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Official Records

*President:* Ms. Espinosa Garcés. . . . . (Ecuador)

*In the absence of the President, Ms. Ioannou (Cyprus), Vice-President, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

## 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)**

**Mrs. Puerschel** (Germany): Let me begin by thanking the President of the General Assembly for convening this important meeting to give 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 an opportunity to present the important findings of its third report (see A/73/741) to the General Assembly. We also thank the Head of the Mechanism, Ms. Catherine Marchi-Uhel, for presenting the report on the implementation of its mandate, which outlines progress made since its establishment and lists the remaining challenges.

Germany aligns itself with the statement delivered by the representative of Croatia earlier today (see

A/73/PV.76) and would like to make some additional remarks in its national capacity.

Germany condemns in the strongest terms all violations of human rights and international humanitarian law committed in Syria. Impunity for such crimes is unacceptable. We must bring perpetrators to justice and hold them accountable for committing the most serious crimes; we must ensure accountability for the atrocities committed in Syria. Without an effective and inclusive reconciliation process, there can be no sustainable peace.

Since 2011, the German Prosecutor General has been investigating the war crimes and crimes against humanity committed in Syria. Several verdicts have been issued. The international arrest warrant against Major General Jamil Al-Hassan, former Head of Syrian Air Force Intelligence Directorate, and the arrest in Germany of two former Syrian secret service members in February as a result of close French-German cooperation are important steps towards justice and reconciliation for the victims. The Mechanism has a crucial role to play in achieving accountability and justice in Syria. Germany would therefore like to reaffirm its full political support for the Mechanism.

The conflict in Syria has now entered its ninth year, as we have heard several times today. We are appalled by the ongoing widespread gross violations and abuses of human rights and all violations of international humanitarian law in Syria. Unabated arbitrary arrests, detentions, torture and forced disappearances illustrate the severe protection crisis in Syria. Reports of the

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seizure and demolition of displaced persons' camps, coupled with the Syrian regime's blocking the return of some displaced residents, are of extreme concern and further highlight the lack of the rule of law in Syria.

We are encouraged to hear about the progress that the Mechanism made during the past year. The report shows that it has become a central repository of information and evidence of the crimes committed in Syria. We welcome the targeted investigations it has carried out, which have strategically filled gaps in the evidence already gathered by other actors and led to the opening of two case files.

In order to carry out this important work and fulfil its function, the Mechanism needs to cooperate closely with other existing mechanisms, including the Human Rights Council's Independent International Commission of Inquiry on the Syrian Arab Republic, the Organization for the Prohibition of Chemical Weapons (OPCW), States and civil society. We are therefore glad to hear that the Mechanism has further increased its collaboration with key partners and concluded additional cooperation frameworks.

In that context, we welcome the fact that the Mechanism has signed a memorandum of understanding with the OPCW. Investigating those responsible for the use of chemical weapons in Syria falls within the mandate of the Mechanism, which can therefore play a crucial role in ensuring accountability for chemical-weapon attacks. We also welcome the fact that it has proactively sought ways of empowering Syrians and Syrian civil society organizations by creating frameworks for dialogue and cooperation, and encourage the Mechanism to continue that important work.

At the same time, we encourage the Mechanism to continue dialogue with Member States and national prosecutions. We commend the Mechanism for its close and constructive dialogue with Germany, especially with the Prosecutor General. Only through the close cooperation of all actors involved can our common goal — accountability in Syria — be reached.

In order to continue this important work, it is essential to secure sustainable financing for the Mechanism. Germany has contributed €1 million per year to the Mechanism since 2017 and will further increase its contribution for 2019 by €250,000, for a total of €1.25 million. In order to ensure a stable financial basis for the Mechanism for 2019, Germany — together

with Liechtenstein, Qatar, the Netherlands, Denmark and Ireland — organized a pledging conference, which has been mentioned in today's debate, in Geneva on 22 November 2018. Even though a number of States committed to contributing to the Mechanism's budget in 2019, the report shows that financial requirements for this year have not yet been fully met. That clearly shows that sustainable financing of the Mechanism is possible only through the regular United Nations budget. Without sustainable funding, the Mechanism will not be able to plan or conduct its important work effectively. We therefore welcome the fact that the Mechanism has formally petitioned to be incorporated into the 2020 United Nations regular budget.

Achieving justice takes time, but it is a crucial step on the way to sustainable peace. We therefore have to do our utmost to ensure that justice prevails. The Syrian population deserves justice, peace and reconciliation. The Mechanism's work is crucial in that regard.

**Mrs. Gregoire Van Haaren** (Netherlands): The Kingdom of the Netherlands welcomes today's debate on the third report (see A/73/741) of the International, Impartial and Independent Mechanism for Syria. I thank Ms. Catherine Marchi-Uhel, Head of the Mechanism, for her insightful briefing, as well as for the quality and comprehensiveness of the report.

The Kingdom of the Netherlands aligns itself fully with the statements made on behalf of 27 European Union member States by the representatives of Liechtenstein and Croatia (see A/73/PV.76).

Listening to the statements today, the message from the General Assembly remains loud and clear. There needs to be justice for the serious crimes committed in Syria, which is the most poignant modern example of the effects of impunity. A regime that cannot be held to account will continue with its degrading behaviour. In addition to the continuation of suffering on the ground, this deadlock runs the risk of severely undermining international law and order. Today, we once more underline that the Assembly will not resign itself to that fate. Please allow me to focus on three aspects: ensuring accountability, sustainable funding and strengthened cooperation.

On the first point, ensuring accountability, I note that it is the primary responsibility of States to respect and ensure the human rights of all individuals within their territory. To end impunity, States have an obligation to thoroughly investigate and prosecute

all persons responsible for international crimes. Failing to do so will make it an obligation of the international community.

The Mechanism is a unique international criminal justice entity supporting accountability at the national, regional and international levels. At the same time, Member States need to ensure that with the support of the Mechanism, prosecution can take place. We must not create safe havens for people suspected of such horrific crimes. We therefore call on all States to examine their national legislation and, if necessary, strengthen their national ability to prosecute international crimes committed in Syria.

The sharp focus on the Mechanism's independence and impartiality is key to maintaining the trust and confidence of the international community. It is important for the victims that crimes committed by all parties be addressed, regardless of the affiliation of the alleged perpetrators.

That brings me to my second point — the importance of sustainable funding. The Kingdom of the Netherlands is a strong supporter of the Mechanism, to which it has contributed a total of €5 million to date. Sustainable funding is essential for the multi-year planning and organization of its work. We therefore look forward to working with all States later this year in order to secure its funding from the regular budget, as is the case for the Independent Investigative Mechanism for Myanmar.

Finally, I would like to emphasize the collective need for all of us to strengthen cooperation with the Mechanism, which is a subsidiary body established by the General Assembly in accordance with Article 22 of the Charter of the United Nations. Therefore, the whole United Nations system, including all subsidiary bodies and related organizations, should fully cooperate with the Mechanism. That includes the sharing of all relevant information with the Mechanism. We call upon all States and civil society to do so.

In conclusion, ensuring accountability for the most heinous crimes is a process that may take many years. Therefore, the entire General Assembly, collectively, and each Member State, individually, should remain firmly determined and patient in its pursuit. Impunity will not prevail, for there cannot be peace without justice. With the help of the Mechanism, we can let the voices of the victims be heard and ensure that one day justice will be done.

**Mr. Almanzlawiy** (Saudi Arabia) (*spoke in Arabic*): At the outset, my country's delegation welcomes the opportunity to participate in this interactive dialogue to clarify the point of view of the Kingdom of Saudi Arabia 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, as well as how to activate it in order to ensure justice and hold accountable those who have caused the ongoing humanitarian catastrophe against the brotherly Syrian people.

My delegation welcomes this first formal discussion on the Mechanism's report (see A/73/741) in order to promote the participation of the United Nations and its organs in the establishment of justice and in saving these oppressed people, who continue to suffer under the yoke of repression and from grave violations of their rights and humanity.

We welcome the Head of the Mechanism, Ms. Catherine Marchi-Uhel, and we value her prominent role in fulfilling her difficult task of collecting evidence and information about the violations by the Syrian authorities, which continue to this day. We stress that the path to reconciliation is not easy. However, there can be no peace without justice, and there can be no sustainable peace in Syria without accountability. We thank Ms. Marchi-Uhel for her report, which shows how diligently her team is working to collect information and evidence in the most difficult circumstances in an impartial and professional manner.

Some may wonder why we ought to set up the Mechanism at a time when the killing seems to have subsided, terrorism defeated and de-escalation zones established. Our answer is because of the inaction of the Security Council in committing itself to implementing its principles and priorities in ensuring international justice and peace. It is also because earlier resolutions on the situation of human rights in the Syrian Arab Republic have failed to protect the displaced and keep the martyrs alive. That is why we have sought to establish a mechanism to save what can be saved and protect what can be protected.

The lost generation of children continues to find no schools in their neighbourhood. Detainees in dark prisons and those buried in unknown mass graves continue to be forgotten. Women, children and men continue to suffocate from chemical weapons. United

Nations reports have proven that Syrian forces are responsible for the use of such weapons.

My country believes in the capability of the international community and its effective institutions to protect people and their rights worldwide. Those rights have been violated by terrorism, intolerance and brutality. They have been violated by political arrogance that focuses only on its own interests.

Access to justice can be long and difficult. However, it requires taking peaceful and impartial steps. Only transparency can serve justice, and the needs of the Syrian people can be met only when those who have first and foremost sought to destroy them have been held accountable.

**Mrs. Leega Piiskop** (Estonia): Estonia aligns itself with the statement made earlier by the representatives of Croatia and Liechtenstein (see A/73/PV.76).

At the outset, we would like to thank 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, Ms. Catherine Marchi-Uhel, for introducing its third report (see A/73/741) and for her dedicated leadership. Estonia fully supports the work of the Mechanism and its reports. We would once again like to express our willingness to cooperate with the Mechanism and share relevant evidentiary and other material, in accordance with international law and our national legislation.

The Mechanism continues to carry out its tasks in a very complex context and faces a variety of challenges, as pointed out in the report. The conflict in Syria has lasted over eight years and caused tremendous human suffering and loss of life. We have witnessed systematic and brutal violations of human rights law and international humanitarian law. The Mechanism, which has a mandate to collect information and evidence of the most serious international crimes committed in the Syrian Arab Republic, needs the continued support of the international community. Today's meeting is another good opportunity to express our unwavering support for the work of the Mechanism. As indicated in the report, neither the collection nor the analytical and investigative work will be completed in the foreseeable future.

We welcome the progress made by the Mechanism on all components of its mandate, especially its evidence collection. It has also strengthened and enlarged the list of interlocutors and concluded a number of additional cooperation frameworks. We would like to commend the Mechanism for intensifying its efforts to promote cooperation among relevant actors at the national, regional and international levels.

There can be no military solution to the Syrian conflict. We need to step up efforts to bring an end to the conflict. A sustainable solution to the Syria crisis requires a political process and an agreement based on broad international consensus. Estonia will support any initiative that will bring peace and stability to this country, which is torn by war and violence. We currently help Syrian war refugees by participating in their relocation and making financial contributions to humanitarian aid funds and projects. However, a political solution cannot mean that those who have perpetrated monstrous atrocities against the Syrian people are not held accountable.

We believe that the fight against impunity for the most serious crimes is critical to ensuring a fair and just society by holding perpetrators accountable and securing justice for victims. To ensure accountability for international crimes committed in Syria, we once again call on the Security Council to refer the matter to the International Criminal Court to guarantee justice for all victims.

In the interest of justice for Syria and to ensure respect for international criminal law, we call on all parties involved in the conflict to demonstrate a sense of responsibility and fully cooperate with the Mechanism in documenting human rights violations and gathering evidence with a view to assisting future legal action and the prosecution of persons responsible for committing international crimes in the Syrian Arab Republic.

There is an urgent need to ensure that the Mechanism is funded through the regular United Nations budget so as to ensure that it can carry out its mandate efficiently and make the prospect of justice for victims a reality. We are glad that this will be the case starting in 2020. The European Union and individual European Union member States, including Estonia, have made voluntary contributions to the Mechanism.

We wish Ms. Marchi-Uhel every success in her efforts to continue the valuable work in investigating

the most serious crimes committed in the Syrian Arab Republic.

**Mr. Cheng Lie** (China) (*spoke in Chinese*): The conflict in Syria, now entering its ninth year, has brought profound suffering to the country and its people. The Syrian people are anxious to restore peace and return to their homes as soon as possible. At present, the United Nations continues to play its role as the main channel of mediation, and works to advance an inclusive political process in Syria. Another round of the Astana dialogue will be held soon and progress is expected in the establishment of the constitutional committee. China has always maintained that all Syrian parties must abide by international humanitarian law and is opposed to all violations of international humanitarian law and human rights.

We also believe that efforts to address impunity should be predicated on respect for the judicial sovereignty of the countries concerned, which should be a primary consideration in this case. Those efforts should feed into the overall efforts to achieve a political settlement. The international community should respect Syria's sovereignty, independence, unity and territorial integrity, and play an active and constructive role in promoting the political settlement of the question of Syria. Relevant actions should help maintain the unity of the States Members of the United Nations, and avoid complicating the issue.

China's position on the creation of the International, Impartial and Independent Mechanism for Syria remains unchanged. It was mired in controversy; the country concerned was not fully consulted and its Government did not give its consent. Member States hold different views on the Mechanism's activities. Divergent views have been voiced about its reports. China does not support the financing of the Mechanism's work through the regular budget of the United Nations.

China believes that the promotion of a political solution to the question of Syria must follow the purposes and principles of the Charter of the United Nations and the basic norms of international relations. China is ready to join the rest of the international community in an effort to contribute to a comprehensive, proper and fair solution to the question of Syria by pushing the Syrian parties to seek a solution acceptable to all in a Syrian-owned and -led process and in the spirit of Council resolution 2254 (2015).

**Mr. Mikeladze** (Georgia): Georgia aligns itself with the statement made earlier by the representative of Liechtenstein (see A/73/PV.76).

At the outset, I would like to thank 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, Ms. Catherine Marchi-Uhel, for presenting the report (see A/73/741) on its important work to promote accountability for the crimes committed during the conflict. We also welcome this first formal debate on the Mechanism's report at the General Assembly and the opportunity to address the need to bring to justice all those responsible for the commission of heinous crimes in the Syrian Arab Republic since March 2011.

The conflict in Syria has resulted in tremendous suffering for the Syrian people. Up to half a million people have fallen victim in this conflict, while millions have been displaced. The General Assembly created the Mechanism in December 2016, through resolution 71/248, to address the long-standing state of impunity for serious crimes under international law on all sides of the conflict. In doing so, the Assembly demonstrated the important role it can play on issues where the Security Council is blocked. Indeed, the establishment of the Mechanism was an important step forward on the way to justice after years of unchecked atrocities in Syria.

Against that backdrop, Georgia fully supported the establishment of the Mechanism, mandated by the General Assembly, and has contributed financially to support its work and will do so in the future. My delegation welcomes the considerable progress achieved in the work of the Mechanism, in particular the enlargement of the evidence collection, which currently holds more than 1 million records. We are further encouraged by the tangible results of cooperation between the national investigations and the Mechanism, which have resulted in the opening of two case files.

We condemn the actions by the Al-Assad regime hindering the process of investigation, disregarding the recommendations provided in the relevant reports of the Independent International Commission of Inquiry on the Syrian Arab Republic and refusing to comply with its respective obligations under international

human rights law and international humanitarian law. Georgia strongly believes in the principles of international justice and the rule of law, which are the pillars of sustainable peace. When impunity reigns, neither justice nor peace can be achieved.

Against that background, while we welcome voluntary financial contributions by States to support the vital work of the Mechanism, Georgia strongly supports the inclusion of funding from the regular budget of the United Nations. We believe that the Mechanism, together with the Independent International Commission of Inquiry on the Syrian Arab Republic, will facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards.

In conclusion, let me once again reiterate Georgia's full support for the joint efforts of the international community in ending impunity and bringing justice to the Syrian people.

**Ms. Matos Juárez** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela is committed to the fight against impunity for the most serious crimes of international concern, since that is undoubtedly an essential step towards maintaining peace and the rule of law at the national and international levels, always in accordance with the principles of the Charter of the United Nations and with respect for non-interference and the sovereignty of countries.

Nevertheless, in reference to resolution 71/248, of 21 December 2016, we maintain the principled position of not accepting the creation 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 it constitutes a violation of Articles 10, 11, 12 and 22 of the Charter of the United Nations, inasmuch as the Security Council is the only organ that has the power to establish courts with binding legal authority over individuals and States. The General Assembly itself cannot create a mechanism that can collect, consolidate, preserve and analyse evidence of violations of international law, as that would overlap with the competencies of the Security Council.

With that resolution, the General Assembly tried to establish a mechanism with competencies that correspond only to a State-specific prosecutor general's

office, with which a negative precedent has been set that undermines the sovereignty of States and the responsibilities of United Nations organs. It should be noted that the basic rule whereby the provision of technical legal assistance by the United Nations to any Member State happens with a request from the State in question. In the case of the establishment of the Mechanism, there was no request on the part of the Government of the Syrian Arab Republic for such assistance.

The establishment of the Mechanism is flagrant interference in the internal affairs of the Syrian Arab Republic, thereby weakening the legal competence of its national authorities and bodies. As everyone is aware, the national reconciliation efforts undertaken by the Syrian Government are at an important stage, and the Mechanism poses a direct threat to a political solution in that country.

We join in rejecting the Secretary-General's request to include the Mechanism in the budget proposal for 2020, since it lacks the support of all the States Members of the United Nations, in addition to being illegal and contrary to the Charter.

In conclusion, we hope that in future we will be able to work on political initiatives, aligned with the inescapable objective of seeking peace, stability and justice in Syria, always taking into account the fundamental principles of the United Nations Charter, the interests of its people, respect for sovereignty, the principle of non-interference and respect for international law.

**Mr. Sakaguchi** (Japan): Japan considers it very important that those responsible for the most serious crimes and violations of human rights that have taken place in Syria should be held accountable. In that context, Japan commends 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 on the progress made since it started its work in April 2018 and welcomes the expansion of its activities.

I would like to thank the Head of the Mechanism, Ms. Catherine Marchi-Uhel, for presenting its report (see A/73/741). Japan expects that the Mechanism will enhance its coordination with the United Nations and other relevant authorities and execute its work in an effective manner.

**Ms. Myo** (Myanmar): My delegation takes the floor to join other delegations in voicing our serious concern over the erosion of rules-based multilateralism and the abuse of the Charter of the United Nations in the maintenance of international peace and security. Misusing the United Nations system to serve one's own political purposes and circumventing the established operating rules and procedures of the United Nations bodies is totally unacceptable to my delegation. Such misconduct will only diminish confidence in the United Nations system, particularly on the part of small developing countries, which anchor their hope deeply on the United Nations and its Charter for security, development and social justice.

My delegation objects to 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, because the decision was made in violation of the rules of procedures of the United Nations system. It is beyond the mandate of the General Assembly to establish such an investigative mechanism, which falls under the purview of the Security Council. Moreover, the Mechanism entails a significant financial burden on the Organization's scarce resources. We do not support the idea of using the United Nations regular budget, which could have been more effectively utilized for the purpose of poverty alleviation or helping many vulnerable people around the world.

In the case of Myanmar, we strongly objected to the establishment of the Independent Investigative Mechanism for Myanmar. It was set up beyond the Human Rights Council's mandate. It represents the selectivity, discrimination and double standards of that United Nations human rights body. Besides, its terms of reference are very intrusive on a sovereign country's domestic jurisdiction.

My delegation is not questioning the importance of protecting and promoting human rights, which is one of basic pillars of the United Nations. We are only against the misuse of United Nations mechanisms by some member countries to serve their own political agenda, contrary to the principles of respect for sovereignty, impartiality, non-discrimination and the peaceful settlement of disputes through political dialogue. We must steadfastly stand by the principles of the United Nations Charter and prevent a miscarriage of multilateralism. Let us all unite to protect the integrity

of the United Nations as the only global body to serve for the good of humankind, security and sustainable prosperity of all.

**Mr. Rivero Rosario** (Cuba) (*spoke in Spanish*): Cuba was among the Member States to vote against resolution 71/248, on 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, adopted by the General Assembly. As stated during the adoption of the resolution (see A/71/PV.66), Cuba does not and will not support any mechanism that deliberately ignores the guiding principles that gave rise to the Organization, such as sovereignty, independence, territorial integrity and the non-intervention in the internal affairs of States.

Beyond that, we must say that the adoption and implementation of such a mechanism is unprecedented in the history of the United Nations, as it constitutes an outrage against the norms and principles of international law and a dangerous procedure in the practice of the Organization. We reject the establishment of mechanisms that clearly circumvent the primary responsibility of sovereign States, in this case the Government of the Syrian Arab Republic, and their judicial systems in the investigation and prosecution of any crime committed in the territory of those countries.

The illegality of that Mechanism is evident from several points of view. The mandate conferred upon it has no basis in the Charter of the United Nations. It exceeds the competence and functions conferred on the General Assembly in Articles 10, 12 and 22 of the Charter and qualifies it as a subsidiary organ of the General Assembly, extending legal status, immunities and illegitimate prerogatives to the Mechanism and its staff. In addition, the basic terms of reference of the Mechanism were not even defined, and we, the Member States, did not have the ability to provide input, let alone take decisions on them.

The Mechanism has also been given functions similar to those of a prosecutor's office, with the purpose of establishing a connection between the evidence of the criminal acts and those who may be responsible for committing them, in order to share the information with the national, regional or international courts or tribunals that, in its opinion, may have jurisdiction. That constitutes legal arbitrariness, inasmuch as not

even in the classic judicial function can the same organ be the judge and the prosecution.

In addition, we believe that it is in no way possible to ensure the independence and impartiality of a mechanism that functions with voluntary contributions. On the contrary, there are plenty of examples of the disastrous consequences on independence and impartiality that such a funding modality brings with it. The donor countries are ultimately the ones that have the fundamental weight in the decisions on the operation and practical action of the Mechanism.

Given those considerations, Cuba believes that the Mechanism was born flawed; the inconsistencies and contradictions reflected in the report presented today confirm that (see A/73/741). In that regard, we also do not support the recommendation that the regular budget of the Organization be used to fund it.

Cuba reaffirms its opposition to the Syrian prosecution Mechanism established by resolution 71/248 and reiterates that we will not be able to prevent conflicts, much less guarantee international peace and security, if strict respect for the Charter of the United Nations and international law is not an indispensable condition.

**Mr. Hawke** (New Zealand): I would like to commence by thanking 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, Ms. Marchi-Uhel, for presenting the third report of the Mechanism (see A/73/741). New Zealand appreciates the opportunity to discuss the important work of the Mechanism in this plenary meeting of the General Assembly.

Like others who have spoken today, New Zealand reiterates its strong support for the Mechanism and its work. We continue to stress the importance of working collectively against impunity for the horrific crimes committed in Syria, and the critical role of the Mechanism in those efforts.

New Zealand is pleased to observe from the report of the Mechanism that progress is being made towards the fulfilment of its mandate. The Mechanism's own structural investigation and its cooperation with a national jurisdiction, which resulted in the opening of two case files during the reporting period, highlights

the important work that the Mechanism is undertaking to establish individual criminal responsibility.

New Zealand also commends the Mechanism's growing collection of evidence, with the assistance of new technologies, and its expanding engagement with States, international organizations and civil society. We furthermore welcome the efforts by the Mechanism to integrate gender into its work. We urge it to also take such measures with respect to sexual orientation, gender identity, children and persons with disabilities, as foreshadowed in the report.

New Zealand has provided voluntary funding to the Mechanism. Nevertheless, we strongly echo calls for sustainable funding for the Mechanism to be approved from the 2020 regular budget of the United Nations. As the report makes clear, the scale and importance of the work to be undertaken by the Mechanism is immense. It must therefore be provided with the resources it needs to do the job that we have asked it to do. We will continue to follow the work of the Mechanism closely. It can count on New Zealand's full support.

**Mr. Arrocha Olabuenaga** (Mexico) (*spoke in Spanish*): Mexico thanks Ms. Catherine Marchi-Uhel for presenting the third report (see A/73/741) 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. Mexico has supported the work of the Mechanism since its creation under the clear premise that there can be no peace without justice. Accountability is therefore essential to building sustainable peace.

Since the beginning of the conflict in Syria in 2011, there has been knowledge of widespread and systematic war crimes and crimes against humanity being committed against the civilian population, including the use of chemical weapons, without international accountability mechanisms having been able to address the situation. Given the prolongation of that crisis for more than eight years, one of the worst humanitarian crises of our time, the preservation and collection of information and evidence is vital to conducting investigations into the international crimes committed.

We acknowledge the steady progress registered in the Mechanism's reports. In particular, we welcome the fact that, in the past year, the work of the Mechanism has led to the opening of two files and facilitated



cooperation with those States that are exercising jurisdiction over some of the crimes committed. Cooperation with various interlocutors, such as States, civil society organizations and other United Nations agencies, is key to ensuring that the central repository of information created by Mechanism reaches its full potential.

We urge the Mechanism to continue to strengthen its inclusive justice approach, including special focus on cross-cutting objectives such as gender perspectives, victim-centred approaches and broader aspects related to transitional justice, while ensuring the broadest independence and impartiality in its work, with a view to achieving cooperation with local authorities, thereby leading to access to justice for victims of serious violations of human rights and international humanitarian law. Accountability also entails establishing the truth with regard to the facts, which is of the utmost importance for the victims and any possibility in carrying out reconstruction and reconciliation processes.

We also take note of the recommendations contained in the report. We hope that the fourth report — the next one to be presented — will reflect progress in areas identified for improvement. Moreover, we recognize that the work of the Mechanism is significantly affected by the lack of an assured budget. In order to ensure its effectiveness, the Mechanism must enjoy the resources required for carrying out its operations. We therefore support the inclusion of the funding of the Mechanism in the regular United Nations budget in 2020, thereby ensuring its continuity, reliability and predictability and leading to the fulfilment of the Mechanism's mandate.

The continued paralysis and inaction of the Security Council owing to the abuse of, or merely the threat of, the use of the veto is viewed as the inability of the international community to respond to this serious crisis, to the detriment of the civilian population. As just one example, the political stalemate continues to prevent the Security Council from referring the situation in Syria to the International Criminal Court. We must take action to ensure that the very credibility of the Organization and its ability to uphold the purposes and principles, based on which it was founded, are not cast in doubt. In that regard, we reiterate our call on those States that have not yet done so to join the Franco-Mexican initiative to restrict the use of the veto in cases involving the commission of mass atrocities.

**Mr. Vitrenko (Ukraine):** I would like to thank Ms. Catherine Marchi-Uhuel for her presentation of the report (see A/73/741) 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 her and her team's dedication and commitment to enabling the Mechanism to achieve its goals. Ukraine has actively supported the Mechanism since the very beginning and is keenly following its progress.

As we align ourselves with the statement delivered by the representative of Liechtenstein (see A/73/PV.76), I wish to add the following points in my national capacity.

First, the people of Syria have suffered more than enough. Establishing accountability for crimes committed on Syrian soil since the beginning of the brutal eight-year conflict is not only a core element of the universal rule of law, but the moral obligation of the international community with regard to the victims. On too many occasions, we have witnessed how allies of the Syrian regime, in particular those among the permanent members of the Security Council, abuse their powers to prevent justice. That has happened, and is actually happening, not only to the Syrian people. My own country, Ukraine, is also a victim of Russia's addiction to the use of the veto. That is why, as one of the sponsors of resolution 71/248, which established the Mechanism in 2016, Ukraine remains strongly convinced that it is necessary and highly relevant. At a time marked by the impasse in the Security Council, the wider international community must think hard and creatively about the way forward towards ensuring accountability.

Secondly, we welcome the ongoing improvement in the efficiency and sustainability of the Mechanism's operations, including the establishment of its state-of-the-art information- and evidence-management system. It is the Mechanism's primary responsibility, pursuant to its mandate, to ensure that as many violations and abuses of international law in Syria as possible are documented and that their perpetrators are held accountable and brought to justice. In that regard, Ukraine endorses the recommendations presented in the report seeking to build on the Mechanism's cooperation with the United Nations, Member States and civil society.

Thirdly and lastly, as the initial phase is over, we support the call for providing funding for the Mechanism from the United Nations regular budget, as in the case of the Independent Investigative Mechanism for Myanmar.

**Mr. Ugarelli** (Peru) (*spoke in Spanish*): We are grateful for this morning's informative briefing (see A/73/PV.76) by 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

As one of the countries that, in December 2016, co-sponsored resolution 71/248, which established the Mechanism, Peru is convinced of the need to guarantee accountability in future for atrocities committed in Syria. Moreover, the resolution confirmed the firm resolve of the General Assembly to take a stance in the face of the lack of unity and consequent inaction of the Security Council.

In that regard, Peru welcomes the report of the Mechanism (see A/73/741), which describes the various areas of progress made in recent months, including the consolidation and preservation of data, the linkage between evidence and individual criminal responsibility and the opening of specific case files. Similarly, we welcome the inclusive justice approach adopted by the Mechanism, including the special attention accorded

to sexual and gender-based violence. We also stress the need to continue strengthening future cooperation between the Mechanism and the United Nations and other international organizations, as well as States and civil society. We also emphasize the importance of ensuring that the Mechanism has the resources required to fulfil its mandate.

In reiterating our commitment to cooperating with the Mechanism and all efforts aimed at duly attributing responsibility in Syria, Peru reaffirms its support for all initiatives ensuring that the perpetrators of serious human rights and international humanitarian law violations are held accountable for the crimes committed. Access to justice and accountability and reconciliation processes are key to achieving that goal.

In conclusion, I reaffirm that the promotion and protection of human rights and fundamental freedoms, as well as the defence of the rule of law, are basic preconditions for achieving free, peaceful and inclusive societies. In an environment marked by conflicts and humanitarian emergencies, the international community needs to be united in order to end the suffering of millions of people and increasing levels of impunity with which atrocity crimes are being committed.

**The Acting President:** We have heard the last speaker in the debate in this meeting. The Assembly has thus concluded this stage of its consideration of agenda item 34.

*The meeting rose at 4 p.m.*