Your Excellency,

We are writing to you on the occasion of the release of the Terms of Reference\(^1\) for the Mechanism to support the investigation and prosecution of serious crimes in Syria, established by the UN General Assembly on 21 December 2016.\(^2\) We ask for your support for and engagement with this new Mechanism, which represents the most promising step towards accountability we have seen yet.

The sixth anniversary of the commencement of the conflict in Syria is fast approaching. The conflict, which began on 15 March 2011 with protests against the detention and torture of several young students who were arrested for writing anti-government graffiti, has increased in intensity, violence and complexity, with progressively dire consequences for Syrian men, women and children. Serious crimes under international law and human rights violations are committed on an almost daily basis. They are well documented by the United Nations Commission of Inquiry on the Syrian Arab Republic, Syrian human rights activists and others, but aside from some national prosecutions in European countries, there has been no justice for these crimes. The fact that awareness of what is happening has not yet led to any kind of accountability, with the resulting impunity feeding into ever graver violations, is clearly of frustration to our Syrian partners, a frustration that we share.

No Peace Without Justice (NPWJ) has supported Syrian civil society since the inception of the Syrian crisis and, since October 2013, has worked towards empowering and increasing the capacity of Syrian CSOs and democratic activists to act and advocate for transitional justice and accountability for war crimes and crimes against humanity from its office in Gaziantep, Turkey. NPWJ works closely with Syrian civil society organisation and democracy advocates to develop and convey priorities for peace and justice from communities and civil society representatives across Syria to the organised opposition and to the international community and to build the capacity of Syrian civil society to work effectively in their documentation of crimes. Syrian human rights defenders are doing great work to secure justice for their country; they need more support to continue to do so and to build their skills to ensure the utility of their work for accountability in the future.

The Mechanism to support the investigation and prosecution of crimes in Syria can play an important part in meeting these needs. With its mandate to support investigations, gather information from a wide variety of sources, including the Commission of Inquiry, and prepare case files, it has the chance to lay a solid foundation for future prosecutions. If it works with Syrian civil

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1 UN Doc A/71/755 of 19 January 2017
2 Resolution 71/248 of 21 December 2016

No Peace Without Justice is an international non-profit organisation born of a campaign of the Transnational Radical Party and is constituent association of the Nonviolent Radical Party Transnational and Transparty, an NGO with General (Category I) Consultative Status at the United Nations ECOSOC.

Non c’è Pace Senza Giustizia è un’organizzazione internazionale senza scopo di lucro nata nel 1994 da una campagna del Partito Radicale Transnazionale ed è associazione costituente del Partito Radicale Nonviolento Transnazionale e Transpartito, ONG con Status Consultivo Generale di prima categoria presso l’ECOSOC delle Nazioni Unite.
society documenting crimes and violations as partners (as already requested by Syrian civil society\(^3\)), supports them in their work and engages the people of Syria more generally, it has the potential to ensure the utility of the work of Syrian civil society organisations and to give hope to the people of Syria that the crimes against them will not go unanswered. To realise this potential, the Mechanism will need to implement its mandate with these twin goals as their guiding principles; to adopt procedures and protocols that adhere to the highest possible international standards; to learn from the experiences of international courts and tribunals, particularly on outreach, and adapt them to their own situation; and have the support from the international community that it will need to fulfil its mandate.

The Mechanism will initially be funded through voluntary contributions, with a promise to revisit this question embedded in the resolution establishing it. In the first instance, this means that the Mechanism will need UN member States and others to provide sufficient funding to enable it to do its work at the outset. To avoid appearances of political bias, this funding should come from a wide range of sources representing all geographic regions of the world. So far, contributions have generously been pledged by four countries: Liechtenstein, Luxembourg; The Netherlands; and Qatar. In the longer-term, voluntary funding makes for a precarious foundation for an entity that has a justice-delivery mandate, as experience at the Special Court for Sierra Leone demonstrates. There will therefore need of creative and practical solutions to secure a reliable and steady funding base for the Mechanism to do its work and fulfil its mandate and promise for the people of Syria.

We recognise that the Mechanism is not the answer to Syria’s justice needs and it is important not to overload it with unreasonable expectations. It is, however, the most concrete step towards accountability that the international community has taken since the start of the conflict almost six years ago. We therefore urge your country to support the Mechanism by (1) providing financial support, even in small amounts, preferably before the next report of the Secretary-General at the end of February 2017; (2) providing political support, such as by expressing support for the Mechanism in all relevant fora, including at the March session of the Human Rights Council in Geneva; and (3) engaging with the Mechanism and demanding transparency and accountability in its own work.

Please accept the assurances of our highest considerations,

Gianluca Eramo
MENA Democracy Director
No Peace Without Justice

Rami Nakhla
Syria Project Coordinator
No Peace Without Justice

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\(^3\) See “A memorandum to the Secretary General of the United Nations regarding the new United Nations mechanism for investigation and prosecution” of 19 January 2017, signed by 21 Syrian civil society organisations, which provides an excellent analysis of this issue, concluding that “[i]nvolving Syrians in these processes to the extent possible without violating high standards of confidentiality, due process, and victim protection increases local buy in and ensures that accountability is meaningful to the community it seeks to serve.”