

Security Council Open Debate on Women, Rule of Law and Transitional Justice in Conflict- Affected Situations, October 18th, 2013, Security Council Chamber

Statement by Mr. Mehdiyev, Permanent Mission of Azerbaijan to the United Nations

At the outset, I would like to thank Secretary- General Ban Ki-moon for his statement and for presenting his report on women and peace and security (S/2013/525). We are also grateful to the Under- Secretary-General and Executive Director UN Women, Ms. Phumzile Mlambo-Ngcuka; the United Nations High Commissioner for Human Rights, Ms. Navi Pillay; and the board member of the NGO Working Group on Women, Peace and Security, Ms. Brigitte Balipou, for their briefings.

We have proposed to focus our debate on women, the rule of law and transitional justice in conflict-affected situations. In recent times, the Security Council has paid increasing attention to the issue, acknowledging that combating impunity, addressing past violations, rebuilding the justice sector and asserting the principles of the rule of law underpin efforts to build peace and stability in the aftermath of conflict. However, less attention has been paid to the gender consequences of the breakdown of the rule of law during and after conflict. While genuine gains have been made in strengthening the political will and international legal framework to secure justice and deal with conflict- related sexual violence, little has been said of the full range of violations and serious crimes experienced by women, including enforced disappearances, foreign occupation, mass forced displacement, restrictions on humanitarian aid, conflict-related human trafficking and the destruction of civilian infrastructure. There can be no tolerance for such acts. Combating impunity and strengthening both international and national justice responses are critically important in that regard.

Governments bear the primary responsibility for the protection of civilians and for ensuring accountability for conflict-related criminal offenses. In resolution 2122 (2013), adopted today, the Security Council once again calls on Member States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for genocide, war crimes, crimes against humanity and other serious violations of international humanitarian law. At the same time, when national authorities fail to take action, the international community should play a more proactive role in ensuring an appropriate response. Such measures and appropriate protection and accountability efforts must obviously be free of selectively and politically motivated approaches and preferences. It is essential to address conflict-related violations and abuses of human rights through all available means, including, inter alia, by mandating international commissions of inquiry and fact-finding missions, as well as by supporting the implementation of the recommendations of those bodies and missions.

As we have stated on a number of occasions, wrongs that have been left unpunished or unrecognized may impede progress in achieving long-awaited peace and reconciliation. Such wrongs can also play a key role in the eruption of new conflicts and the commission of new crimes. One consistent reminder of that particular aspect of such problems can be seen in my country's experience in the tragic humanitarian consequences of the war unleashed against it, which has included mass atrocities committed by hostile armed forces, forced population displacement in Azerbaijan and the continuing military occupation of its territories.

It is important that Security Council member States and regional organizations ensure that mediators in the peace and preventive diplomacy process can contribute to ensuring accountability, including by encouraging the parties concerned to envisage transitional justice clauses in peace agreements. Those responsible for serious crimes committed during conflicts, including gender-based violence, must be excluded from all branches of Government, and the principle of no amnesty or any other form of indulgence for the perpetrators of such offenses must be applied. Such measures should be implemented comprehensively and should also envisage the full rights of victims to redress.

In resolution 2122 (2013), the Council recalls applicable provisions of international law on the right to reparations for violations of individual rights. It is essential that reparations programmes receive increased recognition and support as a tool for delivering justice and redress for victims and longer-term peace dividends within societies and communities. The contribution of transitional justice measures to rebuilding the rule of law, redress, justice and reconciliation makes such measures equally important tools for furthering women's rights in post-conflict societies.

To conclude, I would like once again to thank all briefers for their contribution to our debate and reiterate my country's full support for more systematic and frequent discussions of the topic.

I now resume my functions as President of the Council.

Before giving the floor to the next speaker, I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber. I wish to inform all concerned that we will be continuing this open debate right through the lunch hour, as we have a very large number of speakers.