

Side event on the International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic

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Remarks by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights

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Excellencies,

The adoption of General Assembly Resolution 71/248 last December was a very significant event for the pursuit of accountability in Syria. Lack of accountability at the national and international levels have clearly encouraged the commission of severe human rights violations and abuses, and repeated violations of international humanitarian law.

Despite repeated calls for the Security Council to refer the situation in Syria to the International Criminal Court, initiatives in this regard have failed. Resolution 71/248 is a decisive step, and I would like to pay sincere tribute to Qatar and Liechtenstein for their work drafting this resolution. Particular thanks go to the vision and leadership of my great friend Ambassador Wenaweser and his counterpart from Qatar in New York, Ambassador Al-Thani.

Gross and systematic violations and abuses of human rights have been occurring unabated in Syria since 2011. My Office and the Independent International Commission of Inquiry established on 22 August 2011 by the Human Rights Council have regularly documented and reported on patterns of human rights violations and abuses in Syria, as well as the extent of the crimes committed by the Government, anti-Government armed groups and terrorist organisations, in particular ISIL.

Murder, torture, and inhuman and degrading treatment, including rape and other forms of sexual violence, are widely committed by all sides. The civilian population, hospitals, medical personnel, schools, and education facilities have been targeted, resulting in countless deaths and suffering. Towns and villages have been besieged, causing many people to starve. Humanitarian access has been denied. Such acts may well constitute violations of international law, some most probably amounting to international crimes.

The Syria CoI has also reported on crimes committed against the Yazidis in Syria by ISIL. Yazidi women and girls have been and continue to be sexually enslaved, sold in markets and otherwise abused, and Yazidi children are forcibly transferred from their own families – cutting them off from the beliefs and practices of their community, and erasing their identity as Yazidis. Young boys are placed with ISIL fighters, indoctrinated and forced to commit crimes, which in several cases have included murdering members of their own family.

These atrocities are fueled by impunity, which also exacerbates the life-long suffering of victims.

Establishment of an international, impartial and independent mechanism to assist in investigating and prosecuting international crimes committed in Syria is a very significant step in efforts to further accountability. The Mechanism will collect, consolidate, preserve and analyse evidence; and prepare files on individual suspects, in order to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts, in accordance with international law.

By indicating that those suspected of committing war crimes, crimes against humanity and genocide are under watch, I believe the Mechanism may deter the commission of crimes, as well as bringing some measure of recognition to the millions of victims.

The Mechanism's mandate and operation are clearly distinct from the Independent International Commission of Inquiry on Syria. The Commission is expected to continue to directly collect information, report on broad patterns of violations and make recommendations, notably to Member States. Its work is visible and publicly reported.

In contrast, the Mechanism will primarily build on the information collected by others – notably the Commission – and it is not expected to publicly report on its substantive work. Clearly, these two entities are complementary.

Important steps are being taken to operationalize the Mechanism. We are making arrangements for the selection process of the Mechanism's Head and expect leadership positions to be filled very quickly, pending the ACABQ's approval of the establishment of the two top posts. The Secretary-General has also asked me to appoint an initial start-up team. Its deployment plan is ready and the start-up team will soon be in a position to start work.

The SG has prepared a letter to all Member-States asking for financial support for the Mechanism. This point is crucial.

The GA decided that, at least initially, the Mechanism will be funded exclusively by voluntary contributions. While we hope this will be reviewed as soon as possible, there is an urgent need to secure sufficient funds to enable the mechanism to commence its work.

Immediate funding requirements are at US\$ 4 to 6 million. And while we are still involved in developing a precise budget, annual operating needs are expected to be in the region of US\$13 million.

Because of the inherent uncertainty of voluntary funding, before we can set up the Mechanism, plan its incremental growth, and appoint its leadership and Secretariat, we need an accurate overall assessment of potential contributions and their expected timing – both for the immediate start-up period and in the longer-term.

So far the Mechanism has received US\$ 1.2 million from the Netherlands and Liechtenstein, and a further US\$ 2.7 million in oral pledges from Andorra, Australia, Belgium, Denmark, Hungary, Luxembourg, Qatar and Switzerland.

We are very grateful for this support, but we have yet to reach our immediate funding requirements, even for the Mechanism's initial needs. We count on your support to implement Resolution 71/248 and establish the Mechanism, to enable justice to be done for the terrible crimes which have been committed in Syria, and which are still underway.

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