

Statement by Australia at Security Council Meeting on: The situation in the Middle East:
Referral of the situation in Syria to the International Criminal Court

22 May 2014
(Unofficial Transcript)

Today the Security Council has again failed the people of Syria. The war there is now in its fourth year. The country has been broken apart, possibly irretrievably. Almost half its population of more than 20 million people have fled or been displaced. One family flees Syria every 60 seconds. We face a regime whose military strategy is based on the deliberate targeting of civilians through sieges, the use of starvation as a weapon of war, indiscriminate aerial bombardment, the targeted use of barrel bombs on residential neighbourhoods, arbitrary denial of humanitarian access and medical supplies, the targeting of hospitals and medical personnel, mass systematic torture, sexual violence and execution, forced depopulation of towns and cities and denial of humanitarian supplies to its own citizens not living in Government-held areas.

The humanitarian crisis, the greatest in this century, is spiralling downwards. There is no solution in sight. All sides in the conflict, including the extremists and terrorists who have sought to hijack the opposition, are guilty of terrible crimes. There is a pervasive culture of impunity. No one is held accountable. The Independent International Commission of Inquiry for Syria has documented extensive evidence over the past three years against those who have committed war crimes and crimes against humanity. The United Nations High Commissioner for Human Rights has concluded that such crimes have been committed and over the past three years and has consistently called for referral of the situation in Syria to the International Criminal Court (ICC). In April, the Council itself was shown the chilling photographic evidence, contained in the Caesar report (S/2014/244, annex), documenting the widespread and systematic torture and execution on an industrial scale of detainees held by the Syrian regime. The Secretary-General has persistently called for accountability for the crimes we are seeing in Syria. The International Criminal Court was specifically established to ensure that those most responsible for the worst mass-atrocity crimes would be held to account, particularly in cases where their national authorities were unwilling or unable to do so domestically.

The Syrian authorities have not only failed in that responsibility, they are themselves among the perpetrators of such crimes. The international community must therefore act. Australia was one of 58 United Nations States Members who wrote to the Council 18 months ago seeking referral of the situation in Syria to the ICC, and the situation has become so much worse since then. The number of sponsors of today's draft resolution (S/2014/348), 65, and the 13 votes in its favour, should send an unmistakable message to those responsible for these crimes. The draft resolution may have been vetoed, but there is no statute of limitations on the crimes being committed in Syria, and we will continue to pursue justice for the victims.

The Security Council has a responsibility to protect, a responsibility mandated by all our leaders at their World Summit in 2005, and to prevent mass atrocities where we can. The Council's role was specifically recognized in the Rome Statute, because accountability is central to protection and to the Council's fundamental responsibilities relating to the maintenance of

international peace and security. The use of the veto to block a balanced draft resolution, attempting to deliver accountability for the commission of mass-atrocity crimes, comes at a great human cost. The Council will, correctly, be judged harshly for that failure. At the very least, today's failure underlines the importance of voluntary restraint on the use of the veto in situations where mass atrocities are so clear.

This is the fourth veto in the Council in three years to prevent action in Syria. In implementing our mandate on peace and security, the Council is now engaged in authorizing some of the highest numbers of peacekeepers ever and increasingly in robust operations to protect civilians in many crises. We are doing that by common agreement among all members, as we should. But when we fail, as we have again on Syria today, the consequences can be devastating. The victims of conflict have a right to the support of the Security Council and action on our part. The Council has a responsibility to provide that support and to act.