



# General Assembly

Distr.: General  
13 February 2019

Original: English

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Seventy-third session

Agenda item 34

Prevention of armed conflict

## **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**

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

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



## **Report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

### *Summary*

The present report is the third prepared by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 for submission to the General Assembly pursuant to Assembly resolution [71/248](#) and paragraph 50 of the report of the Secretary-General on the implementation of the resolution establishing the Mechanism ([A/71/755](#)).

The report outlines the Mechanism's progress regarding all components of its mandate with an emphasis on the added value of the Mechanism's evidence collection, which functions as the central repository of information and evidence of the crimes allegedly committed in the Syrian Arab Republic. The Mechanism consolidates and preserves data, links evidentiary pieces to establish individual criminal responsibility, and carries out targeted investigations to strategically fill gaps in the evidence already gathered by other actors. During the reporting period, the Mechanism's work led to the opening of two case files as well as increased cooperation with jurisdictions investigating some of the most serious crimes committed in the Syrian Arab Republic. The Mechanism has also strengthened and enlarged its list of interlocutors, including States, United Nations entities, international organizations as well as Syrian and international civil society organizations, and concluded a number of additional cooperation frameworks. It has continued to develop and implement its inclusive justice approach with a focus on cross-cutting objectives, such as gender perspectives, a victim-centred approach and broader transitional justice considerations. The Mechanism welcomes the progress made towards regular budget funding from 2020 onwards and continues to seek support from the United Nations, Member States and civil society in the ongoing implementation of its mandate.

## I. Introduction

1. The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 submits its third report to the General Assembly. The report covers the Mechanism's activities during the period from 1 August 2018 to 31 January 2019.
2. After the 2011 uprising in the Syrian Arab Republic, a continuing torrent of unaddressed atrocities committed on all sides reinforced the imperative of comprehensive accountability for core international crimes. At the same time, the prevailing jurisdictional limitations of the International Criminal Court, combined with a Security Council impasse, the absence of meaningful national accountability in the Syrian Arab Republic and the limited number of other national judicial avenues, left victims disillusioned about the prospects of justice, and called into question the international community's commitment to the rule of law.
3. Against this backdrop, in December 2016, the General Assembly decided that work to prepare for criminal proceedings could and should commence, pending the emergence of further jurisdictional pathways for prosecuting serious international crimes in the Syrian Arab Republic. The international community created the Mechanism to function as a central repository for the voluminous existing information and evidence of those crimes from arguably the most extensively documented conflict in history. That information and evidence provide the starting point for the Mechanism's collection and analytical efforts, carried out within the framework of criminal law standards. The Mechanism's work is aimed at assembling the scattered pieces of available data to link crimes to individuals who bear responsibility. The Mechanism then uses its investigative mandate to fill gaps in the existing information and evidence, as its work becomes focused with increasing precision on individual responsibility through the development of criminal law case files that can be used as a basis for prosecution, now and in the future.
4. The Mechanism has been operational since April 2018, with a diverse team of criminal justice experts from a range of professions. Subsequent to the design and implementation of a secure, state-of-the-art information and evidence management system to preserve and structure its evidence collection, the Mechanism has made substantial progress on building the central repository of information and evidence of violations of international law in the Syrian Arab Republic envisaged in its mandate. It has collected data from a multitude of other actors, including States, civil society organizations, international organizations and United Nations entities, such as the Independent International Commission of Inquiry on the Syrian Arab Republic.
5. The priority for the Mechanism has been to promote cooperation among relevant actors at the national, regional and international levels. An increasing number of States have adopted, or are in the process of adopting, frameworks to permit cooperation with the Mechanism. The same applies to international organizations, such as the Organisation for the Prohibition of Chemical Weapons (OPCW). The Mechanism has proactively sought ways of empowering Syrians and Syrian civil society organizations by creating frameworks for dialogue and cooperation, building on the tremendous value of the courageous and tireless work done by those individuals and non-governmental organizations (NGOs) over the past eight years.
6. The evidence collection forms the foundation of the criminal case files that the Mechanism is developing to attribute responsibility for core international crimes to identified individuals, ensuring that pending and future criminal processes can be expedited. The Mechanism has developed a principled strategic framework – the Mechanism's structural investigation – to guide its collection of information and

evidence and to advance its case file building work in an efficient and coordinated way across multiple jurisdictions. The Mechanism opened two case files late in 2018. Since becoming operational, the Mechanism has also received 14 requests for assistance from national war crimes units, related to ongoing investigations and prosecutions.

7. The Mechanism has adopted policies and operational guidelines to ensure that its work is carried out in accordance with the highest professional standards, including the full integration of gender perspectives and expertise on sexual and gender-based crimes and crimes against children. It is continuing its consultations aimed at building a solid cooperative framework for engagement with key interlocutors, including victim communities, and to support broader transitional justice objectives whenever that is consistent with its accountability work and available resources.

8. The Mechanism is acutely aware of the complex context in which crimes have been committed, the immense amount of information available and the time and resources required to fulfil its mandate. Its leadership decided to progress on all components of its mandate simultaneously, conscious of the fact that neither the collection nor the analytical and investigative work will be completed in the foreseeable future. The leadership is mindful that the affected Syrian communities and the international community are seeking tangible results from the Mechanism's work. While progressing with the implementation of its mandate, the Mechanism continues to face challenges of a bureaucratic, legal and practical nature. In this context, the Mechanism welcomes the support of the United Nations Secretary-General and Member States, especially efforts aimed at strengthening the Mechanism through securing funding from the United Nations regular budget.

## **II. The Mechanism has accelerated its operations across all key aspects of its mandate**

### **A. Collection: creating a comprehensive repository of information and evidence of crimes committed in the Syrian Arab Republic**

9. The Mechanism is mandated to collect information on and evidence of the most serious international crimes committed in the Syrian Arab Republic since March 2011. In doing so, the Mechanism is well positioned to become the central repository for all available material related to the atrocities, by closely collaborating with other relevant information holders, by functioning as a channel for aggregating information from diverse sources and by strategically focusing its investigative capacities on filling the gaps in the material collected. The Mechanism critically assesses the reliability of the material, once received, according to international criminal law standards, with the aim of optimizing its use for present and future criminal trials as well as for broader transitional justice purposes.

10. During the reporting period, the Mechanism significantly enlarged its evidence collection and currently holds more than one million records, which include documents, photographs, videos, satellite imagery, victim and witness statements and open source materials. While the expanding volume of the collection serves as an indicator of progress, numbers alone do not provide a complete picture of the evidence collection's significance. A single piece of information could result in the identification of multiple additional evidentiary sources and avenues of inquiry that play a crucial role in case file building. Other evidence might be low in volume but of particularly high value when it comes to demonstrating linkage between alleged crimes and specific individuals. For example, statements of insider witnesses assist in recreating power structures and provide insight into the inner operations of an

entity, the involvement of its members in the planning or commission of crimes and other conduct possibly engaging their individual criminal responsibility.

11. The Mechanism's evidence collection is housed within a state-of-the-art information and evidence management system, novel to the United Nations. The system has been thoroughly tested and has facilitated the secure transfer and storage of digital and other data, to which access is tracked and recorded.

12. To advance its collection efforts, the Mechanism has concluded sharing arrangements with numerous new providers over the reporting period. It continues to engage in dialogue with States, Syrian and international NGOs, United Nations entities and other international organizations to develop the frameworks required to transfer material. In this context, the Mechanism has received assistance from the Office of Legal Affairs of the Secretariat to promote consistency with United Nations practices and policies. A broad range of sharing modalities have been utilized. Some providers have found the safeguards in the Mechanism's terms of reference to be sufficient. Other providers have opted for an exchange of letters, the signing of protocols or memoranda of understanding, or legislative amendment. The Mechanism aims to exercise the highest degree of flexibility to meet the requirements of the individual information provider and to enable the swift and secure transfer of information and evidence, particularly in situations where there is an urgent need for preservation. In addition to developing the necessary legal frameworks permitting States and other entities to share relevant materials with it, the Mechanism has sent targeted requests for such materials to various entities. The Mechanism also successfully started its collaboration with partners in the field of witness protection with a view to putting in place appropriate cooperative frameworks to ensure, where necessary, appropriate protective measures for individual witnesses and their families who are cooperating in the accountability process.

13. During the reporting period, the Mechanism has continued to seek contact and cooperation with government authorities of the Syrian Arab Republic. This is in line with the Mechanism's full independence and impartiality and its commitment to both engage with all relevant information and evidence holders and address alleged offences on all sides. At the time of reporting, the Mechanism has not received an acknowledgement of receipt or an answer from the authorities of the Syrian Arab Republic.

14. Consistent with its mandate, the Mechanism has advanced and broadened its engagement with United Nations entities and other international organizations. Pursuant to the memorandum of understanding concluded with the Independent International Commission of Inquiry on the Syrian Arab Republic early in 2018, the two entities continue to collaborate, in accordance with their respective mandates. The majority of the Commission's materials have been added to the Mechanism's evidence collection, and the restructuring of the associated data made possible by the Mechanism's state-of-the-art information and evidence management system is being harnessed for the benefit of both entities. The Mechanism has also entered into agreements with other international organizations, such as OPCW, following the adoption of the resolution by the Conference of the States Parties calling for cooperation in June 2018.<sup>1</sup> More specifically, the resolution provides for OPCW to put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons. In the resolution the States Parties further decided that OPCW shall preserve and provide information to the Mechanism.

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<sup>1</sup> Decision C-SS-4/DEC.3.

15. As part of its ongoing collaboration with Syrian civil society, the Mechanism has built on the principles in the protocol signed at Lausanne in April 2018<sup>2</sup> by entering into more technical discussions on the collection and case file building process. While the discussions are general, to safeguard the Mechanism's independence and impartiality, the Mechanism is committed to facilitating two-way communication with a broad spectrum of Syrian civil society organizations, to the extent possible and within its resource constraints. To this end, the Mechanism launched a series of information bulletins to expand the reach of its communications with NGOs. Those bulletins, combined with biannual meetings with Syrian NGOs, as well as individual contacts with representatives of those organizations, are leading to the conclusion of additional agreements and the successful transfer of data during the reporting period.

16. The overall value added by the Mechanism largely depends on the quality and comprehensiveness of its evidence collection as well as on its effectiveness in maximizing the future usage of the data. Therefore, the Mechanism continues to enlarge and diversify its collection sources, recognizing the significant value flowing from the central repository approach when it comes to aggregating, authenticating and corroborating information. All entities interested in sharing data with the Mechanism are encouraged to facilitate flexible cooperation frameworks as much as possible. The Mechanism can then work towards making the best possible use of the information in line with its mandate to assist in the investigation and prosecution of the most serious crimes committed in the Syrian Arab Republic.

## **B. Consolidation and preservation: turning raw data into information and evidence**

17. The Mechanism is mandated to consolidate and preserve evidence of violations of serious international crimes. Working towards this goal, the Mechanism systematically assembles, deduplicates, classifies, categorizes and organizes the information and evidence it receives. Its approach is not to create a static picture or archive. Instead it aims to organize data in a flexible manner that can be searched and adjusted to fit multiple jurisdictional requirements, as well as to ensure that all sensitive information, including that of victims and witnesses, is protected and handled with the utmost care.

18. As the diversity of materials collected increases, the Mechanism continues to update and refine its preservation strategies and methodologies. The Mechanism has developed a range of efficient preservation and secure transfer techniques to reduce the cost and time involved in moving from the collection to the analysis stage. It has built the infrastructure to transfer significant volumes of data while automatically registering, classifying and indexing the data. Thanks to innovative methods, technology, and public-private partnerships, the labour required for these tasks has been reduced from weeks to hours. In an unprecedented technological step, the Mechanism's systems allow for the integration of multiple databases, even those contributed by third parties, within a single taxonomy for effective and validated classification of evidence.

19. The Mechanism has provided preservation and evidence-processing services to organizations that, in some cases, lack the resources, technology or capacity to preserve evidence to the required legal standards. These activities complement, rather than replace, the efforts of civil society and other stakeholders.

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<sup>2</sup> [https://iiim.un.org/wp-content/uploads/2018/04/Protocol\\_IIIM\\_-\\_Syrian\\_NGOs\\_English.pdf](https://iiim.un.org/wp-content/uploads/2018/04/Protocol_IIIM_-_Syrian_NGOs_English.pdf).

20. The Mechanism has placed data protection by design as an upfront value in the acquisition and implementation of technology and in the development of internal and external systems. Key investments in data protection include obtaining industry-standard training and certifications for staff, designating staff with particular responsibilities for implementing and auditing data protection practices and generating data protection impact assessments at critical junctures. The Mechanism takes seriously its responsibility to safeguard the information it possesses, including respecting the rights of data subjects within the context of, and subject to, its mandate.

21. The Mechanism offers opportunities for engagement with all information providers: States, international organizations, NGOs and others. It provides preservation and consolidation services to ensure that individual sources of evidence that might not otherwise be easily accessible are incorporated in the larger picture being built of the situation in the Syrian Arab Republic. Those services, together with its authentication, categorization and deduplication processes, allow the Mechanism to absorb substantial amounts of data and link relevant pieces of information in an efficient manner. The Mechanism is also able to consolidate and preserve even complex, non-traditional sets of data, including information that may not on its own be considered probative but that, when combined with other information, possesses significant probative value.

### **C. Analysis, investigation and case file building: establishing individual criminal responsibility**

22. The Mechanism is mandated to analyse the evidence of international crimes committed in the Syrian Arab Republic since March 2011, identify gaps in the information and evidence already collected by other actors, conduct investigations with a view to filling such gaps and prepare files to facilitate fair and independent criminal proceedings in relevant jurisdictions, now and in the future. The Mechanism is carrying out a structural investigation, to provide a principled framework for its analysis and case file building work. The structural investigation addresses overarching crime patterns and maps the context within which the crimes were committed. It also seeks to identify and explain power structures underpinning the commission of crimes, as well as the roles played by individuals within those structures. As described in the previous report, the structural investigation provides a crucial foundation for determining individual criminal responsibility and guides the Mechanism's strategy to collect information and evidence and to fast-track the building of case files (A/73/295, paras. 8 and 12–17).

23. During the reporting period the Mechanism accelerated its work on the structural investigation through the development of strategic lines of inquiry that function as a bridge to case file building, taking into account the broad range of factors set out in the guiding principles identified by the Mechanism in its first report (A/72/764, sect. II.B), while having due regard to those areas which present the most immediate prospects of adjudication. The Mechanism's case file building work is also informed by its duty to focus on the most pervasive crimes committed on all sides in accordance with the principle of impartiality.

24. The Mechanism has been developing a multi-tiered, gender-informed, evidence review methodology, which it continuously refines. One component of this methodology involves the review and assessment of open source analytical work carried out by various actors, including NGOs and international organizations. The Mechanism does not automatically adopt the analytical conclusions made by other actors. This is essential for many reasons, including the likelihood that the work done by many of those actors has not been carried out using criminal law standards and

methodologies. Consequently, the Mechanism always carries out its own analysis, cross-checking information relied upon by others against the multiple sources available to it. This policy is a crucial component of safeguarding the Mechanism's independence and impartiality. Another component of the Mechanism's methodology involves focused review of the contents of the Mechanism's evidence collection relevant to a particular line of inquiry. This process is facilitated by software and information management tools procured or developed by the Mechanism to enable large-scale, multi-language review and tagging of both structured and unstructured data in its original format. On the basis of those cumulative reviews, the Mechanism is able to identify evidentiary gaps and then design its upcoming collection and investigation activities with a view to filling those gaps. The Mechanism has also been integrating gender perspectives throughout its review methodology. These strategies are described in more detail below (paras. 33–43).

25. During the reporting period, and as foreshadowed in its last report, the Mechanism opened two case files. One case file was opened as a result of work done on the Mechanism's structural investigation. The other case file relates to a matter on which the Mechanism is providing ongoing and direct support in relation to criminal proceedings in a national jurisdiction. Although that case file was precipitated by proceedings already under way in the national system in question, the work now being done in relation to the case file is being integrated back into the Mechanism's structural investigation and could potentially support the Mechanism's development of associated case files in the future. At the case file building stage, the Mechanism's work becomes increasingly focused on proof of specific criminal acts and addressing factual issues concerning the criminal responsibility of individuals within the scope of the specific investigative case file. In doing so, the Mechanism analyses the evidence collected and identifies and fills evidentiary gaps relating to the case file in question. To fill those gaps the Mechanism has developed a process for making targeted requests for information and evidence to other information holders, including States, international organizations and civil society, supplemented with direct evidence-gathering by the Mechanism as necessary.

26. The Mechanism has adopted a flexible approach to case file building, informed by the needs of potential recipient jurisdictions and the analytical work product likely to be most useful for them. For example, the Mechanism is prioritizing the development of evidentiary modules that can be easily adapted by recipient jurisdictions and are designed to assist with the factual issues or legal elements that are resource intensive or otherwise likely to be especially challenging for them.

#### **D. Sharing information and evidence: assisting ongoing and future investigations and prosecutions**

27. The Mechanism is mandated to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction. Information-sharing is subject to an assessment that the recipient jurisdiction respects international human rights law and standards, including the right to a fair trial, and does not apply the death penalty for the offences under consideration (see [A/71/755](#)). The Mechanism sees future opportunities not only to share complete case files, but also to provide a broad range of other forms of support, including evidentiary packages to assist with discrete factual questions, the contextual elements of core international crimes and/or overall crime patterns. The Mechanism also sees prospects for contributing other analytical work product to provide targeted assistance to national war crimes units, in accordance with its mandate to assist in the overall investigation and prosecution of the crimes committed. To facilitate this approach, the Mechanism has developed

guidelines to govern information-sharing and to process requests for assistance, either upon the request of national, regional or international courts or tribunals or on its own initiative.

28. As the Mechanism accelerates its collection activities and, accordingly, the size and scope of its evidence collection, it will be increasingly well positioned to respond effectively to requests for assistance from national jurisdictions. To date, the Mechanism has received 14 requests for assistance from national war crimes units, three of which were processed and closed in 2018.

29. The initial round of requests for assistance has been important for the Mechanism in two respects. First, the relatively rapid and robust engagement by national war crimes units with the Mechanism's request for assistance process confirms that the Mechanism has real potential to assist with national investigations and prosecutions. Second, the requests have allowed the Mechanism to develop, test and adjust its request for assistance procedures as part of an ongoing investment of resources to develop and improve its approach to requests for assistance.

30. Responding to requests for assistance is a complex process given the nature and extent of alleged crimes committed in the Syrian Arab Republic and the extremely complex and varied source material. Developing an effective process is requiring the Mechanism to collect broadly and extensively to maximize the chances of having material responsive to the varied requests for assistance received; to overcome complex evidence-processing challenges, including a large volume of evidentiary material, such as photographs and videos, that is not immediately amenable to digital search techniques; to build increasingly sophisticated search capacities and other customized platforms within the Mechanism's information and evidence management system; to test and adjust search formats and techniques; to compose multidisciplinary teams of information and evidence officers, investigators, analysts and lawyers and develop integrated end-to-end working methods for the request for assistance process; to build and implement systems for ensuring that confidentiality guarantees applicable to material in the Mechanism's evidence collection are strictly respected throughout the process; and to develop effective technical formats for sharing relevant materials that will be compatible with the needs of the diverse jurisdictions being serviced.

31. The speed of advance across these varied processes was inevitably constrained by the reality that the Mechanism is not yet at full staffing capacity and was simultaneously building complex and novel processes to facilitate work on its structural investigation and case files. The Mechanism was also developing and implementing policies and procedures across both the administrative and substantive areas of its operations. Nevertheless, despite the multiple challenges, important progress has been made. In the coming weeks, the Mechanism will undertake a comprehensive review of the lessons learned so far in responding to the initial requests for assistance received, providing valuable information for further reinforcing the request for assistance process in the future.

32. The Mechanism is grateful to the national jurisdictions that have so far sent requests for assistance, which have afforded an important opportunity to pioneer the Mechanism's processes. At the same time, the Mechanism is optimistic that the significant investment it is making in its request for assistance capacity will show positive results, with faster and more comprehensive responses to requests for assistance, in the foreseeable future. The Mechanism encourages national jurisdictions to continue submitting requests for assistance to the Mechanism, while recognizing that additional time and resource investment will be needed to progress to full capacity.

## **E. Implementing an inclusive approach to justice**

33. The Mechanism seeks to foster Sustainable Development Goal 16 by promoting equal access to justice for all, in particular victim communities, and by modelling the Mechanism as an effective, accountable and inclusive institution. Equally, the Mechanism aims to contribute to other Sustainable Development Goals, such as Goal 5 to end all forms of discrimination against all women and girls.

34. The Mechanism's leadership is committed to providing an inclusive working environment, built on the principles of respect, integrity, equality and non-discrimination. To achieve this goal, an office-wide consultation was held, resulting in the adoption of the Mechanism's statement of commitment, which sets out the shared standards and values required of everyone working at the Mechanism, forming the foundational principles of its organizational and operational culture. All staff members have signed the statement of commitment as part of an ongoing dialogue with the Mechanism's leadership team. A performance appraisal goal linked to the statement of commitment is being included in the workplans of all staff members to ensure ongoing dialogue and accountability. Respect for gender equality is a central part of the statement of commitment, which also recognizes the intersection between gender and a range of other factors. The statement of commitment also reflects the crucial link between the Mechanism's institutional standards of behaviour and its capacity to effectively promote inclusive justice as part of its substantive work.

35. Regarding its substantive work, the Mechanism has adopted two themes that cut across its collection, analysis, and case file building and sharing mandate, that are designed to promote an inclusive approach to justice. First, the Mechanism is committed to developing a victim-centred approach and, second, the Mechanism is committed to supporting broader transitional justice objectives where feasible.

36. Regarding the former, the Mechanism is continuing its consultations aimed at developing a victim-centred approach to its work. Late in 2018, the Mechanism consulted members of Syrian civil society organizations about their perspectives on how to ensure that the Mechanism's approach to accountability appropriately reflects victims' perspectives. Points of discussion included the diverse range of victims and the importance of avoiding generalizations, and the need to take into account religious, gender, cultural and other parameters. Related to this, the Mechanism is committed to seeking out and understanding the perspectives of minority religious, ethnic and sexual groups within Syrian society, and the crimes that may have affected them in particular. In this vein the Mechanism reaffirms its commitment to impartiality in every phase of its work cycle, and its engagement with all actors, minority groups and underrepresented voices specifically, as essential to an inclusive justice process.

37. The Mechanism is committed to developing a deeper understanding of victims' challenges and priorities and engaging them in accountability processes. This is a complex endeavour, which involves managing the expectations of victims concerning justice and related questions, such as reparations, and ensuring their security, minimizing retraumatization, and promoting their direct participation in judicial proceedings. In further progressing its victim-centred approach, the Mechanism sees significant value in greater coordination and information-sharing between actors across the humanitarian, human rights and accountability spectrum. For example, significant work has been done over many years by human rights actors in developing a victim-centred approach to addressing human rights violations, which can provide important guidance for the Mechanism. Similarly, humanitarian actors working with displaced populations, including from the Syrian Arab Republic, will have significant

insight into issues that should be taken into account by the Mechanism. Information-sharing about effective referral pathways concerning medical, psychological or other support of victims of the Syrian conflict would also significantly assist the Mechanism, since referral pathways are an essential component of its victim-centred approach. In the coming period, the Mechanism will focus on strategies to promote a more joined-up dialogue with other relevant actors in this respect.

38. The Mechanism's victim-centred approach is being designed to bring to the surface perspectives and experiences that have tended to be overlooked or misunderstood in the past. In line with its terms of reference, the Mechanism is giving specific attention to sexual and gender-based violence and crimes against children as a core part of its work, recognizing that, historically, these categories of crimes have not always been effectively addressed. To date, the Mechanism has focused significantly on developing proactive strategies to integrate gender into its work. In the coming period, it will accelerate its focus on strategies for other categories of harm at risk of being insufficiently addressed, including crimes against children, disabled persons and persons of diverse sexual orientation, gender identity and/or sex characteristics.

39. In terms of its gender strategies, the Mechanism is seeking to integrate gender expertise throughout its team. For example, as part of its recruitment process, the Mechanism includes an evaluation of candidates' expertise in dealing with gender-based crimes. Further, as it develops its novel processes for collection, analysis, and case file building and sharing, the Mechanism is working hard to ensure that gender strategies are integrated throughout this substantive work.

40. When it comes to collection, the Mechanism is taking steps to ensure that it identifies and corrects any gender biases in the material collected. For example, this could mean seeking out statements that reflect the experiences of underrepresented categories of victims, such as women, or male victims of sexual violence. It could also mean correcting historically male-centric approaches to certain categories of evidence – such as insider witnesses – to include the perspectives of women where possible. The Mechanism is further seeking to avoid unduly narrow approaches to evidence-gathering for sexual violence crimes, recognizing that, in addition to evidence from victims and other eyewitnesses, circumstantial evidence, documents and experts can all be important sources of proof.

41. Gender perspectives are likewise being incorporated into the Mechanism's analytical work. For example, the Mechanism has integrated a focus on gender-based crimes into its classification and categorization process to identify incidents and patterns of gender-based crimes and their relationship to other crime categories. This helps to detect specific gaps in the Mechanism's evidence collection and enables the Mechanism to better record and map the harms suffered. The Mechanism is further developing a specific gender strategy for each case file that it opens. Such an approach recognizes that the nature of gender issues may vary depending on the specific analytical focus in question and is designed to maximize the chances of detecting novel gender issues. It also promotes a sustained focus on gender throughout the Mechanism's work, seeking to address challenges experienced by other institutions in the past, where attention to gender issues fluctuated widely over time. Finally, the Mechanism sees great potential for integrating gender perspectives into the use of technology for accountability purposes. This issue has many elements, including understanding differences in the way that males and females access and use technology, ensuring that the integration of technology into accountability processes does not exacerbate discrimination between men and women, and finding more creative ways to harness technology for addressing sexual and gender-based violence.

42. The Mechanism's second cross-cutting objective is facilitating broader transitional justice objectives where possible. While the Mechanism's mandate is focused firmly on criminal justice accountability, its terms of reference situate this objective in the broader context of transitional justice. Accordingly, as explained in previous reports, the Mechanism is open to adopting efficient strategies for simultaneously facilitating broader transitional justice objectives, where possible. The Mechanism has so far identified two such strategies. The first concerns support for the work being done by international organizations mandated to search for missing persons. The Mechanism is engaging in dialogue with those organizations to identify how best to incorporate this objective into the design of its evidence-processing. For example, the Mechanism is developing a system to categorize and classify material that might be relevant to the location of missing persons, when it is processed by the Mechanism. The second strategy to promote broader transitional justice objectives is to assist NGO actors to organize their material in a way that may be helpful for broader purposes. In particular, the Mechanism's state-of-the-art information and evidence management system enables it to take large volumes of unstructured raw data provided by NGOs and turn it into structured data that is more amenable to analytical processes. The Mechanism primarily does this to facilitate its own criminal law analysis. However, if requested, the Mechanism can also return the restructured data to the NGO that provided it, to use for broader purposes. In the coming period, the Mechanism will continue to identify additional strategies to support broader transitional justice objectives whenever feasible.

43. Finally, the Mechanism's inclusive approach to justice includes measures, where helpful and appropriate, to share its experience with similarly mandated bodies. For example, to promote possible economies of scale, including in the field of technology and software acquisition as well as in methods of preservation and standard operating procedures, the Mechanism stands ready to continue assisting the Independent Investigative Mechanism for Myanmar, established by the Human Rights Council in its resolution [39/2](#) in September 2018.

### **III. Ensuring a sustainable structure and operating environment for the Mechanism**

#### **A. Funding: transitioning to the regular United Nations budget in 2020 and securing sufficient funds for 2019**

44. In its resolution [71/248](#), the General Assembly determined that the Mechanism would initially be funded by voluntary contributions and that the question of funding for the Mechanism should be revisited as soon as possible. Since then, the General Assembly has called upon the Secretary-General to include the Mechanism in his budget proposal for 2020 (resolution [72/191](#), para. 35) and subsequently noted the steps taken by the Secretary-General in response to that request (resolution [73/182](#), para. 32). As a result of these developments, the Mechanism is in the process of finalizing its submissions for the 2020 regular budget, according to the established schedule and parameters set by the Organization. The Mechanism is ensuring that its budget submission is a principled and accurate projection of its resource requirements that reflects its commitment to efficient structures and working methods, while at the same time achieving a high-quality implementation of its mandate.

45. Sustainable funding for the Mechanism is a key factor in enabling it to plan its work effectively, to adequately respond to the scale of the situation in the Syrian Arab Republic, to process the increasing amount of material made available to the

Mechanism, to properly invest in the knowledge and training of its staff, and to continue building its high-tech infrastructure and capacities.

46. As noted above, pending the finalization of the 2020 budget of the United Nations, the Mechanism remains funded from voluntary contributions. Late in 2018, States organized a pledging conference in Geneva for the Mechanism's 2019 budget, which generated encouraging financial commitments from a range of States. However, at the time of reporting, the financial requirements for the Mechanism's 2019 budget have not been fully met. The Mechanism is hopeful that this shortfall will be absorbed during the next reporting cycle, following the overall commitment expressed by a number of different States. Delays in the actual transfer of funds can affect the Mechanism's ability to build its staffing complement to full capacity, as United Nations budgetary rules stipulate that recruitment can commence only on the basis of funds actually transferred or formally pledged in writing. Therefore, States are encouraged to contribute to the Mechanism's 2019 budget through formal written pledges and by transferring pledged funds to the Mechanism as early as possible.

## **B. Building a well-functioning team of experts**

47. During the reporting period, a number of new staff members have joined the Mechanism, bringing additional expertise key to the Mechanism's mandate, including in the areas of information and evidence systems management, investigation, analysis and sexual and gender-based violence. This brings the team to a total of 30 staff members. The Mechanism successfully recruited Arabic-speaking assistant analysts, who play a crucial role in the review, classification, categorization and analysis of materials collected. The Mechanism has selected additional staff members expected to join the team in the next reporting cycle.

48. The Mechanism aspires to be at full capacity as soon as possible to meet the exponential growth in the demands of its substantive work over the past year. There is an urgent need to expeditiously implement existing collection plans; to preserve, consolidate and analyse material acquired; to advance the Mechanism's structural investigation; to respond to requests for assistance received from national jurisdictions; to progress the two recently opened case files; and to further develop the Mechanism's internal strategies, policies and standard operating procedures. Currently, however, as noted above, the Mechanism's aspiration to reach full capacity is constrained by the need to adjust the Mechanism's recruitment pace according to the level of voluntary funds pledged and, in particular, the level of formal written pledges or funds transferred from contributing States.

## **C. New secure premises**

49. During the reporting period, the Mechanism has implemented the solution found to address its concerns surrounding its physical operating environment ([A/72/764](#), paras. 29–30). It has now moved into secure accommodation that offers the space, operational features and continuity required for its work. Cooperation continues with the United Nations Office at Geneva and other partners to finalize certain aspects of the new premises, while all related action is expected to be completed during the course of the next reporting period.

## **IV. Recommendations**

50. Moving forward, the Mechanism seeks to further build and improve its cooperation with all relevant actors to maximize the positive impact of its work and

to ensure continuing improvement in the efficiency and sustainability of its operating environment over time, as set out below.

**(a) Cooperation with the United Nations and other international organizations**

- To ensure that the Mechanism has maximum access to materials held within the United Nations system concerning crimes in the Syrian Arab Republic.
- To ensure that relevant United Nations agencies coordinate and cooperate with the Mechanism as appropriate in accordance with their mandates.
- To engage in dialogue with the Mechanism, as appropriate and consistent with their mandates, to promote coordination across the humanitarian, human rights and accountability spectrum.
- To share information with the Mechanism regarding effective humanitarian referral pathways to assist victims of crimes in the Syrian Arab Republic.
- To share insights and expertise with the Mechanism concerning the development of an effective victim-centred approach.
- To ensure that other initiatives within the United Nations system involving the documentation of crimes connected with the Syrian Arab Republic take into account the Mechanism's mandate and emphasize the importance of support for, and complementarity with, the Mechanism's work.
- For OPCW: to continue working closely with the Mechanism, including by implementing the memorandum of understanding concluded between the Mechanism and OPCW.

**(b) Cooperation with States**

- To approve the Mechanism's regular budget submission for the 2020 United Nations budget cycle.
- Pending United Nations regular budget funding for the Mechanism, to commit extrabudgetary resources to ensure that the Mechanism can operate at its full capacity and to provide formal written pledges and expeditious fund transfers where possible.
- To ensure that any frameworks required to permit cooperation and engagement with the Mechanism are put in place swiftly and effectively.
- To share with the Mechanism relevant evidentiary and other material about international crimes committed in the Syrian Arab Republic, including material previously provided to the OPCW-United Nations Joint Investigative Mechanism.
- To ensure that efficient and effective procedures are in place to facilitate access to their territories by the Mechanism when required for its work.
- For States hosting Syrian refugee communities, to provide information and facilitate introductions for the Mechanism with domestic agencies and local actors that are relevant to the Mechanism's work.
- To ensure that any initiatives generated concerning the documentation of crimes connected with the Syrian Arab Republic take into account the Mechanism's mandate and emphasize the importance of support for, and complementarity with, the Mechanism's work.
- To consider entering into cooperative agreements with the Mechanism to provide witness protection and support services in connection with the Mechanism's work.

- To promote, in the context of donor funding decisions for civil society, coordination with, and assistance to, the Mechanism by civil society.

**(c) Cooperation with civil society**

- To ensure that the Mechanism has timely access to all relevant material to facilitate the accountability process and, to that end, to work towards transferring currently available material to the Mechanism.
- To constructively engage with the Mechanism regarding coordination strategies concerning documentation work, particularly regarding ongoing crimes in the Syrian Arab Republic.
- For NGOs involved in case file building, to share information with the Mechanism about their work, so that the Mechanism can provide appropriate support for any resultant cases instituted in national or other available jurisdictions.
- To assist the Mechanism in reaching out to civil society at large, in particular victim communities, and to foster the overall understanding of the Mechanism's mandate and work.

## V. Conclusion

51. Under the auspices of the United Nations, the Mechanism is well situated to be a central repository of information and evidence in connection with the alleged crimes committed in the Syrian Arab Republic since March 2011. Through its state-of-the-art technology system, the Mechanism can facilitate the secure transfer, preservation and consolidation of substantial amounts of data. The Mechanism has concluded a range of flexible cooperation frameworks to meet the requirements of information providers. Its growing evidence collection, the analysis underpinning its structural investigation and ongoing cooperation with jurisdictions investigating the most serious crimes committed in the Syrian Arab Republic have provided the foundation for opening two case files.

52. During the upcoming reporting cycle, the Mechanism will continue to enlarge its evidence collection, further build its structural investigation and progress the two open case files. As it continues its work, the Mechanism will consider opening further case files whenever appropriate. On the basis of initial contacts with several jurisdictions as well as an initial period of testing its working methods, the Mechanism is carrying out systematic reviews to identify lessons learned and to further refine its approaches and internal policies. The Mechanism foresees scope to broaden its consultation base to facilitate its inclusive justice approach and its contribution to broader transitional justice objectives.

53. The Head of the Mechanism will address the General Assembly in a formal debate, under the item entitled "Prevention of armed conflict", on 23 April 2019.

54. The Mechanism continues to express its gratitude to States, the United Nations system, other international organizations, NGOs and individuals for supporting and assisting its work. By creating the Mechanism, the international community has demonstrated its determination that impunity for the most serious crimes committed in the Syrian Arab Republic can at most only be temporary. This determination is reinforced with each step to support the Mechanism in implementing its mandate to assist in the investigation and prosecution of crimes.