

"Raising the bar: Jointly working towards comprehensive justice for Syria"

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24 September 2021

Statement by United Nations High Commissioner for Human Rights, Michelle Bachelet

New York, 24 September 2021

Excellencies,

After over ten years of unrelenting, gross and systematic violations of their human rights, the suffering of civilians in Syria is far from over. On the contrary, against a backdrop of a deepening economic crisis, the spread of COVID-19, and the extensive destruction of infrastructure, the killing and injury of civilians continues.

Today's event is timely to remind that, in spite of numerous other crises around the world demanding our collective attention, the situation in Syria remains nothing less than desperate. Earlier in August, I sounded the alarm at the plight of people in and around the southern city of Daraa, where besieged neighbourhoods were seeing intense fighting and indiscriminate shelling by Government forces and armed opposition groups. It is a familiar pattern, seen and repeated over a decade of destruction.

Just last week, the Commission of Inquiry on Syria established by the Human Rights Council published yet another alarming report, describing an upsurge in violence in the northwest, northeast, and south of the country and stressing that the situation remains unsafe for the return of refugees.

And earlier today, I briefed the Human Rights Council on our work that has compiled a list of no fewer than 350,209 identified individuals killed in the conflict in Syria between March 2011 to March 2021. Of those, one in every 13 was a woman, and one in every 13 was a child. With the actual number being likely considerably higher, such figures make bare the vast human tragedy in Syria.

Victims demand justice. And they have a right to it.

With their interests at heart, I welcome this event's focus on working towards *comprehensive* justice for Syria.

I see "comprehensive" here in two ways. First, in the sense that all Syrian victims should have access to effective remedies, and to justice -- both for them and the broader community. Second, in the sense that the concept of justice itself should be understood

comprehensively, in all its dimensions.

Given the magnitude and scope of the violations being committed in Syria for over a decade, we know the road to “comprehensive justice” remains a long one. The international community has struggled to meet that challenge. Nevertheless, there have been significant advances in combatting the seemingly insurmountable wall of impunity around these unspeakable crimes.

The Commission of Inquiry on Syria, created by the Human Rights Council in 2011, has been instrumental, maintaining a consistent spotlight on the situation, reporting on diverse facets and patterns of violations, and, through its investigative work, facilitating accountability measures by others.

The establishment by the UN General Assembly of the International Impartial and Independent Mechanism, IIIM, on **Syria** was a landmark addition to the accountability landscape – and in that, I acknowledge the particular contributions of Liechtenstein and Qatar, from whose distinguished representatives we have just heard. Alongside the work of the pre-existing Commission of Inquiry, the IIIM has a specific and distinct role: to collect, preserve and analyse evidence of international crimes in Syria in order to facilitate and contribute to fair and independent criminal proceedings before national and international courts. It supports the rights of victims to know the truth, to have access to justice and to obtain a remedy for the crimes they have endured. The value of the model has also proven itself by its later application to the situation in Myanmar.

My own Office, for its part, also continues to monitor the human rights situation in Syria, focusing on early warning and prevention, highlighting emerging concerns and providing legal analysis, advocacy and human rights recommendations to parties to the conflict, Member States and UN partners involved in both the political and humanitarian responses.

The respective mandates and operations of these UN components - the Mechanism, the Commission of Inquiry and OHCHR - are closely related and mutually reinforcing. But ultimately they can only do so much, and - given the continuing absence of International Criminal Court jurisdiction – the next step of actually securing individual criminal accountability has fallen to Member States.

Criminal cases brought in national courts under principles of extra-territorial and universal jurisdiction have been path-breaking efforts that have led to impressive results. Later in this meeting, I look forward to hearing from representatives of Member States which have forged the way in this regard. These proceedings, conducted fairly and transparently have been critically important to shed light on the grave crimes committed in Syria; to remind that individual accountability is not theoretical; and to bring a measure of redress to victims that acknowledges their loss.

After many years of suffering, victims have begun to see glimmers of hope.

The work of the IIIM and the COI must continue and be reinforced. And it is vital that fair, public and transparent trials in national courts continue to reduce the accountability gap for such serious crimes.

But it is equally evident to all of us that far more needs to be done.

First and foremost, all efforts must be undertaken to secure and support an inclusive peace process in Syria that will lead to sustainable peace and justice. This requires including and empowering victims, survivors and their communities, allowing their voices to be heard. It also means combating impunity not only by punishing direct perpetrators wherever they can be found, but also by breaking the cycles of impunity and violence that sustain and enable further human rights violations and abuses.

As we consider notions of comprehensive justice, allow me to highlight a specific area – close to my own heart - where I believe urgent action is needed: the clarification of the fate and whereabouts of missing people.

Excellencies,

I know too well the deep, lasting scars caused by the disappearance of a loved one. I also know the weight that burdens and holds down societies that have not confronted the unexplained absence and loss. And family members of those who have gone missing have the **right** to know the truth about what happened to their missing relative. This is as true in Syria as in countries elsewhere that have endured such patterns of loss and violence.

I therefore reiterate my support for the creation of an independent and impartial mechanism to both clarify the fate and whereabouts of missing persons in Syria, to provide support to their relatives in realizing their right to know the truth and to complement and expand on the accountability work already being done. I strongly believe addressing this issue will assist charting a wider course towards a future of peace and justice, anchored in truth and acknowledgement of responsibility.

Work regarding this issue in Syria should be undertaken in close consultation with families, family associations, and civil society. That includes advocacy, search, forensic examination, and the creation of justice mechanisms. And, as elsewhere, a gender perspective is key in this area. Due to underlying inequalities, women are disproportionately impacted when their male relatives go missing. Their struggle ranges from access to education for their children and to documentation for their property to providing for their family, and even being able to travel with them. Work must be done to identify specific means of redress for women who are detained or missing or relatives of males who are.

I encourage closer consideration of how such a focus on the issue of missing persons could best be operationalised, complementing the work of the existing processes already in place. And I call on the Government of Syria to ratify the Convention for the Protection of All Persons from Enforced Disappearance – there is no reason, in the modern world, for any State to legitimately decline to join such an instrument.

Excellencies,

A decade of massive human rights violations must be met with justice.

And only comprehensive justice, with all the elements we have discussed, can give Syria a fair chance at a future of durable peace.

In that effort, the voices, needs and rights of the Syrian people must be at the centre of our coordinated work. These voices continue to insist on answers, including about their missing loved ones. We all must work in cooperation to support them in their request.

Over a decade of painstaking work, important strides have been made towards these goals -- by deeply committed partners in the UN and in the wider international community.

But the road remaining ahead is long. It requires our sustained commitment, ongoing focus and continuing investment. Anything less would be to break faith with a generation of Syrian victims of war and violence, whose essential demand is and remains their fundamental human rights.

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