

Statement by France 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)

I have asked to speak before the voting on draft resolution S/2014/348, which France had the honour to present, in order to explain the reason behind our approach. France's proposal is not a new chapter in the divisiveness besetting the Security Council when it comes to the Syrian crisis; on the contrary, it aims at re-establishing the Council's unity around the values shared by its members.

All of us around this table are horrified by the tragedy being experienced by the Syrian people: more than 160,000 deaths, more than 9 million displaced persons and refugees, a country destroyed, hunger and epidemics. That is already an overwhelming tally, against the backdrop of the certainty that both sides have committed atrocities against defenceless civilians. The presentation to the Council and the media of the "Cesar" report several weeks ago, on France's initiative, served to underscore the barbarity. Thousands of photos, verified by independent experts, showed starved and tortured corpses in the regime's prisons.

Killing, torture and rape occur today in Syria not just as atrocious consequences of a civil war, but as part of a deliberate policy to terrorize and punish. Commanders give free rein to their troops to ignore the law — or put more simply, humanity itself. The Government bombs civilian neighbourhoods with explosive barrel bombs, missiles and chemical weapons. Terrorist groups carry out indiscriminate attacks. Tens of thousands of people have been disappeared. Torture and starvation are carried out on a large scale. In a country with an ancient civilization, we are seeing the unleashing of brutality and cruelty whose victims are not mere statistics, behind which we too often hide, but men, women and children with names, faces and loved ones.

In the face of so many trampled lives and the negation of the values for which the Organization stands, nothing is worse than silence. For silence means acquiescence, compromise and complicity. I do not ignore the divisions that exist within the Council; I know the differing analyses of members. I respect them even if I do not share them. But certain facts are clear to all. As Mr. Brahimi said here in the Council a few days ago, there are no prospects in Syria today for negotiation. This is not the time or place to assign responsibility for that, but just to point it out. To argue that the involvement of international justice would undermine the peace process therefore makes no sense, as there is no peace process and, in the short and medium term, there are no prospects for any peace process either.

They refuse to negotiate because they want to be victorious and think they can be. They will not negotiate because they think it is a matter of killing or being killed. They will not negotiate with those whose brothers and wives they have killed or tortured. They are so afraid of their vengeance that they must kill them too.

In that context, France's proposal is based on the belief that the impasse should not lead us to turn our gaze away from the atrocities committed in Syria every day. It aims at overcoming our differences in order to focus on the aspect of our humanity we all share. The draft resolution was rewritten in order to make it acceptable to all. It aims to apply in the Syrian situation a principle already agreed in resolutions 2118 (2013) and 2139 (2013), namely, to reject impunity. It also covers the territorial integrity of Syria. With regard to the responsibilities of the parties, it again includes language repeatedly agreed and merely calls for recognizing the jurisdiction of the International Criminal Court in the Syrian civil war in line with similar provisions in resolution 1593 (2005), on the situation in Darfur, and in resolution 1970 (2011), on Libya, against which no Member State vote against.

Acting in unison, the Council would thereby say that it would not forget the crimes being committed today on a mass scale in Syria; that it would not forget that leaders tolerated them or even encouraged or ordered them; that in 2014 people could no longer behave as they did in 1942 or 1994; and that it would not allow the state of barbarity to return. Perhaps we could stop an executioner on the verge of committing a crime. In any case, we would restore the Council's honour by allowing it to say the right thing and to re-establish morality over its divisions. I am convinced that, those divisions aside, we share the same values, the same indignation and the same resolve. The time has come to say so. The time has come to prove it.

The draft resolution I have the honour of presenting to my colleagues for a vote is an appeal to human conscience. It is not a political gesture; it is quite simply a moral act. If the Council were not to adopt it, that would be an insult to the millions of Syrians who are suffering. It would be proof that some have learned nothing from history. It would recall that some, whatever they may claim, have opted for unconditional support for the Damascus regime, whatever crimes it commits, and by the same stroke to exonerate Al-Qaida. Extending equal impunity to all criminals is not a paradox; there is brotherhood in crime.

A veto today would recall that fact. A veto would cover up all crimes; it would be a veto against justice. It would give new justification to the French proposal to limit the use of the right of the veto in the case of mass atrocities.