

COUNTING VIOLENCE: DOCUMENTATION, ENUMERATION AND THE CONSTRUCTION OF ACCOUNTABILITY IN UNITED NATIONS PRACTICE

CONTANDO A VIOLÊNCIA: DOCUMENTAÇÃO, ENUMERAÇÃO E A CONSTRUÇÃO DA ACCOUNTABILITY NA PRÁTICA DAS NAÇÕES UNIDAS

CONTAR LA VIOLENCIA: DOCUMENTACIÓN, ENUMERACIÓN Y LA CONSTRUCCIÓN DE LA ACCOUNTABILITY EN LA PRÁCTICA DE LAS NACIONES UNIDAS

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ABSTRACT

The concept of accountability occupies a central place in contemporary international law, particularly in United Nations responses to situations of mass violence. Yet scholarship typically examines accountability through the frameworks of state responsibility or international criminal law, focusing on mechanisms of adjudication and legal attribution. This article argues that accountability begins earlier. Before responsibility can be assigned to states or individuals, episodes of violence must first be translated into violations recognizable within the institutional language of international law. Drawing on a qualitative textual analysis of resolutions and investigative reports adopted by the United Nations Human Rights Council and the United Nations Security Council during the early years of the Arab Spring, the article examines how United Nations texts construct narratives of violence and responsibility. The analysis shows that accountability within these texts operates through two interconnected processes. First, violence is transformed into violations through practices of documentation and enumeration. Second, the language of accountability projects these documented violations into a future horizon of responsibility. The article further demonstrates that accountability emerges through a distributed configuration of UN accountability mechanisms linking documentation, political recognition and judicial accountability, including mechanisms associated with the International Criminal Court. By highlighting the epistemic and institutional foundations of accountability, the article offers a new perspective on how international law transforms violence into responsibility.

Keywords: Accountability. United Nations. Human Rights Council. Enumeration. Arab Spring. Public International Law.

RESUMO

O conceito de accountability ocupa um lugar central no direito internacional contemporâneo, particularmente nas respostas das Nações Unidas a situações de violência em massa. Ainda

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assim, a literatura costuma examinar a accountability sobretudo a partir dos marcos da responsabilidade do Estado ou do direito penal internacional, concentrando-se em mecanismos de adjudicação e de atribuição jurídica de responsabilidade. Este artigo sustenta que a accountability começa antes. Antes que a responsabilidade possa ser atribuída a Estados ou indivíduos, episódios de violência precisam primeiro ser traduzidos em violações reconhecíveis dentro da linguagem institucional do direito internacional. Com base em uma análise textual qualitativa de resoluções e relatórios investigativos adotados pelo Conselho de Direitos Humanos das Nações Unidas e pelo Conselho de Segurança das Nações Unidas durante os primeiros anos da Primavera Árabe, o artigo examina como os textos das Nações Unidas constroem narrativas de violência e responsabilidade. A análise mostra que a accountability nesses textos opera por meio de dois processos interligados. Em primeiro lugar, a violência é transformada em violações por meio de práticas de documentação e enumeração. Em segundo lugar, a linguagem da accountability projeta essas violações documentadas para um horizonte futuro de responsabilidade. O artigo demonstra ainda que a accountability emerge por meio de uma configuração distribuída de mecanismos de responsabilização das Nações Unidas, que conectam documentação, reconhecimento político e responsabilização judicial, incluindo mecanismos associados ao Tribunal Penal Internacional. Ao destacar os fundamentos epistemológicos e institucionais da accountability, o artigo oferece uma nova perspectiva sobre como o direito internacional transforma a violência em responsabilidade.

Palavras-chave: Accountability. Nações Unidas. Conselho de Direitos Humanos. Enumeração. Primavera Árabe. Direito Internacional Público.

RESUMEN

El concepto de accountability ocupa un lugar central en el derecho internacional contemporáneo, particularmente en las respuestas de las Naciones Unidas a situaciones de violencia masiva. Sin embargo, la literatura suele examinar la accountability principalmente a través de los marcos de la responsabilidad del Estado o del derecho penal internacional, centrándose en mecanismos de adjudicación y atribución jurídica de responsabilidad. Este artículo sostiene que la accountability comienza antes. Antes de que la responsabilidad pueda atribuirse a Estados o individuos, los episodios de violencia deben primero traducirse en violaciones reconocibles dentro del lenguaje institucional del derecho internacional. A partir de un análisis textual cualitativo de resoluciones e informes de investigación adoptados por el Consejo de Derechos Humanos de las Naciones Unidas y el Consejo de Seguridad de las Naciones Unidas durante los primeros años de la Primavera Árabe, el artículo examina cómo los textos de las Naciones Unidas construyen narrativas de violencia y responsabilidad. El análisis muestra que la accountability en estos textos opera mediante dos procesos interconectados. En primer lugar, la violencia se transforma en violaciones a través de prácticas de documentación y enumeración. En segundo lugar, el lenguaje de la accountability proyecta estas violaciones documentadas hacia un horizonte futuro de responsabilidad. El artículo demuestra además que la accountability emerge a través de una configuración distribuida de mecanismos de rendición de cuentas de las Naciones Unidas, que vinculan documentación, reconocimiento político y responsabilidad judicial, incluidos mecanismos asociados con la Corte Penal Internacional. Al destacar los fundamentos epistemológicos e institucionales de la accountability, el artículo ofrece una nueva perspectiva sobre cómo el derecho internacional transforma la violencia en responsabilidad.

Palabras clave: Derecho Internacional del Medio Ambiente. Inteligencia Artificial. Sostenibilidad. Gobernanza Ambiental. Regulación Tecnológica. Estudio Ghibli.



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INTRODUCTION

In contemporary international law, the language of accountability has become ubiquitous. United Nations resolutions addressing armed conflict, political repression and large-scale human rights violations frequently insist on the necessity of ensuring accountability² for perpetrators and preventing impunity. Governments must be held accountable, victims must obtain justice and violations of international law must not remain unpunished. Over the past several decades, accountability has thus emerged as one of the central normative commitments of the international legal order.

Despite its prominence, however, the concept of accountability remains surprisingly elusive. In doctrinal scholarship, accountability is typically examined through the frameworks of state responsibility and international criminal law. Within these frameworks, accountability refers to the attribution of responsibility for internationally wrongful acts or international crimes and the legal consequences that follow from such determinations. The focus of analysis therefore tends to fall on mechanisms of adjudication: the processes through which courts and tribunals determine whether particular actors bear legal responsibility for violations of international law.

Beyond doctrinal analyses of responsibility and international criminal law, recent scholarship has also examined accountability through broader frameworks of global governance, human rights enforcement and transitional justice³. While these approaches have significantly

² The concept of accountability has been discussed in different doctrinal contexts within international law. In the law of state responsibility, accountability is generally associated with the attribution of internationally wrongful acts and the legal consequences that follow from such attribution. In international criminal law, the concept is often framed in relation to individual criminal responsibility for international crimes. See J. Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013), at 19–25; A. Cassese, *International Criminal Law* (Oxford University Press, 2008), at 7–12. The present article focuses instead on the earlier institutional processes through which acts of violence are translated into violations capable of sustaining such claims of responsibility.

³ For analyses of accountability beyond traditional doctrines of responsibility, see R. O. Keohane and R. M. Grant, “Accountability and Abuses of Power in World Politics”, *American Political Science Review* 99 (2005), 29–43; K. Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (W.W. Norton, 2011). These studies emphasize the emergence of global accountability practices in international politics, although they tend to focus primarily on mechanisms of enforcement and adjudication rather than on the earlier processes of

advanced our understanding of how responsibility is adjudicated and enforced, they often pay less attention to the earlier institutional processes through which acts of violence are translated into violations recognizable within the language of international law.

United Nations institutional practice suggests that accountability begins earlier. Before responsibility can be attributed to states or individuals, acts of violence must first be translated into violations recognizable within the language of international law. Events occurring within the context of armed conflict or political repression initially appear as dispersed and often uncertain episodes of violence: killings, arrests, disappearances, bombardments or displacement. In order for international law to engage with these events, they must first be documented, classified and organized within institutional narratives capable of sustaining legal claims.

This article examines how this earlier stage unfolds within United Nations institutional practice.

By focusing on these preliminary institutional processes, the article advances a conceptual account of accountability as an epistemic and institutional practice rather than solely as a mechanism of legal adjudication. It argues that accountability begins with practices of documentation, classification and enumeration through which international institutions transform dispersed episodes of violence into violations capable of sustaining claims of responsibility. In doing so, the article contributes to ongoing debates about the relationship between international law, institutional knowledge production and the governance of violence.

The analysis focuses on a series of resolutions and reports adopted by the United Nations Human Rights Council and the United Nations Security Council during the early years of the Arab Spring. The corpus analysed includes Human Rights Council Resolutions S-15/1 (2011), 17/17 (2011), 19/39 (2012), 20/22 (2012) and 22/19 (2013), together with the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic. It also includes Security Council Resolutions 1970 (2011), 1973 (2011) and 2009 (2011) addressing the situation in Libya.

The article employs qualitative textual analysis to examine how these documents describe violations, construct narratives of violence and invoke the language of accountability. Rather than analysing the political history of the Arab Spring itself, the focus of the article lies on the institutional language through which United Nations bodies document events and articulate expectations of responsibility.

documentation examined in this article.

Methodologically, the article adopts an interpretive textual approach combining elements of discourse analysis and doctrinal interpretation. Rather than measuring the frequency of particular terms or conducting quantitative coding, the analysis focuses on how institutional texts organize descriptions of violence, structure narratives of violations and articulate expectations of responsibility. The objective is to examine how accountability is constructed through the language and institutional practices of the United Nations.

This interpretive approach treats United Nations resolutions and investigative reports not merely as descriptive records of events but as institutional texts that structure the way violence becomes legible within international legal discourse, reflecting the broader role of international organizations in producing authoritative knowledge about global events (Barnett and Finnemore, 2004). The analysis therefore focuses on the narrative organization of these documents, examining how patterns of description, enumeration and institutional language contribute to the construction of accountability within the United Nations system.

The analysis reveals a recurring narrative structure within United Nations texts. In the resolutions of the Human Rights Council, references to accountability typically appear only after the violations themselves have been documented and described. The texts catalogue incidents of abuse, classify acts of violence within recognizable legal categories and often refer to the scale of violations through enumeration. Once this documentary framework has been established, the resolutions invoke the need to ensure accountability and to bring perpetrators to justice.

United Nations practice reveals that accountability operates through two interconnected processes. The first process consists in the transformation of violence into violations through practices of documentation and enumeration. Through the listing of incidents, the classification of acts and the identification of patterns of abuse, international institutions render episodes of violence intelligible within the vocabulary of international law. Enumeration thus performs a foundational epistemic function within the architecture of accountability.

The second process consists in the projection of responsibility into the future through the language of accountability. Once violations have been documented, United Nations resolutions invoke the necessity of justice and the importance of combating impunity. These formulations establish a normative horizon in which the documented violations are expected eventually to result in legal or political consequences.

The article argues that accountability in contemporary international law therefore emerges through a two-stage institutional process linking the documentation of violence to the projection

of responsibility. These processes unfold across multiple institutions within the United Nations system, each contributing distinct functions to the broader construction of accountability.

The article proceeds as follows. Chapter I examines how Human Rights Council resolutions transform episodes of violence into violations through practices of documentation and enumeration. Chapter II analyses how the language of accountability embedded in these texts projects violations into a future horizon of responsibility. Chapter III compares the institutional grammars through which the Human Rights Council and the Security Council articulate accountability within their respective mandates. Chapter IV explores how responsibility circulates across institutions, linking the documentation of violations with political recognition and judicial adjudication within a broader architecture of international accountability.

By examining how United Nations institutions document violence and articulate the promise of responsibility, this article seeks to illuminate an often overlooked dimension of accountability within international law. Before responsibility can be formally attributed and before courts pronounce judgments, international institutions must first transform events into violations and violations into claims of justice. Accountability, in this sense, begins with counting but unfolds through a broader institutional process that connects the documentation of violence with the enduring promise of responsibility.

ACCOUNTABILITY AS COUNTING: THE DOCUMENTATION OF VIOLENCE IN UNITED NATIONS TEXTS

The Documentary Function of Human Rights Council Resolutions

In contemporary international law, accountability rarely emerges immediately in the form of legal adjudication. Before courts pronounce judgments or tribunals determine responsibility, episodes of violence must first be translated into forms intelligible within the institutional language of international law. The documentation of violations, the classification of acts and the stabilization of factual narratives constitute a preliminary stage in the construction of accountability.

Understanding accountability in this way requires shifting analytical attention from the moment of adjudication to the earlier institutional practices through which violence becomes legible within legal discourse. Before responsibility can be attributed in courtrooms, international

institutions must first stabilize events as violations through processes of documentation and classification.

The institutional practices of the United Nations Human Rights Council play a crucial role in this process. Through its resolutions, investigative mandates and reporting procedures, the Council participates in the production of documentary records that transform episodes of violence into violations recognizable within international legal discourse.

The Council's responses to the Syrian conflict during the first years of the Arab Spring illustrate this documentary function with particular clarity. Beginning in 2011, the Council adopted a series of resolutions condemning widespread violations of human rights and establishing mechanisms intended to investigate and document abuses committed in the context of the conflict. Among the earliest of these interventions was Resolution S-15/1, adopted during the Council's fifteenth special session in April 2011. The resolution condemned the violent repression of peaceful demonstrations and expressed grave concern regarding reports of arbitrary killings, excessive use of force and mass arrests.

Already in this early text, one observes a characteristic pattern in the Council's language. Rather than immediately attributing responsibility to specific actors in legal terms, the resolution first constructs a descriptive framework through which the events unfolding in Syria are rendered visible within international institutional discourse. Violations are catalogued, types of abuse are identified and the scale of violence is gradually articulated through references to patterns of conduct.

This documentary structure becomes even more pronounced in subsequent resolutions. Resolution 17/17 (2011), for example, condemns what it describes as "widespread, systematic and gross violations of human rights and fundamental freedoms" and lists specific categories of abuse, including arbitrary detention, torture, enforced disappearances and extrajudicial killings. The resolution further calls upon the Syrian authorities to cooperate with an independent international commission of inquiry established by the Council in order to investigate these allegations.

Through such formulations, the resolution performs more than a merely rhetorical function. It participates in the gradual construction of an institutional record of violations. By identifying categories of abuse and establishing mechanisms of investigation, the Council transforms dispersed and often uncertain reports of violence into structured allegations capable of supporting further institutional action.

The reports produced by the Commission of Inquiry established pursuant to these resolutions deepen this documentary process. The report submitted to the Council in document A/HRC/17/44 provides detailed accounts of violations committed in multiple regions of Syria, drawing upon witness testimony, satellite imagery and other forms of documentary evidence. These reports catalogue incidents of violence, describe patterns of abuse and identify the categories of violations that may have occurred under international human rights law and international humanitarian law.

This process of documentation illustrates an important structural feature of accountability in international law. Acts of violence do not automatically become violations within the legal vocabulary of international institutions. Rather, they must be translated into categories of conduct that international law can recognize and evaluate. The documentary practices of institutions such as the Human Rights Council therefore function as mechanisms through which violence is rendered legally intelligible.

The transformation of violence into legally recognizable violations requires several interconnected operations. First, incidents must be identified and recorded. Second, acts must be classified within established categories of international law, such as arbitrary detention, torture or extrajudicial execution. Third, the scale and systematic character of violations must be assessed in order to determine whether patterns of abuse may exist.

Through these operations, the Council's resolutions and investigative reports contribute to the stabilization of a factual narrative capable of supporting claims of accountability. Violence that initially appears as a series of dispersed events becomes organized into patterns of conduct that international law can interpret and evaluate.

This documentary process does not yet determine legal responsibility. The Council's resolutions rarely attempt to establish the legal liability of particular actors in the strict doctrinal sense developed within the law of state responsibility or international criminal law. Instead, they construct a factual and institutional framework through which such determinations may later become possible.

In this sense, the documentation of violations constitutes a preliminary stage in the architecture of accountability. Before responsibility can be attributed to states or individuals, the events themselves must be rendered visible, classifiable and narratable within the institutional language of international law. The resolutions and reports adopted by the Human Rights Council therefore function not merely as expressions of political concern but as instruments of legal

knowledge production, transforming the chaos of violence into an organized record of violations capable of sustaining future claims of responsibility.

Enumerating Violations: Counting as an Epistemic Operation of International Law

If the documentary practices of the United Nations Human Rights Council transform episodes of violence into structured records of violations, they do so through a specific epistemic operation: enumeration. The language of the Council's resolutions and investigative reports repeatedly returns to practices of listing, cataloguing and quantifying acts of violence. Victims are counted, incidents are recorded and categories of abuse are enumerated in ways that stabilize otherwise fragmented events within a coherent institutional narrative.

Enumeration appears in these texts in several forms. Sometimes it takes the shape of explicit references to the number of victims, detainees or displaced persons. In other cases, enumeration operates through the systematic listing of categories of violations. Resolutions concerning the Syrian conflict frequently include formulations that catalogue abuses such as arbitrary detention, torture, enforced disappearance, sexual violence and extrajudicial killings. Although these formulations may appear merely descriptive, they perform an important epistemic function within the architecture of accountability.

The act of listing violations transforms dispersed and heterogeneous events into recognizable units within the vocabulary of international law. Violence occurring in different locations and under different circumstances becomes organized through a shared set of legal categories. Enumeration thus produces a form of cognitive ordering that allows institutions to perceive patterns of abuse across time and space.

This operation becomes particularly visible in the reports produced by the international commissions of inquiry mandated by the Council. These reports frequently include sections devoted to the systematic documentation of violations, in which investigators identify patterns of conduct, classify acts according to relevant legal norms and estimate the number of victims affected by particular forms of abuse. Such reports do not merely recount events; they structure information according to the conceptual frameworks through which international law understands violations.

Enumeration also plays a crucial role in establishing the scale of violence. References to numbers, whether precise counts or estimates, contribute to the institutional assessment of

whether violations should be understood as isolated incidents or as part of broader patterns of abuse. International law distinguishes between sporadic acts of violence and widespread or systematic violations that may constitute crimes under international law. The documentation of scale therefore becomes a central element in the process through which violence is translated into legal categories.

Through enumeration, international institutions produce the factual architecture within which responsibility may later be articulated. Acts of violence that initially appear as isolated or uncertain events are transformed into structured patterns of violations supported by documentary evidence. Enumeration stabilizes the relationship between events and legal norms by connecting empirical observations with established categories of international law.

This process reveals an important structural feature of accountability in international law. Responsibility cannot be attributed to states or individuals unless violations have first been documented in ways that render them legally recognizable. The doctrinal frameworks governing international responsibility, including those elaborated in the scholarship of James Crawford and codified in the Articles on Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission in 2001, presuppose the existence of identifiable acts that can be attributed to particular actors and evaluated under relevant legal norms. Yet the existence of such identifiable acts is itself the result of prior processes of documentation and classification.

Enumeration therefore functions as a precondition for the operation of international legal responsibility. Before legal doctrines concerning attribution, liability or criminal responsibility can be applied, the acts themselves must be stabilized through institutional practices of counting and classification. Enumeration transforms the indeterminacy of conflict into a structured record of violations capable of sustaining legal claims.

This emphasis on enumeration resonates with broader scholarship on international criminal justice, which highlights the central role of documentation and evidence-gathering in the construction of accountability⁴. Scholars such as Kathryn Sikkink have shown that contemporary human rights practices often begin with the systematic documentation of violations, which later becomes the foundation for legal and political claims of responsibility. The documentary practices examined here can therefore be understood as part of a wider institutional landscape in

⁴ The importance of documentation in the development of international accountability mechanisms has been widely recognized in the literature on human rights and international criminal justice. Documentation initiatives frequently precede formal judicial processes and contribute to the evidentiary basis upon which later prosecutions may depend. See K. Sikkink, *The Justice Cascade*, supra; see also L. Sadat, *Forging a Convention for Crimes Against Humanity* (Cambridge University Press, 2011), at 45–50.

which the recording and classification of violence precede the formal attribution of legal responsibility.

In this sense, the documentary practices of the Human Rights Council illustrate how international law produces knowledge about violence. Through processes of enumeration, international institutions convert events into evidence and translate experiences of harm into categories of violation recognizable within legal discourse. Enumeration thus performs an epistemic function within the architecture of accountability: it converts the chaos of violence into a form that international law can apprehend, evaluate and eventually judge.

In this respect, enumeration performs a function comparable to what socio-legal scholarship has described as the production of institutional knowledge (Merry, 2006). Through the systematic organization of information about violence, international institutions generate the factual and conceptual frameworks through which responsibility can later be articulated and adjudicated.

The analysis of Human Rights Council resolutions and investigative reports demonstrates that accountability in international law begins not with adjudication but with documentation. Through practices of enumeration and classification, international institutions transform dispersed events of violence into violations recognizable within the language of international law. By cataloguing acts of abuse, identifying patterns of conduct and establishing the scale of violence, these documentary practices produce the factual framework upon which claims of responsibility may later be constructed. Accountability therefore presupposes the possibility of enumeration: before international law can hold actors responsible for violations, those violations must first be rendered visible, countable and narratable within the institutional texts through which international law records the world.

ACCOUNTABILITY AS PROMISE: THE PROJECTION OF RESPONSIBILITY IN UNITED NATIONS TEXTS

The Language of Justice and the Projection of Responsibility

If the documentary practices of the United Nations Human Rights Council transform episodes of violence into structured records of violations, the language of accountability that accompanies these records performs a different function. Rather than describing violence itself,

the language of accountability projects the expectation that those responsible for the documented violations will eventually face consequences. Accountability, in this sense, operates as a promise embedded within institutional discourse.

Human Rights Council resolutions responding to the Syrian conflict repeatedly invoke the need to ensure accountability for violations of international law. These texts frequently include formulations calling for perpetrators to be held accountable, for impunity to be prevented and for justice to be achieved for victims of violence. Such language appears consistently throughout the Council's resolutions from 2011 onward. Resolution 17/17 (2011), for instance, stresses the necessity of ensuring accountability for those responsible for serious violations of human rights. Subsequent resolutions reiterate this demand while calling upon relevant authorities and international mechanisms to investigate alleged abuses.

At first glance, these references to accountability might appear to be little more than normative declarations expressing the international community's commitment to justice. However, when considered in relation to the documentary practices analysed in Chapter I, they reveal a more complex institutional dynamic. The enumeration of violations establishes the factual groundwork upon which the language of accountability operates. Once acts of violence have been documented and classified within recognizable legal categories, the resolutions project the expectation that these violations will ultimately give rise to responsibility.

In this way, accountability becomes a forward-looking element within the narrative structure of United Nations texts. The resolutions do not themselves establish judicial determinations of responsibility, nor do they typically create immediate mechanisms of prosecution. Instead, they articulate a normative horizon in which the documented violations are expected eventually to be addressed through appropriate legal or political processes.

This projection of responsibility into the future reflects a fundamental temporal structure within international law. Violations occur in the present, documentation follows through institutional investigation and accountability is often realized only after extended processes of inquiry, negotiation or adjudication. The language of accountability therefore bridges the temporal gap between the occurrence of violence and the eventual attribution of responsibility.

Investigative mechanisms established by the Human Rights Council play a central role in sustaining this temporal bridge. Commissions of inquiry and fact-finding missions are mandated to collect evidence, interview witnesses and identify patterns of abuse. Their reports frequently emphasize the importance of preserving documentation for potential future legal proceedings.

Through these mechanisms, the Council contributes to the creation of an institutional archive of violations that may later support judicial or quasi-judicial processes.

This relationship between documentation and future responsibility becomes particularly evident in the reports produced by the commissions of inquiry investigating the Syrian conflict. These reports systematically catalogue violations and identify individuals or institutions potentially responsible for abuses. At the same time, they frequently stress that their findings may assist future efforts to ensure accountability. The reports therefore situate their own documentary work within a broader trajectory that extends beyond the immediate institutional context of the Human Rights Council.

The language of accountability thus functions as a promise embedded within institutional discourse. By invoking the necessity of justice and condemning impunity, United Nations resolutions construct an expectation that violations documented in the present will eventually lead to processes of responsibility in the future. This promise does not guarantee that justice will occur; rather, it establishes a normative orientation that guides the interpretation of the documented events.

From a structural perspective, the projection of accountability into the future also contributes to the legitimacy of the documentary practices analysed in the previous chapter. Enumeration and classification would remain merely descriptive exercises if they were not connected to a broader expectation of responsibility. By linking the documentation of violations to the promise of justice, the language of accountability transforms factual records into elements of a narrative that points toward future legal consequences.

In this sense, accountability operates simultaneously as a documentary and a temporal construct. The enumeration of violations organizes past events within the institutional language of international law, while the promise of accountability projects those events into a future in which responsibility may be articulated and enforced.

Investigative Mechanisms and the Institutionalization of Accountability

The projection of accountability into the future does not occur solely through the rhetorical language of United Nations resolutions. It is also sustained by institutional mechanisms designed to investigate violations and preserve evidence. Through these mechanisms, the promise of accountability articulated in resolutions becomes embedded within concrete institutional

practices.

Among the most significant of these mechanisms are the commissions of inquiry and fact-finding missions⁵ established by the United Nations Human Rights Council, which have become central instruments of international human rights fact-finding in contemporary practice (Alston and Knuckey 2016). These bodies are tasked with investigating alleged violations of international human rights law and international humanitarian law, documenting patterns of abuse and identifying potential perpetrators. Although they do not themselves possess judicial authority, their investigative work plays a crucial role in the broader architecture of international accountability.

The establishment of the Independent International Commission of Inquiry on the Syrian Arab Republic illustrates this institutional dynamic. Mandated by Human Rights Council resolutions beginning in 2011, the Commission was tasked with investigating all alleged violations of international human rights law committed in the context of the Syrian conflict. Its reports systematically documented incidents of violence, collected witness testimony and analysed patterns of abuse across different regions and time periods.

These reports perform several interconnected functions. First, they deepen the documentary record of violations initiated by the Council's resolutions. Through detailed investigation and analysis, they transform preliminary allegations into structured accounts of specific incidents and patterns of conduct. Second, they classify these acts within the legal frameworks of international human rights law and international humanitarian law, identifying the norms potentially violated by particular forms of abuse.

Third, and perhaps most importantly for the purposes of accountability, these reports contribute to the preservation of evidence that may be used in future legal proceedings. Investigative bodies frequently emphasize that their documentation may assist subsequent efforts to ensure accountability, whether through national courts, international tribunals or other mechanisms of justice.

In this way, investigative mechanisms translate the promise of accountability into institutional practice. The documentation of violations is no longer merely descriptive; it becomes part of a process aimed at preserving the possibility of future responsibility. Evidence collected

⁵ United Nations commissions of inquiry and fact-finding missions have become central mechanisms in the documentation of serious violations of international human rights and humanitarian law. Their reports frequently serve both as authoritative accounts of events and as potential sources of evidence for later judicial proceedings. See P. Alston and S. Knuckey, *The Transformation of Human Rights Fact-Finding* (Oxford University Press, 2016), especially ch. 2.

by commissions of inquiry may later be transmitted to judicial bodies, incorporated into prosecutorial investigations or used by national authorities pursuing criminal proceedings.

The relationship between investigative mechanisms and judicial processes becomes particularly visible in contexts where political institutions activate mechanisms of international criminal justice. Security Council Resolution 1970 (2011), for example, referred the situation in Libya to the International Criminal Court⁶, thereby opening the possibility of criminal prosecution for individuals responsible for serious international crimes. In such cases, the documentary and investigative work carried out by United Nations bodies contributes to the evidentiary groundwork upon which judicial proceedings may later depend.

This connection between documentation and adjudication has been widely recognized in the literature on international criminal law. Scholars such as Antonio Cassese have emphasized that international tribunals often rely on the investigative efforts of international institutions and fact-finding missions when assembling the evidentiary record necessary for prosecution. The documentation produced by commissions of inquiry may therefore become an essential component of the broader evidentiary chain that leads from the investigation of violations to the adjudication of responsibility.

Similar observations have been made by scholars examining the relationship between investigative mechanisms and international criminal justice. Mark Drumbl, for instance, notes that contemporary atrocity law relies heavily on networks of documentation and reporting that precede formal judicial proceedings. These networks create the evidentiary and narrative foundations upon which international criminal accountability may later be constructed.

At the same time, the relationship between investigative mechanisms and judicial processes remains structurally contingent. The existence of detailed documentation does not guarantee that prosecutions will occur. Political constraints, jurisdictional limitations and institutional fragmentation frequently impede the translation of documented violations into judicial accountability. Nevertheless, the investigative practices of the Human Rights Council sustain the possibility of such accountability by preserving evidence and maintaining the expectation that justice may eventually be pursued.

The institutionalization of investigative mechanisms thus reinforces the temporal structure identified in the previous section. Accountability emerges through an extended institutional

⁶ The referral was made under Chapter VII of the United Nations Charter. See UN Security Council Resolution 1970 (2011), para. 4. On the significance of Security Council referrals to the International Criminal Court, see C. Stahn, *The Law and Practice of the International Criminal Court* (Oxford University Press, 2015), at 241–246.

process linking the documentation of violations to the possibility of future responsibility. Investigative bodies occupy an intermediate position within this architecture, transforming documentary records into structured evidentiary archives capable of supporting later legal action.

Through these mechanisms, the promise of accountability articulated in United Nations resolutions acquires a concrete institutional form. Documentation becomes evidence, and the narrative of violations constructed by international institutions is preserved for potential use in future processes of justice.

The analysis of United Nations resolutions and investigative mechanisms demonstrates that accountability in international law operates not only as a documentary practice but also as a temporal projection. Through the language of justice and the establishment of investigative bodies, United Nations institutions articulate a promise that the violations documented in the present will eventually give rise to responsibility. Although this promise does not guarantee that justice will occur, it sustains the expectation that the evidence preserved through institutional documentation may one day support processes of legal accountability.

INSTITUTIONAL GRAMMARS OF ACCOUNTABILITY: HUMAN RIGHTS COUNCIL AND SECURITY COUNCIL

The Documentary Grammar of the Human Rights Council

The analysis developed in the previous chapters has shown how the resolutions and investigative mechanisms of the United Nations Human Rights Council transform episodes of violence into documented violations and project those violations into a future horizon of responsibility. These practices reveal a distinctive institutional grammar of accountability centered on documentation, investigation and the preservation of evidence.

The Human Rights Council occupies a specific position within the institutional architecture of the United Nations. Established in 2006 to replace the former Commission on Human Rights, the Council's mandate focuses primarily on the promotion and protection of human rights worldwide. Unlike judicial bodies or enforcement organs, the Council does not possess the authority to adjudicate disputes, impose sanctions or initiate criminal prosecutions. Instead, it operates through mechanisms designed to monitor human rights conditions, investigate allegations of abuse and produce reports documenting violations.

This institutional mandate shapes the language through which the Council articulates accountability. Its resolutions frequently combine three interrelated elements: the condemnation of violations, the documentation of abuses and the establishment of investigative mechanisms intended to gather further information. These elements together constitute a grammar of accountability grounded in the production and circulation of knowledge about violence.

Resolutions addressing the Syrian conflict illustrate this documentary grammar with particular clarity. Human Rights Council Resolution 19/39 (2012), for example, expresses grave concern at the continuing escalation of violence and condemns widespread violations of human rights. At the same time, the resolution extends the mandate of the Independent International Commission of Inquiry tasked with investigating alleged abuses. The resolution therefore simultaneously records violations and reinforces the institutional mechanisms responsible for documenting them.

Such texts rarely attempt to determine legal responsibility in the strict sense associated with judicial proceedings. Instead, they emphasize the importance of investigation, fact-finding and the preservation of evidence. Accountability appears primarily as an objective that should guide future processes rather than as a determination made within the resolution itself.

This orientation reflects the Council's broader role within the United Nations system. By documenting violations and preserving evidence, the Council contributes to the production of institutional knowledge about episodes of violence that may later inform political deliberations, judicial proceedings or diplomatic initiatives. The Council's documentary practices therefore occupy an early stage in the broader architecture of accountability.

The grammar of accountability employed by the Human Rights Council can thus be described as diagnostic. Through its resolutions and investigative mechanisms, the Council diagnoses patterns of violence, identifies categories of violations and constructs documentary archives that preserve evidence of abuse. These activities do not themselves impose legal consequences but create the conditions under which responsibility may later be articulated by other institutions.

In this sense, the Council functions as a crucial node within a network of institutions involved in the production and circulation of accountability. Its documentary practices provide the informational and evidentiary foundation upon which other actors, whether political bodies, national authorities or international tribunals, may eventually build processes of responsibility.

The Enforcement Grammar of the Security Council

While the documentary practices of the United Nations Human Rights Council establish a narrative of violations through investigation and documentation, the United Nations Security Council articulates accountability through a markedly different institutional language. The Security Council's grammar of accountability is shaped by its unique authority under the United Nations Charter to adopt binding measures aimed at maintaining or restoring international peace and security.

Unlike the Human Rights Council, which operates primarily through monitoring and reporting mechanisms, the Security Council possesses the power to impose sanctions, authorize the use of force and establish or activate judicial mechanisms of international criminal accountability. These powers profoundly shape the way in which the Council refers to responsibility and justice within its resolutions.

The Council's responses to the Libyan crisis in 2011 provide a particularly clear illustration of this enforcement-oriented grammar. Resolution 1970 (2011), adopted in February of that year, condemned the violence against civilians committed in the context of the Libyan uprising and expressed grave concern regarding reports of serious violations of international human rights law. Yet the resolution went beyond the diagnostic language typical of Human Rights Council texts. Acting under Chapter VII of the United Nations Charter, the Security Council imposed a series of coercive measures, including an arms embargo, travel bans and asset freezes targeting individuals associated with the Libyan regime.

Most significantly, Resolution 1970 referred the situation in Libya to the International Criminal Court, thereby opening the possibility of criminal prosecution for individuals responsible for serious international crimes. This referral represents one of the clearest expressions of the Security Council's enforcement-oriented approach to accountability. Rather than merely documenting violations or calling for justice in general terms, the Council activated a judicial mechanism capable of investigating and prosecuting alleged perpetrators.

Resolution 1973 (2011), adopted shortly thereafter, reinforced this enforcement-oriented framework by authorizing member states to take "all necessary measures" to protect civilians under threat of attack, including the establishment of a no-fly zone over Libyan airspace. Although the primary focus of this resolution concerned the protection of civilians through military measures, the text continued to refer to the necessity of accountability for violations of

international law committed during the conflict.

These resolutions illustrate the distinctive grammar through which the Security Council engages with accountability. Whereas the Human Rights Council primarily constructs narratives of violations through documentation and investigation, the Security Council situates accountability within a framework of enforcement measures designed to address threats to international peace and security.

From an institutional perspective, the difference between these two bodies can also be understood in terms of distinct forms of authority. The Human Rights Council primarily exercises epistemic authority⁷: it produces knowledge about violations through investigation, documentation and reporting. The Security Council, by contrast, exercises coercive authority grounded in its powers under Chapter VII of the United Nations Charter. While the Council relies on documentation to identify and interpret patterns of violence, the Security Council possesses the institutional capacity to translate these findings into binding political and legal measures.

The difference between these institutional grammars reflects the respective mandates of the two bodies. The Human Rights Council investigates and documents violations, producing detailed records of abuse that may later inform political or judicial processes. The Security Council, by contrast, possesses the authority to translate concerns about violations into binding measures capable of producing immediate legal and political consequences.

This distinction does not imply that the Security Council abandons the documentary practices associated with the Human Rights Council. On the contrary, the Council frequently relies upon reports produced by investigative bodies when assessing situations of conflict. Nevertheless, the Security Council's language of accountability operates within a framework oriented toward enforcement rather than documentation.

The relationship between these two grammars reveals an important feature of accountability within the United Nations system. Responsibility does not emerge from a single institutional locus but rather from the interaction of multiple bodies performing distinct roles within the international legal order. The Human Rights Council's documentation of violations and the Security Council's enforcement powers therefore represent complementary elements within a broader architecture of accountability.

⁷ On the epistemic authority exercised by international organizations through the production of knowledge and expert documentation, see M. Barnett and M. Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell University Press, 2004), at 24–45. Their analysis highlights how international organizations generate authoritative interpretations of political events through institutionalized practices of information production.

Through their respective practices, these institutions contribute to different stages in the construction of responsibility. The Human Rights Council produces the documentary knowledge necessary to identify and describe violations, while the Security Council possesses the authority to activate coercive and judicial mechanisms aimed at addressing those violations. Together, these institutional grammars shape the way accountability is articulated and pursued within the United Nations system.

The interaction between these institutional grammars illustrates how accountability within the United Nations system depends upon the complementary functions of different organs. Documentation generates knowledge about violations, while enforcement mechanisms translate this knowledge into political and legal consequences. Accountability therefore emerges not from a single institutional decision but from the coordinated operation of multiple bodies performing distinct roles within the international legal order.

The comparison between the Human Rights Council and the Security Council demonstrates that accountability in the United Nations system is articulated through distinct institutional grammars shaped by the mandates and powers of different organs. While the Human Rights Council employs a documentary grammar centered on investigation and the preservation of evidence, the Security Council articulates accountability within a framework of enforcement measures and judicial activation. These grammars do not operate in isolation but interact within a broader institutional architecture in which documentation, political recognition and legal enforcement contribute to the construction of responsibility.

THE CIRCULATION OF RESPONSIBILITY ACROSS INTERNATIONAL INSTITUTIONS

Institutional Sequencing and the Architecture of Accountability

The preceding chapters have examined two central dimensions of accountability within United Nations practice. First, the documentary practices of international institutions transform episodes of violence into violations recognizable within the language of international law. Through processes of enumeration and classification, acts of violence are stabilized as identifiable events capable of sustaining legal claims. Second, the language of accountability embedded within United Nations resolutions projects these documented violations into a future horizon of

responsibility, establishing an expectation that those responsible will eventually face consequences.

These two processes, documentation and projection, do not unfold within a single institutional framework. Instead, they operate across a distributed institutional landscape composed of multiple bodies possessing distinct mandates and forms of authority. Understanding how accountability emerges within international law therefore requires examining the circulation of responsibility across institutions.

Within the United Nations system, different organs perform different functions within the broader architecture of accountability. The United Nations Human Rights Council produces documentary records of violations through resolutions, investigative mandates and commissions of inquiry. These mechanisms collect testimony, identify patterns of abuse and classify acts of violence within the legal categories of international human rights law and international humanitarian law.

The documentation produced through these processes does not itself constitute legal adjudication. Instead, it generates structured accounts of events that may later be mobilized by other institutions possessing different forms of authority. In this sense, the documentary work of the Human Rights Council represents an early stage in the construction of accountability: it transforms violence into violations and produces the evidentiary record upon which subsequent institutional action may depend.

A second stage in this institutional sequence may emerge within the United Nations Security Council, whose mandate under the United Nations Charter allows it to adopt binding measures in response to threats to international peace and security. Unlike the Human Rights Council, which operates primarily through investigation and reporting, the Security Council possesses coercive powers capable of translating the recognition of violations into concrete political or legal consequences.

Security Council Resolution 1970 (2011), adopted in response to the violence in Libya, provides a clear illustration of this institutional dynamic. The resolution condemned attacks against civilians and expressed grave concern regarding serious violations of international human rights law. Yet the Council did not limit itself to documenting these violations. Acting under Chapter VII of the Charter, it imposed sanctions and, most notably, referred the situation in Libya to the International Criminal Court.

This referral represents a critical moment in the circulation of responsibility across

institutions. Through this act, the Security Council translated the recognition of violations into the activation of an international judicial mechanism capable of investigating and prosecuting individuals responsible for crimes under international law. The institutional sequence thus moved from documentation to enforcement and finally to judicial adjudication.

From this perspective, accountability appears not as a singular legal act but as a distributed institutional process unfolding across time. Violations are first documented through investigative mechanisms that stabilize the factual narrative of the conflict. Political bodies then interpret these documented violations within the political deliberations of United Nations organs and security. Finally, judicial institutions may intervene to determine responsibility for the acts described.

This distributed architecture reflects the structural fragmentation of the contemporary international legal order. No single institution possesses the authority, information and jurisdiction necessary to perform all the functions required for the realization of accountability. Instead, responsibility emerges through the interaction of institutions whose mandates and competences are only partially overlapping.

The circulation of responsibility across institutions also reveals the importance of documentary practices within this broader architecture. Without the processes of enumeration and classification examined in Chapter I, later stages of institutional action would lack the evidentiary foundation necessary for political or judicial intervention. Documentation therefore constitutes the entry point through which violence enters the institutional circuits of international law.

At the same time, the transition from documentation to enforcement remains structurally contingent. The existence of extensive documentary records of violations does not guarantee that political institutions will adopt coercive measures or that judicial bodies will exercise jurisdiction. Political constraints, diplomatic considerations and institutional limitations frequently shape whether the institutional sequence leading to accountability will proceed or stall.

Critical scholarship on international law has long emphasized the importance of these political dynamics. As Martti Koskeniemi has argued⁸, international law operates within a field of argumentative practices shaped by competing political and institutional pressures. The trajectory from documentation to adjudication is therefore never automatic. Rather, it reflects the contingent interaction of legal reasoning, political authority and institutional opportunity.

⁸ M. Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge University Press, 2005). Koskeniemi's analysis emphasizes the argumentative structure of international legal reasoning and the ways in which political events are translated into legal categories through institutional practices.

This contingency underscores the significance of the promise analysed in Chapter II. The language of accountability embedded within United Nations resolutions sustains the expectation that documented violations should eventually lead to responsibility, even when immediate institutional action proves impossible. In this sense, the promise of accountability functions as a normative bridge connecting the documentation of violence to the possibility of future justice.

Scholars of international criminal law have long recognized this interdependence between investigative and judicial processes. The work of Antonio Cassese emphasized that international criminal tribunals frequently rely upon documentation produced by investigative missions and international organizations when assembling the evidentiary record necessary for prosecution. The investigative practices of the Human Rights Council therefore contribute to a broader evidentiary ecosystem⁹ within which international criminal justice operates.

More broadly, this circulation of responsibility reflects the discursive and institutional dynamics through which international law interprets events. As critical scholarship has emphasized, most notably in the work of Martti Koskeniemi, international law operates through argumentative practices that translate political and historical events into legal categories. The institutional practices examined in this article illustrate how this translation occurs in practice. Through documentation, enumeration and narrative construction, international institutions transform episodes of violence into violations capable of sustaining claims of responsibility within legal discourse.

The architecture of accountability that emerges from these practices therefore combines epistemic, institutional and normative dimensions. Documentation produces knowledge about violations that subsequently informs political deliberation within international institutions. In certain circumstances, this knowledge may also provide the evidentiary basis upon which judicial bodies adjudicate responsibility. Through this distributed architecture, violence is gradually integrated into the institutional circuits of international law.

The examination of institutional sequencing demonstrates that accountability in contemporary international law emerges through the circulation of responsibility across a network of institutions performing distinct functions within the international legal order. Investigative mechanisms document violations and preserve evidence, political organs interpret and respond to these violations within broader frameworks of governance and judicial institutions

⁹ Contemporary international criminal justice often relies upon complex networks of documentation involving international organizations, non-governmental organizations and investigative mechanisms. See M. Drumbl, *Atrocity, Punishment and International Law* (Cambridge University Press, 2007), at 173–179.

adjudicate responsibility where legal and political conditions permit. Through this distributed process, the enumeration of violence becomes integrated into an institutional architecture that connects the documentation of violations with the possibility of legal accountability.

CONCLUSION

The analysis developed in this article has examined how accountability is constructed within the institutional practices of the United Nations during the first years of the Arab Spring. Through a close reading of resolutions and reports adopted by the United Nations Human Rights Council and the United Nations Security Council, the article has argued that accountability in contemporary international law emerges through a two-stage institutional process linking the documentation of violence to the projection of responsibility.

The first stage of this process consists in the transformation of violence into violations through practices of documentation and enumeration. As shown in Chapter I, the resolutions and investigative reports produced by United Nations institutions catalogue incidents of abuse, classify acts of violence within established legal categories and describe patterns of conduct across time and space. Through these practices, dispersed events become stabilized as violations recognizable within the language of international law. Enumeration thus performs a foundational epistemic function within the architecture of accountability: before responsibility can be attributed to states or individuals, the acts themselves must be rendered visible, countable and narratable within institutional discourse.

The second stage of this process consists in the projection of responsibility into the future through the language of accountability. As examined in Chapter II, United Nations resolutions repeatedly invoke the necessity of ensuring accountability, combating impunity and bringing perpetrators to justice. These formulations do not themselves establish legal determinations of responsibility. Instead, they project a normative horizon in which the violations documented in the present are expected eventually to result in legal or political consequences. Accountability thus operates as a promise embedded within institutional language, linking past violations to the possibility of future responsibility.

The interaction between these two processes becomes visible through the institutional practices examined in the later chapters of the article. Chapter III demonstrated that different organs of the United Nations articulate accountability through distinct institutional grammars

shaped by their respective mandates. The Human Rights Council employs a documentary grammar centered on investigation and the preservation of evidence, while the Security Council situates accountability within a framework of enforcement measures and coercive authority. These grammars reflect the differing competences of the two bodies but together contribute to the broader construction of responsibility within the international legal order.

Chapter IV extended this analysis by examining how accountability emerges through the circulation of responsibility across institutions. The documentation produced by investigative bodies may inform political deliberations, support sanctions regimes or contribute to the evidentiary foundations of judicial proceedings before institutions such as the International Criminal Court. Responsibility therefore does not arise from a single institutional determination but rather from a sequence of practices linking documentation, political recognition and judicial adjudication.

These findings indicate that accountability in contemporary international law operates not only through formal mechanisms of responsibility but through a sequence of institutional practices that translate episodes of violence into legally intelligible violations. This architecture combines epistemic, institutional and normative dimensions.

This perspective also helps illuminate the relationship between international law and the events it seeks to regulate. Episodes of violence do not enter international law as fully formed legal violations. They must first be translated into the categories and narratives through which international institutions interpret the world. As critical scholarship on international law has emphasized, the discipline operates through argumentative and discursive practices that shape how events are understood within legal frameworks. The processes examined in this article illustrate how such translation occurs in practice: through enumeration, classification and narrative ordering, international institutions convert experiences of violence into violations capable of sustaining claims of responsibility.

Understanding accountability in this way also highlights the importance of institutional documentation within the broader functioning of international law. Investigative reports, commissions of inquiry and other mechanisms of documentation do more than record events. They produce the factual and narrative foundations upon which later legal processes depend. Without the documentary practices that render violations visible and intelligible, the mechanisms of responsibility associated with international criminal law and state responsibility would lack the evidentiary and conceptual frameworks necessary for their operation.

Although the analysis developed in this article focuses on the institutional responses of the United Nations to the early years of the Arab Spring, the dynamics identified here extend beyond this specific context. Similar processes of documentation, enumeration and narrative construction can be observed in other situations addressed by international institutions. The construction of accountability through institutional documentation may therefore represent a broader structural feature of contemporary international law.

At the same time, the analysis presented here underscores the structural contingency of accountability within the international system. The existence of detailed documentation and the articulation of strong normative commitments to justice do not guarantee that responsibility will ultimately be realized. Political constraints, institutional fragmentation and jurisdictional limitations frequently shape whether the sequence of practices leading from documentation to adjudication will reach its final stage. The promise of accountability embedded in United Nations discourse therefore reflects both the aspiration toward justice and the structural uncertainties inherent in the international legal order.

By examining how violence is documented, enumerated and narratively organized within United Nations texts, this article has sought to illuminate an often overlooked dimension of accountability in international law. Before courts pronounce judgments and before responsibility is formally attributed, international institutions must first transform events into violations and violations into claims of justice. Accountability, in this sense, begins with counting but unfolds through a broader institutional process that connects the documentation of violence with the enduring promise of responsibility. Long before responsibility is formally adjudicated in courtrooms, it is first constructed within the institutional archives through which international law records, orders and interprets violence.

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