Report: Side Event on
“Political Solution and Accountability for Syria”

21 September 2015 13:00 – 15:30
Room XXIV, Palais des Nations
United Nations Office in Geneva

Co-sponsored by the Governments of Belgium, France, Germany, Italy, Liechtenstein, the Netherlands, Turkey and the USA, and the National Coalition of Syrian Opposition and Revolutionary Forces

Overview
The conflict in Syria continues to claim staggering numbers of lives, with attacks against civilians having further intensified in recent weeks. An immediate result of the conflict is also the ongoing destruction of people’s livelihoods and property. With each passing day, the goal of regaining ordinary life is increasingly distant and exponentially harder to reach. It is both important and urgent to establish the conditions for a political solution to the conflict.
The UN Security Council has endorsed the ongoing work of UN Special Envoy on Syria, Staffan de Mistura, and reiterated its belief that the only sustainable solution is through the comprehensive implementation of the Geneva Communiqué, aimed at bringing an end to all violence, violations and abuses of human rights and violations of international humanitarian law and the launching of a Syrian-led political process leading to a political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their future.

Any realistic prospect for a political solution needs to address accountability and redress for the victims of the brutal atrocities committed on an industrial scale by the Syrian regime and its allied militia and by terrorist groups. These atrocities, according to the UN Independent International Commission of Inquiry (CoI), include well-documented patterns of summary executions, enforced disappearance, torture, rape and other sexual and gender-based violence, forced displacement, starvation and city siege. Over four million people fled Syria, four in five of them being women and children, many of whom now live in refugee camps and shelters, with constant threat of sexual violence, forced marriage and prostitution and daily humiliation.

The urgency of an end to the violence cannot be overstated: crushed between the violence of the Al-Assad regime’s forces and the fanatical savagery of terrorist groups and foreign militias, Syria’s people are looking for reprieve and for redress for what has happened to them, while increasingly unable to believe this will ever happen. Negotiations do not seem to be moving forward at any pace, certainly not one swift enough to halt the daily destruction. The consequences do not fall on those who are breaking the law, but on those whom the law should protect, namely the civilian population of Syria, particularly in areas unreachable by aid efforts. Continued impunity has fed the violence, and the lack of credible signals that there is an expectation of accountability for what is happening has created a situation where impunity is the norm, breeding extremism, terrorism and widespread violence. Violations continue to increase in scope and intensity as perpetrators pay no price for violations but increase their hold over the levers of power, making even local truces, let alone a negotiated settlement, a more distant prospect.

**Side event summary**

1. **The participants**

Panellists of the meeting - co-chaired by Niccolò Figà-Talamanca, Secretary General of No Peace Without Justice, and Hussein Sabbagh, Secretary General of Euro-Syrian Democratic Forum – included Samir Altaqi, Orient Research Centre; Mohammed Nehad Nader, Brigadier-General (rtd.) of the Syrian Army; Raheb Alwany, Human Rights Defender; and Stephen Rapp, former Prosecutor of the Special Court for Sierra Leone, former US Ambassador on War Crimes Issues. Mr Hisham Marwa, Vice-President of the Coalition of Opposition and Revolution Forces, was unable to attend at the last minute but sent his support through the co-Chairs. Welcome remarks were made by H.E. Amb. Maurizio Enrico Serra, Permanent Representative of Italy to the UN and H.E. Amb. Peter Matt, Permanent Representative of Liechtenstein to the UN.

1.2. **The panel discussion**

In their welcome remarks, **Ambassadors Serra and Matt** stressed the central role of accountability as part of a political settlement to the conflict in Syria, noting the worsening situation of the Syrian people. Drawing on the Paris Action Plan of September 2015, Ambassador Serra highlighted the need for victims to receive full justice. He also acknowledged the importance of preserving and protecting cultural heritage. Ambassador Matt focused on potential ways to achieve accountability in the face of political opposition to an ICC referral at the UN Security Council, such as universal jurisdiction and the International Court of
Justice, while also drawing attention to an initiative at the UN for an agreement by Permanent Security Council members not to use the veto in situations of mass atrocities.

Co-Chairs Mr Figà-Talamanca and Mr Sabbagh led the panellists through a number of questions designed to explore the complexities of what is happening in Syria and potential responses and draw out the panellists’ views on issues of redress for victims and accountability as an essential component of any UN-led consultations or discussions.

Mr Altaqi canvassed the current mood in Syria after four and a half years of conflict and the lack of intervention and justice as a catalyst for the rise of extremism and violence. The rise of ISIS is a challenge to the nonchalance of the international community, who had been saying it is not possible to interfere in the internal affairs of other States, which emboldens, not weakens, groups like ISIS. Exploring what may happen in a post-conflict Syria, he concluded there was a need for a new national pact between Syrians based on accountability in order to avoid the worst case scenarios. The best way to protect minorities – including the Alawites – is to bring perpetrators to justice. There is a need to promote a Syrian to Syrian dialogue to help build a new Syria and justice and redress are central components for that.

General Nader explained how barrel bombs are constructed and used, noting that while they are indiscriminate weapons, the way they are being used shows an intent to alter the demographics of Syria, which is underscored by the fact that ISIS is moving towards Damascus but no barrel bombs are being thrown on them. While military pressure is important to achieve a political solution, there is no military solution per se to the problem, only further displacement, tragedy and bloodshed. Political forces cannot control the liberated areas because of this threat of destruction; a no-fly zone would help liberated areas flourish and become building blocks for a political solution. The international community must support this and can do so, as evidenced by how the international coalition using the skies against ISIS.

Ms Alwany expressed her disbelief that the international community has turned a blind eye to what is happening in Syria in terms of perpetrators of crimes, including the use of chemical weapons, are not being brought to justice. It must be understood that more bombing will mean more refugees: the international community must deal with the roots, not the symptoms. Instead, the international community seems to be trying to use the regime to solve problems that have actually come from the regime. Ignoring regime crimes is one reason why there is the current crisis in Syria. Many of these are sexual and gender-based crimes, yet there is an absence of women in the political dialogue, which has to change now or affect the role of women in Syria as a whole. Women also need to be fully engaged in any transitional justice process, otherwise women’s rights will not be guaranteed.

Ambassador Rapp acknowledged that while the demand is for justice now, justice at an international level can often take a long time to negotiate and implement. That said, there are options for justice at a domestic level, including for example countries in Europe whose citizens have been victims, which would give them jurisdiction. He highlighted the importance of documentation in these efforts, and in prosecuting foreign ISIS fighters, while stressing also the need for documentation for other future accountability efforts. There needs to be a Syrian to Syrian dialogue to identify what that justice should look like, including prosecuting individuals who bear the greatest responsibility for crimes a means of redeeming the group of which they are a member. There is a need for transitional justice for people to accept a peace agreement: as hard as it may be to deal with those issues, if it does not happen there can be no peace.

Mr Hani Al Malazi, from Al Aan TV, presented a brief video on the use of barrel bombs in Syria. The video served to illustrate the information provided earlier by General Nader and gave a powerful reminder of the impact of this indiscriminate weapon on the people against whom it is used, through the voices of ordinary Syrians subjected to such attacks. He underscored that reporters are risking their lives trying to document events as they unfold: some are now in prison and others have lost their lives while transmitting what is really happening and exposing the regime’s killing of civilians, including with chemical weapons.
1.3. Discussion from the floor

During the open debate several Permanent Missions in Geneva, including Qatar, Turkey and the United States, and civil society representatives took the floor to thank the panellists, underscore their commitment to accountability for Syria and ask them a series of questions ranging from how to document ongoing crimes to how to address the dual needs of peace and accountability in a way that supports both. It was stressed that the wrong message is that you can kill people and you can also stay in power: this has to change through a negotiated political solution that includes accountability, which is the only way to resolve this conflict.

Conclusions

This side event served as a reminder that the urgent priority of reaching a lasting political solution to the Syrian war requires an inclusive and participatory process that can ensure redress for all victims of violence, violations and abuses of human rights and violations of international humanitarian law, irrespective of their ethnic, religious and political affiliation. It also underscored the need for accountability mechanisms to foster national reconciliation, ensure no repetition and respect of international and humanitarian laws and the end of impunity.

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1 Representatives from Permanent Missions attending the meeting included: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Jordan, Liechtenstein, Lithuania, the Netherlands, New Zealand, Qatar, Turkey, the United Arab Emirates, the United Kingdom, the United States of America and the European Union.