

Arria-Formula Meeting with the Commission of Inquiry on Syria

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What's In Blue

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Tomorrow (25 July), Security Council members are set to meet with Paulo Sérgio Pinheiro and Karen AbuZayd of the Human Rights Council's Commission of Inquiry on Syria in a closed Arria-formula format session arranged by the UK. It seems the meeting was organised to keep the Syria accountability track alive and a closed format was chosen to allow for a frank exchange of views. (Similar meetings with the Commission of Inquiry were organised by Australia in June 2013 and by then Council members Germany and Portugal in March and October 2012, respectively.)

Many Council members will be interested in more details about the Commission of Inquiry's work on Syria that has, over the course of three years, collated testimonies that indicate a massive number of war crimes and crimes against humanity have been committed. Their investigations have reinforced that the main causes of civilian casualties are due to deliberate targeting of civilians, indiscriminate attacks, attacks on protected objects—such as schools, hospitals and mosques—and the punitive imposition of sieges and blockades. The scale of government violations continues to outpace that of the opposition with aerial bombardment by barrel bombs, targeting highly populated areas, systematic and widespread reports of deaths and torture in government detention centers and extra-judicial killings, sexual assaults, beatings, enforced disappearances and arbitrary arrests becoming commonplace occurrences at government checkpoints. Indiscriminate attacks by armed opposition groups, including mortars, rockets and car bombs, are increasing. Meanwhile, the spread of dominant extremist groups like the Islamic State of Iraq and al-Sham have brought the threat of regional and international instability into sharp relief.

Tomorrow's meeting comes at a time of increasing pessimism regarding the Council's ability to ever effectively address impunity for the atrocities committed in Syria following the 22 May joint veto cast by China and Russia that blocked the referral of Syria to the International Criminal Court (ICC). The Commission of Inquiry has said that the ICC veto silenced the victims and empowered the perpetrators. Many Council members will likely emphasise the importance of the Commission's work in collecting a body of evidence that can be used in the future even though there is no immediate path to a judicial mechanism.

Council members also expect Pinheiro and AbuZayd to raise many of the same points included in their 17 June update to the Human Rights Council, when they said the unprecedented level of violence in Syria threatened the entire region (A/HRC/26/CRP.2). Their update emphasised the need to find a negotiated political solution, insisted that accountability must be part of any future settlement and called on the Security Council to

use the tools available to strengthen the mechanisms for implementing its resolutions, indirectly referencing Chapter VII, Article 41 measures such as targeted sanctions or an arms embargo.

Some members may be interested in picking up Secretary-General Ban Ki-moon's 20 June call for an arms embargo and discussing the Commission's findings that "influential states" have abandoned attempts for a political solution and continue to deliver mass shipments of arms to the government while others support armed opposition groups with weapons and financial support. While an arms embargo or targeted measures would enjoy support among many Council members, in practice it has been impossible to achieve. China and Russia have vetoed four draft resolutions on Syria and have effectively blocked the use of Chapter VII in any of the six adopted resolutions (resolutions 2042, 2043 and 2059 on the short-lived observer mission, resolution 2118 on chemical weapons and resolutions 2139 and 2165 on humanitarian access).

Tomorrow's meeting seems to reflect a growing degree of comfort among Council members in interacting with Human Rights Council-mandated Commissions of Inquiry. The session tomorrow will mark the fourth time Council members are meeting with the Syria Commission. In April, Council members held a similar session with the Commission of Inquiry on the DPRK. It seems since then the issue of human rights has been consistently raised in the 1718 Democratic People's Republic of Korea Sanctions Committee and the Commission's report was circulated as a Council document on 11 July (S/2014/501). Separately, the Council itself mandated the Secretary-General to establish a Commission of Inquiry on the Central African Republic and may consider its first report (S/2014/373) in August.

Establishing human rights focused interactions of this kind regarding the situations of the CAR, DPRK and Syria have been useful in transmitting information that might otherwise not be available to the Council. Perhaps this new dynamic will open up space for the new Commission of Inquiry on the Occupied Palestinian Territory, particularly focusing on Gaza following Israel's Operation Protective Edge, to interact with Security Council members in the future. This Commission was established yesterday through the adoption of a Human Rights Council resolution. (There were 29 votes in favour, one vote (from the US) against and 17 abstaining, including Council members France, the Republic of Korea and the UK (A/HRC/RES/S-21/1).)

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