooperation with the Mechanism, within the framework of their respective mandates, which it depends on to effectively perform its role. The Mechanism operates at the heart of a network of actors working in a complementary way for the same goal, fighting impunity, including for the use of chemical weapons. Let us therefore use it, and assist it by providing it with the relevant information at our disposal.

My third appeal is to ask all States that care about the fight against impunity in Syria to support the Mechanism. Cooperation agreements should be formalized with the Mechanism, as France is about to do. We also urge the competent national courts to try crimes committed in Syria. In France and Germany, as we know, arrest warrants have been issued and three Syrian intelligence officials were recently arrested. Jurisdictional cooperation played a vital role in that. We encourage the relevant jurisdictions to work together, exchange information and pool resources, with the support of the Mechanism.

In conclusion, I would like to reaffirm the obvious, which is that justice is a prerequisite for peace and the stabilization both of Syria and the region. Refugees and the displaced cannot return to their homes in the

absence of trust. Justice and respect for fundamental rights are essential to the restoration of that trust. It bears repeating that the political and security conditions that will enable the voluntary return of displaced persons and refugees in safe and dignified conditions, under the auspices of the United Nations, are not yet in place.

We must join forces to support the efforts of the Mechanism and of Mr. Geir Pedersen, Special Envoy of the Secretary-General for Syria, to achieve a political solution based on all aspects of resolution 2254 (2015). We support in that regard the efforts of the Special Envoy to make progress on the issue of detainees and missing persons with a view to establishing a neutral environment, as called for by the Geneva communiqué (A/66/865, annex). The country's reconstruction depends on irreversible and credible progress towards a political solution, which is the position of the European Union, reiterated in its joint communiqué with the United Nations at the third Brussels Conference on Supporting the Future of Syria and the Region.

Mr. Galbavy (Slovakia): I thank the President for convening this formal debate. I would also like to thank Ms. Catherine Marchi-Uhel, Head 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, for introducing the second and third reports (see A/73/295 and A/73/741) on the implementation of the mandate of the Mechanism.

Slovakia aligns itself with the statement delivered by the representative of Croatia.

Slovakia welcomes the second and third reports on the functioning of the Mechanism, covering the period from 1 February 2018 to 31 January 2019. In resolution 71/248, the General Assembly decided to take action in the face of the continuing accounts of horrific crimes being committed on Syrian territory without any tangible response, especially in the area of accountability. The Assembly emphasized the importance of ensuring "credible and comprehensive accountability" for serious international crimes as part of any political process to end the crisis in Syria.

With the conflict in Syria in its ninth year, a functioning Mechanism is very relevant today. Ensuring accountability, including a victim-centred approach, must be an integral part of any lasting solution to the conflict in the country. The structural

investigations conducted by the Mechanism are well placed to shed light on the developments in Syrian territory and help establish a comprehensive picture of the atrocities committed.

The Mechanism is a pioneer structure in international efforts to ensure accountability. By collecting, analysing and preserving evidence, it can assist and facilitate pending or future criminal proceedings carried out by national authorities, as well as regional or international courts. By requiring the recipient jurisdiction to respect international human rights law and standards, including the right to a fair trial, the Mechanism will contribute to strengthening the rule of law and due process.

The 14 requests for assistance from national war-crimes units received in the period covered by the second and third reports have demonstrated the value of the Mechanism. With regard to the use of the evidence gathered by the Mechanism, all potential jurisdictional grounds should be taken into account by the national authorities.

In order to benefit from the Mechanism's full potential, States should assist it in carrying out its mandate. Its cooperation with the United Nations and other international bodies is also extremely important. In that respect, Slovakia welcomes the Mechanism's collaboration with the Independent International Commission of Inquiry on the Syrian Arab Republic and the Organization for the Prohibition of Chemical Weapons, as well as other international and non-governmental organizations.

Setting up an accountability mechanism is a demanding task. We are therefore grateful to Ms. Marchi-Uhel and her team for all the work accomplished so far in operationalizing the Mechanism. We believe that its state-of-the-art information and evidence management system may become the standard for other international or hybrid tribunals and investigative mechanisms.

While much has been done, one important matter still presents a formidable challenge to the Mechanism's long-term, stable and sustainable functioning. While we are heartened by the voluntary contributions from a broad range of States, including two from my own country, without financing from the United Nations regular budget the Mechanism's work may be impaired. We therefore strongly support including funding for the Mechanism in the regular budget of the United Nations, starting in 2020.

In conclusion, Slovakia will continue to provide firm support for the Mechanism. We believe firmly that bringing perpetrators of international crimes to justice is a basic requirement for the resolution of any conflict and for subsequent reconciliation efforts. It should serve as a permanent warning to any potential perpetrators of war crimes and crimes against humanity anywhere in the world that their acts will not go unpunished.

Mr. Lauber (Switzerland) (*spoke in French*): The armed conflict in Syria has just entered its ninth year. It has caused the deaths of several hundred thousand civilians, huge refugee flows and widespread destruction. Hostilities persist and will continue until a political solution is found. The Security Council remains paralysed in the face of crimes against international law committed in Syria. The General Assembly acted on a moral imperative when it established 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 in 2016.

Switzerland would like to congratulate the Mechanism on the progress it has achieved in all areas of its mandate. It is also a very positive development that during the reporting period, its work has led to the opening of two cases as well as enhanced cooperation with national jurisdictions that are investigating some of the most serious crimes committed in Syria. I would like to mention that a process is currently under way in Switzerland to amend the legislative framework on international mutual assistance in criminal matters, with the aim of facilitating cooperation with the Mechanism and other non-State penal institutions.

I would also like to highlight the crucial role played by Syrian civil-society organizations in documenting crimes committed in Syria. With access to the country impossible for international institutions such as the Mechanism or the Human Rights Council's Commission of Inquiry, Syrian civil society plays a key role in ensuring the future accountability of perpetrators of violations. That is why Switzerland and the Netherlands, through the Lausanne process, are facilitating cooperation between the Mechanism and Syrian non-governmental organizations.

Since the Mechanism's inception, Switzerland has given it support amounting to approximately \$2.4 million. Given that the fight against impunity

in Syria is a long-term effort, it is vital to establish a sustainable funding model for the Mechanism. We therefore strongly support the inclusion of financing for the Mechanism in the regular United Nations budget for 2020. Meanwhile, we encourage States to continue to support the Mechanism through voluntary contributions.

In conclusion, Switzerland, as host State, will continue to support the Mechanism and invites all Member States to do likewise. The victims in Syria are counting on our commitment to justice and peace in that country.

Mrs. Blokar Drobič (Slovenia): At the outset, my delegation aligns itself with the statements delivered this morning by the representatives of Croatia and Liechtenstein, and I would like to add the following remarks in my national capacity.

After more than eight years of destruction and the creation of a desperate humanitarian situation in Syria, there has been no accountability or justice for the most serious crimes under international law. Slovenia continues to support a political settlement in Syria under the auspices of the United Nations, in line with Security Council resolution 2254 (2015) and the Geneva communiqué of 2012 (A/66/865, annex). A political solution is the only option for ending the conflict and restoring the future of Syria to the entire Syrian population.

Ending impunity is essential if Syria's war-torn society is to recover. Peace cannot be sustainable and reconciliation cannot be achieved if impunity enables perpetrators to continue to torture their victims. Impunity is one of the major obstacles to the prevention of grave and systematic violations of human rights. With the goal of ending impunity for the most serious crimes, one of Slovenia's priorities is the promotion of international criminal justice.

With regard to delivering justice, we have had some successes, but several challenges remain. We see the Mechanism as a cornerstone of the fight against impunity, not only in this particular case but also in general. Its creation constitutes a collective commitment by the United Nations membership to helping to ensure credible and comprehensive accountability for the crimes committed during the conflict in Syria.

We are happy to see that the Mechanism is operational and has already been able to respond to requests for evidence in cases before national courts.

We believe that its work will show even more and better results in providing necessary assistance to the prosecution of those responsible for the most serious crimes.

Slovenia has supported the Mechanism since its inception. At the third Brussels Conference on Supporting the Future of Syria and the Region, held in March, we sponsored, together with Liechtenstein, a side event on the theme "Ensuring justice and sustainable peace in Syria". Slovenia also continues to provide financial support to the Mechanism. Although its funding is still based on voluntary contributions, we are glad that the Mechanism will become part of the United Nations regular budget from 2020 onwards. Securing regular budget funding demonstrates the international community's genuine commitment to justice for the victims of crimes in Syria.

I would like to conclude by thanking all the staff of the Mechanism, especially its Head, Ms. Catherine Marchi-Uhel, for their hard work. We encourage them to continue.

Mr. Pecsteen de Buytswerve (Belgium) (*spoke in French*): Belgium aligns itself with the statements made by the representatives of Croatia and Liechtenstein. I would like to take the opportunity offered by this debate to speak in my national capacity.

After more than eight years of conflict, Syrian citizens still do not have peace, either in their country or in their hearts. In the face of the atrocities that have been committed in Syria, my country is convinced that reconciliation and justice are the two beacons that must guide the Syrian people towards an inclusive and lasting peace.

The international community has been ambitious in creating innovative and effective mechanisms to respond to the urgent need to halt the cycle of impunity in Syria. The initial results of the work of the implementation 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 are promising and we congratulate Ms. Marchi-Uhel and her team.

Thanks to the Mechanism, the reality of violence, abuse and violations of human rights and international humanitarian law is being exposed. Within a few

months, in collaboration with various entities, it has collected a considerable amount of evidence, initiated a thorough analysis and has already opened two case files. It is doing extremely important work in gathering evidence that is then methodically analysed, preserved and shared so that perpetrators can be held responsible for their actions. In particular, it should be stressed that the jurisdiction of the Mechanism extends to crimes committed by perpetrators of all kinds.

The special attention given to sexual and gender-based violence and crimes against children should be welcomed, as that is essential to achieving inclusive justice. The role of the Mechanism goes beyond the establishment of individual criminal cases. Thanks to its structural investigations, the context and power structures underlying the commission of crimes are being brought to light.

Ensuring zero tolerance for impunity for the most serious crimes is a responsibility that is shared by the entire international community. In that regard, we welcome Mechanism's cooperation with the Human Rights Council's Independent International Commission of Inquiry on the Syrian Arab Republic, the Organization for the Prohibition of Chemical Weapons, civil society and national legal bodies.

On Wednesday, 24 April, the Belgian Parliament is expected to adopt an update of its legislation on cooperation with international criminal courts. That amendment, which should enter into force in June, will enable our national legal authorities to work closely with the Mechanism and advance the cases opened in Belgium for acts committed in Syria.

Belgium welcomes the success of the third Brussels Conference on Supporting the Future of Syria and the Region, at which the importance of accountability for the most serious crimes was emphasized. It is clear that States are increasingly aware that accountability must be an integral part of every political process in Syria.

In order to establish criminal files, it is essential for the International, Impartial and Independent Mechanism to have access to all relevant information, including the valuable information collected by the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism. We very much hope that this data will be transmitted as soon as possible to the International, Impartial and Independent Mechanism.

Despite its remarkable first months, the long-term success of the Mechanism remains dependent on stable and sustainable funding. We encourage States to support the Secretary-General's proposal to include the Mechanism in the regular budget of the United Nations for 2020 and to continue to voluntarily contribute to the Mechanism for 2019.

Belgium is one of the largest donors to the Mechanism, with a contribution of approximately \$1.6 million since 2017, and we intend to continue to demonstrate our unwavering commitment to the fight against impunity for the most serious international crimes committed in Syria since March 2011.

The Syrian people will not be able to contemplate a secure future as long as impunity remains the norm. My country will continue to support initiatives aimed at enabling accountability, reconciliation and justice to gain a foothold in Syria.

Mr. Sinirlioğlu (Turkey): I would like to warmly welcome Ms. Marchi-Uhel and thank the President for convening the first formal debate on the third 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 (see A/73/741).

Before discussing the Mechanism, I would like to reflect on the background to today's meeting. On 15 March 2011, the Syrian people overcame their fear and stood up against dictatorship. They have paid a heavy price in their quest for freedom and dignity and have endured unthinkable agony. The Syrian regime's atrocities and crimes against its own people have come in many different forms over the past eight years, such as aerial bombings of all kinds, including banned forms such as cluster and incendiary bombs and chemical weapons; psychological and physical torture of opponents and their family members, including women and children; arbitrary detentions and abductions; sexual abuse; and long-term sieges preventing access to humanitarian or medical assistance.

The chemical-weapon attack that killed scores of innocent civilians in Douma last year was another stark and arrogant reminder of the consequences of impunity. Today's meeting is an important opportunity for us to tell Syrians that there will be accountability for the pain, loss and misery that they have suffered.

The creation of the Mechanism demonstrated the membership's strong commitment to ensuring accountability for the crimes committed in Syria. Accountability is needed not only to administer justice but also to ensure reconciliation among Syrians. A genuine political transition and a new Syria can be built only on the basis of solid closure and the belief that justice will be served.

As one of the sponsors of resolution 71/248, which created the Mechanism, we strongly support it as the sole United Nations-mandated body for ensuring criminal accountability for crimes in Syria. To that end, we contributed a total of \$300,000 to the Mechanism between 2017 and 2019.

We commend Ms. Marchi-Uhel for her leadership and the steps she and her team have taken to operationalize the Mechanism. We welcome the impressive progress that has been made and the acceleration of Mechanism's operations in all areas of its mandate in the reporting period.

We also applaud the strengthened cooperation between the Mechanism and the Organization for the Prohibition of Chemical Weapons (OPCW), the Independent International Commission of Inquiry on the Syrian Arab Republic and civil society. Together with the Commission of Inquiry and the OPCW, the Mechanism has a vital role to play in ensuring that impunity does not take root in post-conflict Syria.

In that respect, we welcome the conclusion of a memorandum of understanding between the Mechanism and the OPCW. It is crucial for the International, Impartial and Independent Mechanism also to have access to the information gathered by the OPCW-United Nations Joint Investigative Mechanism so that it can fully implement its mandate in accordance with resolution 71/248. The progress made in building a central repository of information and evidence and the fact that two case files have been opened since 2018 clearly demonstrate that the Mechanism has come a long way since its creation. The 14 requests for assistance that the Mechanism has received from national war crimes units are further proof of that.

However, in the face of demanding work ahead, one of the key challenges identified in the Mechanism's report is the lack of regular and sustainable funding. Predictable funding for the Mechanism must be ensured for the years to come to enable it to independently fulfil its mission. We strongly support the allocation

of adequate resources from the United Nations regular budget, starting in 2020.

Turkey will continue to pursue its efforts to maintain the de-escalation on the ground, address the plight of the Syrian people, vigorously support initiatives for accountability in Syria, revive the political process through the establishment of a constitutional committee and achieve a political settlement in accordance with Security Council resolution 2254 (2015).

Ms. Byrne Nason (Ireland): Ireland is proud to align itself with the statements delivered earlier by the representatives of Croatia and Lichtenstein.

This year marks the ninth year of the crisis in Syria, where we continue to see appalling suffering, destruction and displacement. Nine years is a long time. We all know that the scale of the humanitarian challenge is enormous. Syria continues to be the focus of Ireland's largest-ever humanitarian response to a single crisis. We are doing that because it is needed. In addition to providing humanitarian assistance, we have consistently underscored what we believe is still an urgent need for a political solution through the United Nations-led, Syrian-owned political process, for we see accountability as key. We believe that working now to document violations will be essential for accountability in the longer term.

As it has been from the outset, Ireland continues to be a strong supporter 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. We recognize it as a unique instrument, and the nature of its work is fundamental. The fact that it has been established during an ongoing conflict rather than at its conclusion is critical to its nature.

Ireland commends the work of Ms. Marchi-Uhel and welcomes the fact that the Mechanism has already produced two case files and has received requests for technical assistance from several Member States. The progress made on operational and policy priorities is also very welcome. The collection of information, evidence-gathering, support to national justice systems, and engagement with civil society on the ground are central to that critical work. We also welcome the focus on gathering evidence on sexual and gender-based crimes, as they and their victims are too often overlooked. As the Ambassador of Liechtenstein

said eloquently earlier this morning, it has given the thousands and thousands of victims hope that the world is not indifferent to their suffering after all. We would like to thank Liechtenstein in particular for its continued commitment and its passion and support for the work of the Mechanism since its inception in 2016.

But we all know that rhetoric delivers little. Ireland's support for the Mechanism is through concrete action, not just rhetoric. We worked to co-lead and sponsor the pledging conference held last November in Geneva, together with Liechtenstein and Qatar, where approximately \$6.8 million was pledged. In 2017, Ireland made its first voluntary contribution to the Mechanism of €100,000, and last year we doubled that funding, providing more than €200,000. We plan to renew our financial support to the Mechanism in 2019 with at least the same level of funding as last year. However, as we have said before, the crucial work of the Mechanism should not be reliant on voluntary contributions. Ireland fully supports funding the Mechanism through the regular United Nations budget, and we look forward to working with all Member States to that end.

My country also supports a broad range of other measures to ensure full legal accountability for all war crimes and crimes against humanity committed in Syria, including the Independent International Commission of Inquiry on the Syrian Arab Republic established by the Human Rights Council, the Fact-finding Mission in the Syrian Arab Republic of the Organization for the Prohibition of Chemical Weapons (OPCW) and the OPCW-United Nations Joint Investigative Mechanism. Ireland reiterates its call for the situation in Syria to be referred to the International Criminal Court.

In conclusion, Ireland believes that without accountability for the crimes committed on all sides, no genuine reconciliation or lasting peace is possible in Syria. We strongly believe the people of Syria deserve justice, and it is instruments such as this one that can help provide that justice. I want to assure the Assembly of Ireland's steadfast commitment to supporting that crucial and necessary work.

Mr. Kim Song (Democratic People's Republic of Korea): The delegation of the Democratic People's Republic of Korea expresses its hope that our conversation under the agenda item "Prevention of armed conflict" will be an important opportunity to contribute to safeguarding the purposes and principles

of the Charter of the United Nations and international law, as well as supporting and promoting the process of achieving a political solution to the Syrian issue. The delegation of the Democratic People's Republic of Korea would like to take this opportunity to clarify its position with regard to 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.

First, the Mechanism's establishment and activity constitute a clear violation of the principles of sovereign equality, respect for self-determination, and non-interference in internal affairs, which are basic to the Charter of the United Nations and international relations. We would like to point out that the adoption of resolution 71/248, on the establishment of the Mechanism, was not transparent or based on consensus. It is well known that legal technical assistance by the United Nations to any Member State should be provided in accordance with a request by the State concerned, but the adoption of this resolution was enforced without prior consultations with the Syrian Arab Republic and without its agreement. What we cannot ignore is that the Mechanism, which advocates independence and impartiality, is engaged in interfering in the internal affairs of Syria while basing its activity on some countries' fabricated information and false testimonies against the Syrian Arab Republic. Its establishment is a typical example of the politicization, double standards and selectivity of the human rights issue. Nothing can justify the fact that this illegal Mechanism has been permitted to carry out its activity under the United Nations umbrella, or the sponsoring and funding of that activity.

Secondly, the United Nations should support and promote the political process in Syria, and the crisis there should be addressed in the interests of the Syrian people. The stabilization of the situation and the peace process in the Syrian Arab Republic should be spearheaded by the Syrian people without interference from outside forces. The United Nations should not be subjected to political or financial pressures from any countries and should preserve its neutrality and credibility as a facilitator of the process of achieving a political solution to the problem.

In conclusion, the delegation of the Democratic People's Republic of Korea stresses that where the issue of Syria is concerned, the principles of respect for a

country's sovereignty and territorial integrity, and of non-interference in internal affairs, should be strictly observed, and the issue addressed in a peaceful way by political means and without foreign interference, in accordance with the demands and interests of the Syrian people.

Ms. Melikbekyan (Russian Federation) (*spoke in Russian*): Russia voted against resolution 71/248. We believe that the so-called 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, on behalf of which Ms. Marchi-Uhel is speaking at this meeting, is illegitimate and should not exist. The process of its creation was accompanied by such flagrant violations of international law that any discussion of the legal validity and admissibility of its hypothetical so-called evidence is a disgrace. Conducting legal proceedings based on material from it is hardly possible in any self-respecting country. It is a great pity that the General Assembly, to the detriment of its own prestige, is wasting time discussing the work of this entity and its so-called report (see A/73/741), which incidentally is fairly insubstantial and hardly meets the criteria for accountability that the Mechanism calls for. However, a lack of transparency and accountability is not the Mechanism's main problem.

To begin with procedure, Syria did not ask the United Nations for help in investigating crimes committed on its territory. Moreover, Damascus has made it unambiguously clear that it does not need any such assistance. In that connection, I would like to point to paragraph 7 of Article 2 of the Charter of the United Nations, which states that the Organization is not authorized to intervene in matters that are within the domestic purview of any State. That also applies to the procedures and rules of the criminal proceedings that will definitely take place in Syria once peace has been restored in that long-suffering land.

Next, criminal investigations have nothing to do with the functions of the General Assembly. In a number of cases the Security Council has established mechanisms with investigative functions, which accords with the Council's fundamental responsibility for the maintenance of international peace and security. In some cases, the General Assembly has authorized the Secretary-General to hold corresponding talks with an interested State, but the key element has been that

State's prior consent. Having decided to establish a mechanism that is

“focused on proof of specific criminal acts and addressing factual issues concerning the criminal responsibility of individuals” (A/73/741, para.25).

The General Assembly acted *ultra vires* and beyond the scope of its authority under Articles 10, 11, 12 and 22 of the Charter. Resolution 71/248 was drafted behind the scenes and dumped on the General Assembly without the consent of the Syrian Arab Republic. The establishment of this so-called Mechanism, without Syria's explicit consent or a Security Council resolution adopted under Chapter VII of the Charter, is a blatant violation of the principles of sovereign equality of all the States Members of the United Nations and non-interference in their internal affairs, as enshrined in Article 2 of the Charter.

In view of those factors, resolution 71/248 is null and void and will remain so. Consequently, any action by the Mechanism itself or the Secretariat following the adoption of the resolution is outside the framework of the Charter of the United Nations and international law. In particular, as my Syrian colleagues have indicated, since resolution 71/248 is in clear contradiction to the Charter, the Mechanism cannot be considered a subsidiary body established by the General Assembly or have any legal standing. It cannot enjoy privileges or immunities under the Convention on the Privileges and Immunities of the United Nations or the legal competence to conclude agreements with States and other entities, including international organizations. None of those agreements have legal force. Nor can there be any question of bringing the Mechanism under the regular United Nations budget.

Based on all of this, any information or evidence collected, consolidated, preserved or analysed by the Mechanism cannot be used for the purposes of any potential criminal proceedings, national or international. That means that its work is nothing more than a political scheme in which countries that present themselves as champions of humanism and the triumph of justice have embroiled the United Nations. The Russian Federation will not entertain the possibility of cooperating with this so-called mechanism.

Mr. Vieira (Brazil): I would like to thank Ms. Marchi-Uhel for her report (see A/73/741) on the activities 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, which is now fully operational. The report not only highlights the progress made by the Mechanism in preserving and consolidating evidence, it also presents useful information on the cooperation between the Mechanism and national jurisdictions, as well as international institutions.

As a country firmly committed to ensuring accountability for the most serious international crimes, Brazil welcomes the efforts undertaken by the Mechanism. The preservation of evidence is instrumental to the shared goal of bringing all perpetrators of those crimes to justice, and always in accordance with due process of law. The legitimacy of the work of the Mechanism, and therefore of our hope for future accountability, depends on impartial and non-selective evidence gathered on the ground. It must not be about focusing on one part of the conflict or another, but about the higher values that prevent us from tolerating impunity for those crimes.

The current report clarifies that the Mechanism shares information only after assessing whether the recipient jurisdiction respects international human rights law, including the right to a fair trial. That

important exercise should be complemented by another analysis related to the limits and scope of universal jurisdiction. In order to avoid trials in absentia based on questionable claims regarding universal jurisdiction, it is key that information-sharing be limited to States that either have a jurisdictional link to the crimes or have the alleged criminal on their territory.

It is commendable that the Mechanism is committed to developing a victim-centred approach and supporting broader transitional justice objectives. Both aspects are key to promoting the ultimate objective of the non-recurrence of serious international crimes. They are also an important element in a much-needed political solution to the Syrian conflict based on the parameters set forth in the relevant Security Council resolutions, specifically resolution 2254 (2015), and in the Sochi declaration. We are convinced that only a political process mediated by the United Nations, but owned and led by the Syrian people, can bring the conflict to an end.

The Acting President: We have heard the last speaker in this morning's debate.

We shall continue this afternoon at 3 p.m. in this Hall.

The meeting rose at 1.05 p.m.