

Human Rights Council's dialogue with COI on Syria: increasing calls for ICC referral

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[Mr Pinheiro's remarks touched](#) on many important issues: the indiscriminate killings of civilians and other violations of international humanitarian law and the current culture of impunity in the country were amongst the most prevalent. No Syrian delegate was present for the opening remarks, but the Ambassador came to the room later during the debate.

The dialogue was predominantly characterised by a growing consensus that the gross and systematic human rights violations in Syria by both the Government forces and the Free Syrian Army (FSA) could amount to war crimes and crimes against humanity. Many States recalled the Rome Statute of the International Criminal Court (ICC), which defines war crimes and crimes against humanity; many of which appear to occur with frequency in the Syrian Arab Republic. Many States from all regions, including Austria, Botswana, Bulgaria, Costa Rica, Croatia, Czech Republic, France, Honduras, Ireland, Lithuania, Maldives, Switzerland and the UK, were adamant that the situation in Syria should be referred to the ICC. There was also consensus that any peace process would necessarily require a prior cessation of hostilities by both sides.

Morocco and Qatar have also started public informal consultations on a [draft resolution on Syria](#). There was overall support for the extension of the Commission, with the several States pushing for an extension of the mandate of the COI and an expanded mandate placing greater focus on the refugee crisis that is spilling over into neighbouring countries. A large focus of the meeting was on the access – or lack thereof – that the Syrian government has given to the Commission. A group of States called for an independent investigation to look into abuses and violation of human rights, but no States explicitly reiterated the calls for ICC referral heard in the plenary.

Other States said that the current draft 'felt unbalanced' as it placed too little emphasis on the responsibility of rebels in the violence and human rights abuses. Together they expressed its disagreement with labeling that the crisis has emerged because of the 'failure' of the Syrian government. Their suggested changes to the draft focused on softening the overall document and placing greater emphasis on the responsibility of all parties to the conflict.

During the dialogue in the Council plenary, Mr Pinheiro was clear that the violations committed by the FSA are not of the same scale, frequency or gravity of those committed by the government forces, and that therefore they bear the primary responsibility for the cessation of violence. This sentiment was echoed by many countries.

The Commission's report documented a series of violations including the bombing of civilians as they queued for bread, the use of inaccurate weapons such as homemade vehicle bombs and shelling. Vicious sectarian fighting has broken out between Shi'ite and Sunni groups, and self-defence groups being organised by Jewish and Muslim communities under threat.

The report estimates that 2 million people are now in need of emergency aid, with 1.6 of those internally displaced. Half of those fleeing are children, and due to the destruction of hospitals in the region, the humanitarian situation is worsening.

Mr Pinheiro regretted that information submitted in the Report could not be entirely validated, considering the consistent refusal of the Syrian authorities to allow the Commission access to the country.

The Syrian Ambassador, upon his arrival, criticised the inaccuracy of the Report. He accused Mr Pinheiro of violating the terms of State sovereignty in the UN Charter; and China and Russia notably supported the right of Syria to non-interference. While many countries concurred that a solution to the conflict must be indigenous, there was however some consensus that more pressure must be placed on the Syrian regime to allow space for such a democratic transition.

States also repeatedly urged the Syrian authorities to allow the Commission access to its territory; most were enthusiastic in their support for the Commission's mandate and asked Mr Pinheiro to detail how States could best facilitate the Commission's fulfilment of its aims. He replied that the gathering of information to bolster a future criminal case was a priority, through concerted efforts to document, monitor and report, and continued financial support.

Brazil, amongst other States, made it clear that for the international community to help create an enabling space for Syrian-led democratic processes, economic, military and political agendas must be removed from all efforts.

The issue of sanctions was divisive. Australia felt that a firmer stance should be taken on the imposition of sanctions; Malaysia, on the contrary, stated that sanctions have had little positive impact on the conflict, and that they serve only to deny basic rights to the most vulnerable. Mr Pinheiro's Report supported the view that sanctions were no longer effective.