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Invitation

First Cracks in the Syrian Impunity Wall: National Prosecutions Underway in the Courts of Third Party States for Serious Crimes committed in Syria

Tuesday, 21 June 2016, 1.15 pm – 2.45 pm, UN Conference Room 7

Moderators: H.E. Ms. Alya Ahmed Saif Al-Thani, Permanent Representative of Qatar to the United Nations

H.E. Mr. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Panelists: H.E. Mr. Olof Skoog, Permanent Representative of Sweden to the United Nations

H.E. Mr. Heiko Thoms, Deputy Permanent Representative of Germany to the United Nations

Mr. Alexis Lamek, Deputy Permanent Representative of France to the United Nations

Mr. Fadel AbdulGhani, Chairman of the Syrian Network for Human Rights

All are invited. For any additional information, please contact Mr. Jörn Eiermann (+12125990220 ext. 227; je@nyc.llv.li).

Background

In the five years that the conflict in Syria has raged and inflicted untold suffering on the civilian population, many United Nations member states have sought means to bring fair and impartial criminal accountability for the most serious crimes committed by all sides. However, international efforts to ensure credible justice for ongoing grave human rights abuses in Syria have proved largely elusive.

In January 2013, 58 member states called on the UN Security Council to give the International Criminal Court (ICC) a mandate in Syria. In May 2014, Russia and China blocked a UN Security Council resolution that would have referred the Syrian situation to the court. More than 60 countries had co-sponsored the resolution and 13 of the Council's 15 members voted for it.

On the heels of the ICC resolution's defeat, most avenues toward achieving accountability remain blocked, whether through an international tribunal or at the national level. The resulting accountability vacuum has fueled further grave abuses by all parties to the conflict. At the same time, broad support for the resolution from governments, intergovernmental organizations, and nongovernmental groups reflected the widespread international determination to achieve justice for serious crimes in Syria.

Now for the first time in five years that shield of impunity is beginning to crack. Several countries, including Sweden, Germany, France and Finland are in the process of investigating or prosecuting some individuals alleged to have committed grave crimes such as torture, war crimes and crimes against humanity in Syria. In particular, the judicial authorities are using domestic law against those on their territory who may be responsible for serious crimes there. These laws – which implement an international law principle known as “universal jurisdiction” – make it possible to prosecute the perpetrators of grave crimes when they have fled the country, when national authorities do not wish to prosecute them, and when no international court exists for the crimes involved.

National prosecutions in foreign courts reduce the existence of “safe havens” for persons responsible for serious crimes. These efforts represent a critical avenue for victims who currently have nowhere else to turn for redress.

While far more is needed both internationally and ultimately through re-constituted independent Syrian courts, these cases are an important *first* step in combatting the pervasive climate of impunity that characterizes the conflict in Syria.

The event aims to promote understandings of the judicial developments and their legal underpinnings as well as prospects and challenges that states face in widening these efforts.