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Prevention of armed conflict: prevention of armed conflict

Identical letters dated 29 March 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from the Government of my country, the Syrian Arab Republic, I am writing to you with regard to the eighth report of 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 ([A/76/690](#)), also known as the International, Impartial and Independent Mechanism.

The Government of the Syrian Arab Republic wishes to make it clear that the present letter, and any reference therein to the report in question, cannot in any sense be taken to mean that it accepts that report or is prepared to discuss it, nor can it be taken to mean that it recognizes, in any way whatsoever, the so-called Mechanism.

The Syrian Arab Republic disassociates itself from General Assembly resolution [71/248](#), by which the so-called Mechanism was illegally established. It does not recognize this illegal body, which was established through an absolutely exclusionary process that clearly violated Articles 10, 11, 12 and 22 of the Charter of the United Nations.

I once again call upon the Secretary-General and all Permanent Missions to take an in-depth look at documents [A/72/106](#), [A/73/562](#), [A/74/108](#), [A/74/518](#) and [A/75/777](#). Those are some of the letters that the Permanent Mission of the Syrian Arab Republic addressed to the Secretary-General and the President of the General Assembly with regard to the so-called Mechanism. In those letters, we set out the serious legal omissions and violations that occurred in the process of adopting General Assembly resolution [71/248](#), which established the Mechanism. The legal and procedural conclusions are as follows:

- The Government of the Syrian Arab Republic did not ask for any technical or legal assistance from the United Nations with a view to establishing such a mechanism, and no United Nations entity consulted the Syrian Government and obtained its approval in relation to the establishment of the so-called Mechanism. Worst of all, the General Assembly exceeded its powers and



infringed on the mandate of the Security Council by creating an illegal body that it did not have the power to establish.

- In view of Articles 10, 11, 12 and 22 of the Charter of the United Nations, the so-called Mechanism cannot be considered a subsidiary body established by the General Assembly. Accordingly, the Secretary-General should not have appointed a Head or Deputy Head of the so-called Mechanism, nor should he have allocated it a secretariat.
- In sum, it is not possible, from both a legal and procedural basis, to give the so-called Mechanism any legal status or legal personality. The so-called Mechanism therefore does not have a mandate that would allow it to conclude agreements with Member States or other entities, or to sign what the report refers to as cooperation frameworks with stakeholders.
- In that connection, my Government reiterates its complete rejection of and outright objection to the underhanded and illegal efforts to pass to the so-called Mechanism information and documents relevant to the situation in Syria that the Syrian Government gave to the United Nations or certain international bodies and entities. Any information that my country provides must be kept absolutely confidential and access thereto must be restricted.
- So long as the Syrian Arab Republic, as the concerned State, does not recognize the establishment of the Mechanism, the United Nations must not accept contributions or allocate budgetary funds to support the establishment and operation of the so-called Mechanism.
- In view of the foregoing, any information or evidence that the Mechanism collects, compiles, stores and analyses shall not be considered admissible in any future legal or judicial proceedings. This is all the more the more important because its mandates are not defined in terms of place and time or subject to any restrictions or standards that are consistent with the Charter or the established working methods of our Organization.

In addition, the purported evidence collected by the Mechanism, the legitimacy of its work and the veracity of its findings are all compromised, because it relies on information provided by the Governments of countries that are hostile to Syria and consistently seek to politicize human rights and other issues in order to advance their interventionist agendas and colonial ambitions, and on information that it collects from so-called open sources on the Internet and that it receives from various terrorist organizations, most notably the so-called White Helmets group – the media arm of the Nusra Front/Levant Liberation Organization, which has been included on the terrorism list of the United Nations – and from illegal armed entities that are supported by occupying forces in my country.

We call on the Secretary-General to disassociate the Organization from any conduct or approach that promotes the so-called Mechanism. I also call upon Member States to take the right decision and to act in accordance with the principles and purposes of the Charter and the working methods of the Organization by refusing to recognize the so-called Mechanism, and to refrain from cooperating or communicating with it in any way, and from making any financial contributions to it or supporting its funding through the regular budget of the United Nations.

The legal and judicial institutions of the Government of the Syrian Arab Republic are fully capable of achieving justice and accountability, without foreign interference. As the Permanent Representative of the Syrian Arab Republic, it is my duty to draw your attention to the serious legal and political implications of the tendentious attempts to promote that Mechanism, the existence of which constitutes a dangerous legal precedent. International law and the principles thereof were

exploited, in contravention of the working methods of the United Nations, and this could become a model that can be applied in other countries.

By establishing the Mechanism, continuing to support it financially and touting it around the world, certain well-known States are merely trying to distract the attention of the international community from their own Governments' crimes, acts of aggression and horrific violations committed against numerous peoples of the world, including the Syrian people. True justice cannot be achieved in a selective and biased manner, or by establishing politicized mechanisms, or by manipulating the foundations of international law, or by invoking distorted interpretations of the Charter of the United Nations. Rather, justice means ensuring that the Governments of those States that have attacked Syria are held accountable for shedding Syrian blood, destroying the cultural legacy of the Syrian people, wiping out their development gains, occupying their land and plundering their resources. Those Governments cannot be allowed to escape with impunity.

I should be grateful if the present letter could be issued as a document of the General Assembly, under agenda item 35.

(Signed) Bassam **Sabbagh**
Ambassador
Permanent Representative
