Accountability Options for Syria
Side event at the 15th Session of the ICC Assembly of States Parties
Co-hosted by Liechtenstein, Canada, the Netherlands, No Peace Without Justice and Human Rights Watch
Saturday, 19 November 2016 – 13h00-15h00, Europe 1&2

The situation in Syria
Despite various initiatives, the situation in Syria continues to deteriorate, with few prospects of an end in sight. According to UN sources, up to 470,000 people have been killed since 2011; over half the population forced from their homes; some 4.6m people eke out a minimal existence in places that few can leave and aid cannot reach; and a further 4.8m people, including an estimated 2m children, have left. The conflict has fractured Syria and threatens the peace and stability of the entire region.

The UN Independent International Commission of Inquiry continues to report periodically well-documented patterns of serious violations of international humanitarian law and gross violations of human rights. These transgressions are massive in extent and scope; with each passing day, the goal of regaining ordinary life is exponentially more distant and harder to reach.

Syria’s people are looking for reprieve and for redress, while increasingly unable to believe this will ever happen. Continued impunity feeds the violence; the lack of credible signals that there is an expectation of accountability has created a situation where impunity is the norm, breeding extremism, terrorism and widespread violence. The people of Syria can no longer wait: they are seeking accountability options that can be exercised now.

Efforts up to now to ensure accountability for the crimes committed in Syria
Syrian and international civil society continue to call for accountability by making use of all available mechanisms and by preparing the ground for future accountability efforts in a post-transition Syria. An important element of these calls is ensuring accountability is part of any political solution to the conflict.

At the national level, some States have started the process of investigating and prosecuting individuals alleged to have committed grave crimes such as torture, war crimes and crimes against humanity in Syria under the principle of universal jurisdiction. The individuals under investigations are low to mid-level perpetrators and few in numbers. Those most responsible for the crimes committed in Syria still enjoy impunity.

At the international level, there has been little to no progress. The UN General Assembly annually adopts the resolution entitled “Situation of Human Rights in the Syrian Arab Republic” in the Third Committee with limited results. The Human Rights Council has adopted numerous resolutions on the situation in Syria and established the Commission of Inquiry in 2011.
The UN Security Council decided in 2013 that the Syrian government must destroy its chemical weapons arsenal. In 2016, the Joint Investigative Mechanism of the Organisation for the Prohibition of Chemical Weapons (OPCW) and the UN attributed three chemical weapon attacks to the Syrian government and one to Daesh. It is unclear if at all and how the Security Council will follow-up to holding those responsible for the use of chemical weapons to account.

In 2014, an attempt to have a UNSC referral of the situation in Syria to the International Criminal Court was vetoed by the Russian Federation and China. The initiative by Switzerland to call for Security Council referral of the situation in Syria to the ICC was supported by a total of 65 States at the time.

A UNSC resolution aimed at ending aerial bombardment of Aleppo and ensuring humanitarian access was vetoed by Russia on 8 October 2016. There has been no action by the Security Council to ensure accountability for the crimes committed in Syria. After the fifth veto in the Security Council on resolutions dealing with Syria, there have been increased calls for action by the General Assembly.

**Looking ahead**

Against this backdrop, the side event looks how justice might be served in an environment where an ICC referral continues to be highly unlikely given the position of some Permanent Members of the United Nations Security Council. To what degree can universal jurisdiction provide at least some justice to Syrian victims? How could the General Assembly answer the increased calls for action – could it create a mechanism for crimes committed in Syria to collect, preserve and prepare evidence to facilitate and expedite criminal proceedings nationally, regionally or internationally and to have the evidence ready for any future trials? At the same time, could States engage the International Court of Justice, for example through the mechanism provided in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

**Program**

**Welcome**  
Sabine Nölke, Ambassador of Canada to The Netherlands and Permanent Representative to the OPCW

**Moderator**  
Christian Wenaweser, Ambassador and Permanent Representative of Liechtenstein to the United Nations in New York

**Speakers**  
Paul Wilke, Permanent Representative of the Netherlands to the ICC  
Rami Nakhla, NPWJ Syria Project Coordinator  
Ayman Ghojal, Syrian Human Rights Defender  
Richard Dicker, Human Rights Watch

The panel discussion will be followed by questions and comments from the floor.

Light refreshments will be provided