

Time to Refer Syria Crisis to the ICC Michael Spindelegger, Karl Erjavec, Eamon Gilmore
and Villy Søvndal CNN 10 January 2013 Over the

months, we have been following the events in Syria

with growing concern. We support the aspirations of the Syrian people to freely choose a government that represents all the enriching diversity of this multi-confessional nation, one that respects the rule of law, human rights and democracy. It is deplorable that the current regime in Damascus has not heeded the repeated calls for a peaceful transition of power. As do our colleagues from the Arab League, we strongly condemn the violence by the al-Assad regime against the Syrian people. We call on all sides to end the violence and to genuinely support the U.N.-led efforts to achieve a political solution.

But recent developments have given reason for even more serious concern. U.N. peacekeepers were seriously injured when a convoy of the UNDOF peacekeeping operation on the Golan Heights was attacked. Reports about possible preparations for the use of chemical weapons circulate.(...) Concerned that the crisis in Syria may soon reach a new level of violence, we publicly appeal to all parties to the conflict to abide by international law, especially international humanitarian law and human rights law, and to recall that all those that commit or order war crimes and crimes against humanity will be held accountable. This principle cannot and will not be negotiated.

As we know from the work of the U.N. Commission of Inquiry on Syria, horrendous crimes have already been committed during the conflict in Syria, but there have been no consequences for the perpetrators. It is precisely for situations like this that the international community established the permanent International Criminal Court (ICC) ten years ago. (...)

A referral to the ICC – which has repeatedly been suggested by the U.N. High Commissioner for Human Rights, Navi Pillay – has several advantages. The Court is a neutral and impartial institution that investigates and prosecutes the most serious crimes on all sides. A referral would give the leaders of the Syrian opposition a strong argument to call for discipline among its diverse forces. It would give the members of the al-Assad regime a further reason to question their allegiance. And it could assist the search for a political solution to the conflict. As we saw in other crises, parallel political and judicial processes are mutually supporting. (...)

Most important, however, a referral to the ICC would make clear to every fighter on all sides of the conflict that the gravest crimes will eventually be punished. We owe this not only to the victims and their families, but also to future generations of Syrians who want to live in a free state founded on the principles of peace and justice. And we owe it to the future of humankind: After thousands of years of sometimes gruesome history, human civilization must no longer accept impunity for the most atrocious crimes. Only if we make absolutely clear that these crimes will not go unpunished, can we reduce the likelihood that humankind will have to suffer

from them in the future.

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