

Justice for Syria

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27 September 2018

Ensuring Justice for Syria

Statement by UN High Commissioner for Human Rights Michelle Bachelet

27 September 2018

Distinguished panellists,
Excellencies,
Colleagues, friends,

The past seven and a half years in Syria constitute a tragedy; crimes of historic proportions have been perpetrated.

The death toll in the hundreds of thousands. Innumerable people have been wounded, and more than half the people in the country have been forced to leave their homes. When their places of refuge themselves come under attack, terrified families are again forced to flee – sometimes multiple times. And their vulnerability grows.

These are among the people who are now crowded into Idlib, in desperation and fear.

Again and again, my Office and the Human Rights Council's Commission of Inquiry, which we support, have reported clear indications that parties to the conflict, including the Syrian Government, have failed to consistently respect the fundamental principles of international humanitarian law.

Intrinsically indiscriminate weapons have been used by warring parties to attack civilian areas.

As reported by the Commission of Inquiry and the now-defunct Joint Investigative Mechanism, Government forces and ISIL have used chemical weapons against civilians, in some cases repeatedly.

Sieges have trapped hundreds of thousands of people in enforced starvation, a tactic prohibited under international law.

Civilian sites such as hospitals and clinics, schools, markets and bakeries, have been bombed again and again by Syrian and pro-Government forces, systematically decimating humanitarian services and the infrastructure of communities.

The delivery of essential humanitarian assistance has been repeatedly denied.

My Office has received no credible evidence of any party to the conflict holding to account any personnel or forces under their command for these or other violations.

ISIL unleashed a campaign of violence in 2014, which amounted to genocide against the Yazidi community, including through sexual slavery and other severe abuses against women and girls. This appalling suffering continues to this day, and thousands of children, women and men are still missing with their situations unknown.

The atrocities committed by ISIL, and other non-State actors, in the course of this conflict will be indelibly engraved in the history of our era.

Like other horrors – such as the widespread and systematic torture and ill-treatment of detainees, and the enforced disappearance of tens of thousands of people by State and non-State forces – these torments cry out for justice.

Impunity, and denial of what has occurred, cannot be viewed as somehow the “price to pay” for political stability. In reality, they are a recipe for deepening grievances – which like dry gunpowder, can ignite at any time.

Excellencies,

In the face of this vast and terrible pain, we must, first, look to the victims.

Recently, many Syrian families received death notices for relatives who, over the past eight years, have been arrested, detained or disappeared. They and the relatives of all those who have been disappeared, need to know what happened to their loved ones, and where they lie.

Their anguish echoes the experiences of many people in my own region, Latin America. Our recent history demonstrates that if there is to be durable reconciliation and peace, justice must not be denied. Alongside the imperative prosecutions of perpetrators, there need to be processes to acknowledge the truth, and address and repair root causes.

Argentina has worked long and hard to confront past violations, including the disappearance of some 30,000 people in the 1970s and 1980s. Although the path to justice has not been always easy, hundreds of prosecutions have taken place. Truth-seeking processes – and reparations for victims and their families – have also played an essential role in beginning to reshape a respectful and cohesive society. These processes continue: recently, the discovery of the 128th “disappeared grandchild” was announced.

The people of my own country, Chile, have also demanded justice for the massive human rights violations, which occurred between 1973 and 1990. And we, too, embarked on large-scale and consequential truth-telling procedures to identify victims and

acknowledge the crimes committed against them and perpetrators brought to justice. This is important because like an injury, if it is not cleaned, it won't heal. Also, a lot of measures, including reparations, were put in place for victims and the families of victims.

After a half-century of war, Colombia's peace agreement provides for the establishment of a Comprehensive System Truth, Justice, Reparation and Guarantees of Non-Recurrence. This includes both judicial and extrajudicial mechanisms, and offers a historical opportunity to rebuild a society that acknowledges and addresses both the needs of the victims and the root causes of the conflict.

Ground-breaking trials have taken place in Guatemala, for officials at the highest levels of the military. In February 2016, a national court ruled that charges of sexual slavery against indigenous Q'echi' women during the armed conflict qualified as crimes against humanity. In May this year, another court decision found four high-ranking members of the military guilty of crimes against humanity, enforced disappearance and rape, exposing the chain of command responsible for these crimes.

In these countries and around the world, comprehensive transitional justice approaches, including national consultations, truth-seeking, reparations programmes, institutional reform – as well as prosecutions – have been fundamental to moving forward towards reconciliation. They have helped to rebuild political systems, address broken relationships across society and renew a sense of a common national identity and common social fabric.

This is my deepest hope for Syria.

My Office and our many partners are making every effort to ensure that the perpetrators of war crimes, crimes against humanity and serious human rights violations will one day be brought to justice.

We have supported the establishment and operationalization of the International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic – an innovative and powerfully relevant body mandated by the General Assembly.

The IIIM mechanism could become a model for other regions – for example, to address the crimes committed against the Rohingya in Myanmar.

We are working with the IIIM to bridge the gap from human rights fact-finding to criminal investigation of the alleged perpetrators of crimes in Syria.

Alongside this effort to ensure impartial and effective justice for the perpetrators of the most severe crimes, it is also vital that any eventual talks to reconcile the parties, and establish peace in Syria, have at their core the need for truth, with respect for the victims, and together with programmes that care for their needs.

I urge the international community to work together to secure a nationwide ceasefire and launch credible processes, which can end this senseless conflict, and deliver peace, justice, and truth, to the Syrian people.

Thank you

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