

## **Costa Rica regrets vetoes by Russia and China that prevented the referral of the situation in Syria to the International Criminal Court.**

The government of the Republic of Costa Rica deeply regrets that yesterday, 22 May 2014, both Russia and China imposed a veto against a draft resolution presented by France at the UN Security Council that intended to refer the situation in Syria to the International Criminal Court (ICC), thereby preventing the adoption of this important measure.

Costa Rica has supported such referral to the ICC since December 2011, when the first report of the “Independent International *Commission of Inquiry* on the Syrian Arab Republic” confirmed that gross violations of Human Rights and International Humanitarian Law have been committed.

In January 2013, Costa Rica, together with other 57 UN Member States, sent a letter to the Security Council invoking the need for a referral of the Syria situation to the ICC, in accordance with the terms and conditions provided in the UN Charter, the Rome Statute and the Relationship Agreement between the Court and the UN.

Costa Rica is convinced that an investigation by the International Criminal Court of the crimes committed in the situation in Syria is the best mechanism to determine individual responsibility and for ensuring accountability for the war crimes and crimes against humanity committed by the parties to the conflict. Costa Rica also considers that any solution to the Syrian crisis must uncompromisingly include means to prevent impunity and to assist, protect, and bring justice and compensation to the victims. Recent history has proven that there can be no sustainable peace without justice.

Costa Rica remains convinced that a resolution referring the situation to the ICC is in the interest of the Syrian people, and therefore deeply regrets that its adoption was truncated. Despite this lamentable decision by some members of the Council, it calls upon the Security Council, UN Member States and civil society to ensure that in future situations the terms of a referral to the ICC shall neither create any sort of exceptions to the jurisdiction of the Court nor limit the obligation of all UN Members to cooperate with the Court. Likewise, it calls on the Security Council to cease its attempts to exonerate the Organization from providing financial assistance to the Court for the expenses resulting from referrals by the Council. Such purported exoneration does not only exceeds the prerogatives of the Council under the UN Charter, but disregards the will of the UN General Assembly as expressed in the Relationship Agreement signed between the United Nations and the ICC.

As for the decision to veto this resolution, Costa Rica wishes to recall the proposal by the Small 5 States Group: Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, on means to improve the working methods of the Council, which *inter alia*, urged the Permanent Members of the Council to refrain from using their veto power to block collective Council action when

acting on situations where genocide, crimes against humanity and war crimes seem to have been committed. In this regard, Costa Rica welcomes that the S5 Initiative has been recently incorporated by France in a proposal for a Code of Conduct for the Permanent Members of the Council. It is Costa Rica's aspiration that this proposal will prosper, preventing further abuse of the veto privilege, and will allow the Council to fulfill its mandate of maintaining international peace and security.

The international community must continue to work towards a fair, peaceful and transparent solution to the crisis in Syria, taking without delay the necessary measures to address the resulting humanitarian catastrophe.

As a committed member of the Human Rights Council and the United Nations Organization, Costa Rica urges all parties to the conflict to bestow all their efforts to end this devastating situation and to facilitate the access of humanitarian aid to conflict-affected areas.

It is vital for the Security Council to act together to respond promptly and effectively to all civilian emergencies, committing to work on a solution consistent with its obligations under the UN Charter, and with the norm of the responsibility to protect.

May 23<sup>rd</sup> 2014