

## **SPECIAL NEWSLETTER**

### **HUMAN RIGHTS VIOLATIONS IN SYRIA**

#### **PART I: TORTURE UNDER ASSAD**

### **CRIMINAL COMPLAINT IN GERMANY AGAINST HIGH PROFILE MEMBERS OF SYRIAN MILITARY INTELLIGENCE SERVICE**

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## 1. INTRODUCTION

Torture, execution and forced disappearances of civilians; precise air strikes on civilian buildings and extensive bombardments of housing areas; genocide and sexual enslavement of minorities such as Yazidis – these are only some violations of international law committed by all parties in the violent conflict in Syria since it began in 2011. These violations still continue. Syrian and international organizations have been continuously documenting the grave violations of human rights in order to one day achieve justice for the perpetrators.

The international community has been condemning these crimes for years and has expressed its deep concern over the humanitarian crisis in Syria. However, all attempts to resolve the conflict by means of negotiations on the international level have so far failed. The military interventions by third parties – namely Russia, Iran, Turkey, Saudi Arabia, the US and France – left many dead or wounded and further inflamed the conflict. In addition, the longstanding unstable political situation provided a fertile ground for the rise of radical movements in Syria. Conflict parties like the organizations Islamic State or Al-Nusra have been able to establish themselves as powerful players and have also committed grave human right abuses.

The government of Syria's president Bashar al-Assad is accountable for numerous war crimes and crimes against humanity, especially for the systematic torture of political dissidents and activists – not only since the peaceful protests in

2011, but for decades. Those responsible for the crimes have nothing to fear; impunity in Syria is nearly absolute.

Systematic torture against civilians in armed conflicts amounts to war crimes and crimes against humanity. Therefore, the international community needs to speak up for the absolute prohibition of torture, including in armed conflicts. Without justice for the victims there will not be a political solution to the conflict.

International criminal justice currently does not provide a legal avenue for prosecuting international crimes committed in Syria: The International Criminal Court (ICC) does not have jurisdiction over Syria. Syria has not signed the Rome Statute of the ICC, and a double [Security Council Veto](#) by the permanent members Russia and China blocked a resolution to refer the situation to the ICC by the United Nations (UN) Security Council.

However, the Independent International Commission of Inquiry on the Syrian Arab Republic (UN CoI Syria) was established in August 2011 by the Human Rights Council through resolution [S-17/1](#) adopted at its 17th special session with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

In December 2016, the UN General Assembly also established the “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law Committed in the Syrian

Arab Republic since March 2011 (IIIM)”. On 3 July 2017, Catherine Marchi-Uhel of France, became the head of the mechanism.

UN CoI Syria has been collecting evidence on human rights violations by all conflict parties in order to make recommendations for future legal proceedings to UN Member States. The UN CoI Syria works in close cooperation with IIIM, which is tasked with “collecting, consolidating, preserving, and analyzing evidence pertaining to violations and abuses of human rights and humanitarian law” and also to “prepare files to facilitate and expedite fair and independent criminal proceedings in national, regional, or international courts. The principle of universal jurisdiction enables domestic courts to initiate judicial proceedings and to hold perpetrators of all ranks accountable. In Germany and other European Union (EU) Member States, investigations have been brought in this regard.

The European Center for Constitutional and Human Rights (ECCHR) uses the principle of universal jurisdiction to counter the language of violence with that of the law. Together with an international network, including several survivors and lawyers who had to flee from Syria and were granted international protection in Germany, ECCHR filed a criminal complaint at the Office of the German Federal Prosecutor in Karlsruhe concerning crimes against humanity and war crimes. Additionally, along with the group around the former Syrian military defector “Caesar”, ECCHR filed a second complaint at the Office of the German

Federal Prosecutor against senior officials from the Syrian intelligence service and military police concerning crimes against humanity and war crimes.

ECCHR has chosen to focus on torture in both complaints as the commission of such crimes in Assad-run prisons is well documented and serves as an example of the decades-long systematic and violent repression of the Syrian population, which escalated dramatically after the brutal suppression of the peaceful uprisings in 2011.

Furthermore, the Office of the German Federal Prosecutor has already opened so called “structural investigations” (comparable to ‘situations’ at the ICC) on torture in Syria, based on the photos smuggled out of the country by a defector known as Caesar.

The Caesar photos offer a unique insight into the machinery of torture and killing under Assad’s government. The metadata and the accompanying criminal complaint from ECCHR and the “Caesar-Files Support Group” provide contextualizing information on the locations and institutions involved as well as the torture methods used and the causes of death.

These criminal complaints have been the first steps by ECCHR towards a systematic legal intervention with respect to the human rights violations committed in Syria. Many Syrians fled their country and found refuge in Germany. The German authorities must therefore send a strong message in order to encourage further investigations in different European countries, also concerning different parties

of the conflict that have also participated in crimes against humanity and war crimes.

These criminal complaints against Syrian senior intelligence and military officials concerning crimes against humanity and war crimes is part of a series of legal interventions by ECCHR: against the architects of the US torture system set

up as part of the “War on Terror” (filed in Germany amongst other states), against those responsible for torture in Bahrain (filed in Switzerland and Ireland) and against British soldiers for torture during the Iraq war (filed with the ICC in The Hague).

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**“The work of the ECCHR is a clear message to the perpetrators of yesterday, today and tomorrow: impunity for grave violations of human rights will not last.”**

Lotte Leicht

Advocacy Director Human Rights Watch & Chairperson of ECCHR’s Council

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## 2. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE ASSAD REGIME

Assad assumed office in 2000. From the beginning, he continued the legacy of his father Hafiz al-Assad by suppressing any form of opposition.

The uprising escalated in 2011 when in the wake of the Arab Spring more and more Syrians took to the streets to protest against the regime. The Syrian intelligence

services took a brutal approach to the protestors, organizers, and supporters of the non-violent protests. Freedom of assembly and freedom of speech were massively restricted, political opponents and activists were arbitrarily detained and were tortured in civilian and military prisons (see 2.1. Torture by Secret Services of the Assad regime). At the same time, the Syrian army started targeting the civilian population not only with heavy artillery but also with internationally banned weapons like chemical weapons, cluster ammunition, and barrel bombs.

During an airstrike, for example, led by the Syrian forces in August 2015 on the market of the city of Duma near Damascus at least 100 civilians were killed and several hundred injured. In August 2016, the UN confirmed that helicopters belonging to the Assad regime used poison gas during airstrikes on two cities in the province of Idlib in April 2014 and March 2015. Many civil facilities such as hospitals and schools were also targeted by Assad's forces. According to numbers published by Physicians for Human Rights nearly 700 employees of medical facilities were killed in deliberate attacks by the Syrian army. It is safe to assert that these attacks amount to crimes against humanity and war crimes.

## **i) TORTURE BY THE INTELLIGENCE SERVICES OF THE ASSAD REGIME**

The enforced disappearance and torture of regime critics, opposition politicians and critical journalists have for decades been a common characteristic of Assad's rule. These practices are well known and documented as a result of the testimonies

of torture survivors and activists from Syria as well as investigations by international human rights organizations such as Amnesty International and Human Rights Watch.

The widespread and systematic torture is practiced by the four intelligence services: The air force intelligence service (*Al-Mukhabarat al-Jawiya*), the military intelligence service (*Al-Mukhabarat al-Askariya*), the political intelligence service (*Al-Amn al-Siyasi*, often called national intelligence service) and the general intelligence service (*Al-amn al Amm*). Each of the four intelligence services is subdivided into different branches with a central one in Damascus as well as regional branches.

All of the four intelligence services are well equipped in terms of staff, and prisons are located all over the country. The detention facilities are set up as "interrogation prisons" in which detainees are regularly tortured. Detainees are tortured with different techniques and according to the testimonies of survivors, these include beating with sticks, cables and plastic tubes; kicks at the head or in the genitals; electric shocks, sleep deprivation and sexual assault. The Assad regime maintains its claim that the interrogations are a means to obtain "confessions". However, in reality, the system of torture does not serve to obtain information but to terrorize and humiliate the population. The aim is to simply break the detainees by all available means.

The Syrian government continues to deny these crimes and refuses to allow international experts or journalists to access the prisons of the intelligence

services. The testimonies of torture survivors working together with ECCHR corroborate the research and documentation by international and Syrian human rights organizations.

For example, the Syrian defector known as “Caesar” provided Human Rights Watch with more than 50,000 photos. Caesar had worked as an official forensic photographer of the Syrian military police. The pictures are taken between May 2011 and August 2013 and show at least 6,786 detainees who died inter alia due to their torture, either in detention or after their transfer from one of the prisons to a military hospital. In the report "[If the Dead could Speak](#)", Human Rights Watch analyzed the pictures in December 2015. In September 2017, ECCHR and “Caesar-Files Support Group” submitted a set of the Caesar photos with metadata as well as a criminal complaint contextualizing the significance of this data set for the on-

going structural investigations into international crimes committed by the Syrian government.

In February 2017, Amnesty International published their report "[Human slaughterhouse: Mass hangings and extermination at Saydnaya prison, Syria](#)". The report verifies that between 2011 and 2015 between 5,000 and 13,000 people were secretly hanged in Saydnaya.

Despite the evidence and reports of torture, the intelligence services enjoy absolute impunity. It is not in the interest of the Syrian government to clarify the commission of crimes nor to hold those responsible accountable. In the foreseeable future it is therefore highly unlikely that there will be any domestic criminal prosecution proceedings concerning torture against members of the intelligence community in Syria.

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### 3. THE FIRST CRIMINAL COMPLAINT IN GERMANY AGAINST HIGH RANKING MEMBERS OF SYRIAN MILITARY INTELLIGENCE SERVICES

ECCHR has investigated cases of torture and other violations of human rights in Syria since 2012. In this regard, ECCHR has worked closely with survivors, witnesses, lawyers and activists from Syria as well as with international partner organizations.

Together with the Syrian lawyers Anwar al-Bunni and Mazen Darwish, ECCHR is supporting torture survivors and witnesses with their legal actions in Germany.

ECCHR has documented testimonies on concrete individual cases and also collected evidence. Those cases are emblematic of Assad’s torture system.

On 1 March 2017, ECCHR together with seven Syrian woman and men as well as al-Bunni and Darwish handed in an initial criminal complaint against six high ranking suspects of the Syrian military intelligence services known by name and additional unknown suspects, before the Office of the

German Federal Public Prosecutor (Generalbundesanwalt) in Germany. The claimants were detained by the military intelligence services and were themselves tortured or have been witnesses to torture. The complaint is filed by the seven claimants and includes the testimonies of seven further torture survivors. The submission of the criminal complaint was made possible with the support of the Heinrich-Böll Foundation.

The Office of the German Federal Prosecutor responded promptly to the first criminal complaint. Since the beginning of May, the claimants gave witness evidence in Berlin and Karlsruhe. From the torture survivors' perspective this was an important first step to achieve justice.

As a legal human rights organization, ECCHR supports victims and witnesses of arbitrary detention, torture and sexualized violence through legal intervention. The perpetrators and the instigators need to be held accountable. This is true for torture in Syria in the same way as in other situations and countries like Argentina, Bahrain, Sri Lanka or in the US detention center Guantánamo.

Grave human rights violations such as torture affect the international community as a whole and may not go unpunished.

For Syria, the path to the ICC is currently blocked. However the preamble of the statute of the ICC affirms that accountability for grave human rights violations "must be ensured by taking measures at the national level and by enhancing international cooperation". Thus national courts in states like Germany are also called on to investigate the grave crimes in Syria.

The criminal prosecution in Germany of international crimes committed in Syria is made possible by the German Code of Crimes against International Law (CCAIL). The CCAIL came into force in 2002 to bring German criminal law in line with the standards of international criminal law, in particular the Rome Statute of the ICC.

The principle of universal jurisdiction enshrined in the CCAIL is the basis for the criminal prosecution of genocide, crimes against humanity and war crimes by German judicial authorities. Under the CCAIL, the Public Prosecutor may investigate cases of crimes not committed on German territory. The CCAIL thus allows for proceedings concerning these crimes regardless of where, by whom and against whom the acts are committed.

The criminal complaint is a first step towards the initiation of proceedings before German courts. The complaint is aimed at directing the Office of the German Federal Public Prosecutor's attention to a specific situation or act that constitutes an offence in the view of the complainant.

The Office of the German Federal Public Prosecutor has since 2011 been examining the situation in Syria in what is known as a structural investigation: the office collects evidence and secures it for future use. Until now these structural investigations most addressed crimes committed by low-ranking perpetrators of non-state armed groups.

ECCHR's criminal complaint aims to assist the Office of the German Federal Public Prosecutor in investigating high-ranking individuals in the Syrian military

intelligence services in order to obtain international arrest warrants at the German Federal Supreme Court.

The legal steps in Germany are also intended to raise public awareness of human rights violations in Syria and to increase the pressure on the international criminal justice community. It remains essential however, that these international crimes will one day be prosecuted before Syrian courts.

## **i) THE CLAIMANTS**

ECCHR filed the complaint together with the Syrian lawyers Anwar al-Bunni and Mazen Darwish (see short biographies at the end of this chapter) as well as several women and men from Syria.

The criminal complaint is based on the testimonies of persons who have been detained in three different prisons of three different branches (prisons) of the Syrian military intelligence service in Damascus. These detention facilities are known for a number of years to be torture centers. All claimants have been detained in one of three prisons of the branches 227,235, and 215. Between October 2011 and July 2015, they were held in these detention facilities at different points in time, and for different periods of time (from a few days to several months). Their testimonies shed light on the torture which detainees there suffered and suffer.

The testimonies of the survivors, witnesses, official documents and pictures of the victims and crimes sites show that the Assad regime is guilty of systematic crimes against humanity and war crimes.

As an example excerpts of their testimonies follow:

### **Claimant / Witness 5**

Witness 5 (W5) was arrested close to Damascus in late July 2014. The reason: the activist, now 29 years old, had participated in peaceful demonstrations against the regime. She was brought to what is known as the "Kfar Sousa" security quarter and detained in branch 227. Later she was transferred to branch 235 where she was again detained for a month. She suffered abuse and also witnessed the torture of other inmates. Since 2015, W5 lives in Germany; her husband still lives in the north of Syria. Her mother has disappeared since her last visit to W5 in jail.

She told ECCHR: "The interrogations were conducted on the corridor. During the first ten days I was regularly taken out of my cell and had to stand on one leg in the corridor. Meanwhile I had to witness how inmates were tortured. The head of the prison had people to be brought out of their cells in order to mistreat them with a hose, with a hard plastic tube or with a cable ("fira")." W5 was herself beaten during the interrogations – punched and hit with hard plastic tubes.

### **Claimant / Witness 1**

Witness 1 (W1) is 57 years old, he is Christian and worked as an in Damascus for 25 years. At the beginning of the revolution in 2011, W1 was targeted by Assad's General Intelligence Directorate (Branch 255): He had criticized the Assad regime in articles and on Facebook. Moreover, he had opened his house in his hometown close to Damascus for people fleeing from the Syrian army and he helped to distribute UN relief supplies. The

intelligence service accused him of “providing support to terrorists”. In April 2015, W1 and his wife wanted to escort their youngest son to Beirut (he was on his way to start studying in Germany). However, at the border, a member of the military intelligence arrested W1 and transferred him to the branch 235 (known as the "branch of death") in Damascus. He was detained there for two weeks. During his time in branch 235 he was tortured with electric shocks amongst other methods. Since 2015, W1 and his family live in Germany.

W1 told ECCHR about the conditions during his detention: "Many had skin diseases and boils but had no energy to chase away the rats which were everywhere and gnawed on people's wounds. There was barely any food or water. People died around me. Sometimes they would lie around three days in the cell before a guard would come and carry the dead corpse away." From the fourth day on W1 was tortured every day with electric shocks until he lost consciousness. Additionally, he was beaten with a hard object on the back of his head while the electric shocks were administered. From the ninth day of interrogations onwards he couldn't see or hear anything.

#### **Claimant / Witness 8**

Witness 8 (W8) is 35 years old and grew up in a city in the south-west of Syria. W8 has worked as an electric engineer and belongs to the Druze religious minority of Syria. He was arrested twice. In November 2012, the military intelligence service arrested him with other activists for printing political flyers which criticized the Assad regime for their brutal crack-down on the Syrian population. In June 2013, he

was once again arrested and was detained in branch 235 in Damascus for two months. During his detention W8 was tortured and forced to give information on other activists. He has lived in Germany since 2015; some of his family still live in Syria.

W8 was forced under torture to name his companions and to match them with numbers in his phone. "The guard kicked me and severely hit me, amongst other things with a plastic tube. He also knocked my head against the wall. I was always blindfolded." he told ECCHR.

#### **Claimant / Witness 3**

Witness 3 (W3) lived in Damascus and organized and participated in demonstrations against Assad. He was arrested twice for his political activities. In August 2011 W3 was detained in Damascus for two weeks and in December 2011 he was detained and tortured in branch 215. The second time he was detained for 28 days and several times brutally beaten and tortured with electric shocks. W3 also had to witness the abuse of other inmates. Since September 2015 W3 has lived in Germany with his wife, who is also a claimant in this case. W3 was detained with 30 other men in a four by two-meter cell. “During the interrogations we were beaten with a long cable or a tube until we signed on to any allegation” he said in his testimony for the criminal complaint.

#### **Claimant / Witness 7**

Witness 7 (W7) was a political activist since the very beginning of the Syrian revolution. She regularly participated in demonstrations and supported individuals who had to flee within Syria. In December

2011 she was detained with other activists in Damascus. They were detained for 33 days in branch 215. Afterwards W7 was transferred to the Adra women's prison. Several times during her detention she was sexually degraded by the guards. She describes these incidents as psychological torture. Since September 2015 W7 lives with her husband W3 in Germany.

**Mazen Darwish, human rights lawyer, claimant**

Mazen Mazen Darwish (43) is a Syrian lawyer, journalist and President of the Syrian Center for Media and Freedom of Speech (SCM), which he founded in Damascus in 2004. The organization had to go underground but continued to document numerous violations of freedom of speech and freedom of the press, reported on the working conditions of journalists and supported media professionals who were in conflict with authorities.

After the beginning of the non-violent protests against Assad in spring 2011, SCM's work included documenting the names of disappeared and killed activists. Reporters without Borders honored Darwish as Journalist of the Year in 2012.

In February 2012, 14 members of SCM were arrested in a raid by the intelligence services. Darwish and his wife were among those arrested. Having experienced the situation in the prisons on his own Darwish recalls: "Torture wasn't an exception but rather a systematic method in prisons of the Syrian government". In an interview with the German Newspaper Die Zeit he described the torture methods: electric shocks, suspending detainees by their hands, beating and sleep deprivation.

More than 70 human rights organizations fought for the release of the SCM members. Furthermore, the UN General Assembly and the European Parliament urged the Assad Government to release them. After three and a half years in prison Darwish was released in August 2015.

**Anwar al-Bunni, human rights lawyer, claimant**

Anwar al-Bunni (58) is a well known Syrian human rights lawyer. He is a founding member of Human Rights Association Syria (HRAS) and the Syrian Center for Legal Researches & Studies which defends journalists and political prisoners.

As a lawyer, al-Bunni represented many human rights organizations and individuals who were persecuted and arrested for their political views in the context of the 2000/2001 protests in Damascus. Due to his work al-Bunni soon became a target for repression. Like members of his family he was systematically threatened, persecuted and defamed by government authorities. The bar association in Damascus suspended him several times.

In May 2006, al-Bunni and a number of other human rights activists were arrested after they had signed the so-called Beirut Damascus Declaration. In the declaration more than 274 Lebanese and Syrian intellectuals called for a normalization of the Syrian-Lebanese relations. During custody he was tortured several times.

In April 2007, al-Bunni was sentenced for the "distribution of seditious fake information" in a proceeding violating international standards of a fair trial. When he was sentenced he had already spent one year in the notorious Adra prison.

“It is a miracle that I survived,” al-Bunni told ECCHR. He wasn’t detained with the other political prisoners. One day pro Assad inmates tried to throw him off a balcony on the third floor.

Al-Bunni was released in Mai 2011. Today he lives in Berlin and was awarded with the Front Line Defenders Award and the Human Rights Award by the German Association of Judges.

### III) THE CRIME SCENES AND THE PERPETRATORS

ECCHR’s first criminal complaint focuses on three crime scenes which are used as prisons by three branches of the military intelligence service. The branches known as 235, 215, 227 are notorious for the violent treatment of the detainees.

Further steps are needed in order to address the systematic and comprehensive human rights violations such as torture, sexualized violence and killings. ECCHR will continue to work on further crime scenes and additional perpetrators.

The first criminal complaint submitted to the Office of the German Federal Public Prosecutor is filed against the following perpetrators known by name:

**Ali Mamluk, Head of the National Security Bureau (NSB)** was appointed by Assad in 2012 to run the NSB. Between 2005 and 2012 he was head of the General Intelligence Service Directorate. As a head of the NSB Mamluk was in command of all four intelligence services and therefore had effective control over the direct, executing perpetrators.

**Abdelfattah Qudsiyeh**, deputy head of the NSB was until July 2012 in command of

the Military Intelligence Service in Damascus. Qudsiyeh not only knew about the torture and abuse in the above mentioned branches but in his position he had a significant impact on the system of detentions, humiliation and torture.

**Brigadier General Rqafiq Shehadeh** was head of the Military Intelligence Service between 2012 and mid March 2015. He was also Assad’s special advisor on strategic questions and the Military Intelligence Service. He had effective and direct control over those individuals who executed the torture. The examination reports and the interrogation reports were forwarded directly to him.

The same applies to **Brigadier General Muhamad Mahalla** who succeeded Brigadier General Shehadeh. In his position he was and is directly involved in the repression of opponents of the Assad regime and the violent crackdown on civil society.

**Brigadier General Muhammad Khallouf** heads branch 235 in Damascus which runs one of the most notorious torture center in Syria. In his role he was regularly briefed on the killings committed by his branch. Khallouf is directly involved in the repression of regime critics and accountable for the torture of political prisoners.

**Brigadier General Shafiq Masa** is the head of branch 215 of the Syrian Military Intelligence Service. As such he is responsible for torture in the detention centers of branch 215. According to the [EU list of sanctions](#) he is directly accountable for repressions against civilians.

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## 4. THE CRIMINAL COMPLAINT BY THE “CAESAR-FILES SUPPORT GROUP”

The “Caesar photos” present a unique insight into the Syrian government’s machinery of torture and killing under Assad.

On 21 September 2017, the group around the former Syrian military police employee “Caesar” for the first time took legal action by filing together with the European Center for Constitutional and Human Rights ([ECCHR](https://www.ecchr.eu)) a criminal complaint at the Office of the German Federal Prosecutor in Karlsruhe against senior officials working for three out of the four Syrian intelligence services and military police concerning crimes against humanity and war crimes. A representative of the “Caesar-Files Support Group” handed the Office of the German Federal Prosecutor a set of the “Caesar photos” with metadata.

The photos were taken in Syria between May 2011 and August 2013. They were subsequently obtained by the “Caesar-Files Support Group” and smuggled out of the country. According to the group more than half of the total 26,948 files show the bodies of detainees who died in Syrian government detention facilities.

The metadata and the accompanying criminal complaint from ECCHR and the “Caesar-Files Support Group” provide information on the locations and institutions involved as well as the torture methods used and the causes of death.

The complaint filed by the “Caesar-Files Support Group” together with ECCHR is

directed against the heads of the Syria’s National Security Bureau, the Military Intelligence Service, the Air Force Intelligence Service, the General Intelligence Directorate and the Military Police.

The injuries visible on the bodies of the corpses provide indications that (and also how) detainees in Syrian military intelligence and military police facilities were tortured and killed.

The high number of photos further demonstrates the bureaucratic procedures followed as well as the extent and the systematic nature of the torture and killing of detainees under President Assad.

The photographs were taken as part of the Syrian military police’s internal procedures. According to “Caesar”, new corpses were brought to the military hospitals almost every day. He says that forensic doctors, without carrying out any examination, would then arbitrarily note down a cause of death: either “cardiac failure” or “breathing difficulties”.

Various sources indicate that the bodies in the photographs bore different numbers. One number was to indicate the institute or department where the deceased was last detained, another showed the detainee number assigned by the relevant intelligence services department. The forensic doctors would then assign one more number which would be written on a piece of cardboard and held up beside the

body while the photograph was taken.

The vast majority of the photographs show the corpses of young men between the ages of 20 and 40. Moreover, the images show corpses of elderly people as well as of at least one woman and at least 100 children under the age of 18.

Metadata attached to image files generally contains information on the camera model used to take the photograph. In many cases, it also indicates the serial number of the device. This information is highly valuable for the verification of the photos.

Metadata record often reveals the “hash number” which can be used to verify that the images are genuine photos and not forgeries. Furthermore, if the camera’s GPS system was on at the time the picture was taken, the metadata can be used to help determine where the photo was taken. Metadata include information on the exact time the photo was taken and the time the picture was saved on another device. In cases where the photographer is registered as the camera’s user, the metadata also helps identify the photographer.

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## **5. FURTHER ECCHR LEGAL INTERVENTIONS CONCERNING HUMAN RIGHTS VIOLATIONS IN SYRIA - THE CASE AGAINST TRANSNATIONAL CORPORATIONS LIKE LAFRAGE FROM FRANCE**

Transnational corporations can, by virtue of their business in conflict regions, support violent escalations and grave human rights violations.

Since the beginning of the armed conflict an extensive war economy has evolved in Syria in which nearly all conflict parties are involved. This involves trade in weapons, raw materials and other goods of interest for the conflict parties, nation states and corporations. There are many actors profiting from the situation: From local firms to arms and defense companies in various countries to the biggest transnational corporations like the Swiss-French cement supplier Lafarge and its subsidiary Lafarge Cement Syria (LCS).

In cooperation with 11 Syrian nationals and the French organization Sherpa,

ECCHR has filed a complaint against Lafarge and LCS on 15 November 2016 in Paris. The allegations: Through their business relations with Islamic State (IS), LCS was aiding and abetting a war crime and a crime against humanity by financing the group.

The criminal complaint focuses on the events at the cement factory of the company in Jalabiya in the north of Syria located between al-Raqqqa and Manbij in the years between 2012 and 2014. There is no doubt that IS was committing grave crimes against the civil population during that time. Maintaining business relationships with IS, Lafarge knew that it was aiding and abetting the acts of the group.

ECCHR and Sherpa are in possession of information that Lafarge entered into agreement with IS in order to maintain its production in the factory. In this regard the company supposedly bought oil and pozzolan from IS and paid fees for passes.

“They [IS] issued documents so that LCS-trucks could pass IS checkpoints. In the beginning of May the pass consisted of a handwritten notice of IS on which they had to affix the tokens of the financial department of IS,” an employee who worked in the relevant factory during that time told ECCHR.

The ECCHR and Sherpa further accuse Lafarge and LCS of negligently endangering their personnel. When IS took control over the territory LCS withdrew its non-Syrian staff from its factory in Jalabiya. The Syrian personnel continued to work there.

ECCHR’s and Sherpa’s information indicate that the French company didn’t have any security plan for their staff. Although the violent conflicts close to the factory continuously intensified since 2012 there seems to be no evacuation plan being prepared. It appears the local personnel were left completely on their own.

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## **6. OUTLOOK**

In order to achieve accountability for the systematic and widespread human rights violations in Syria further legal interventions have to follow - against the Assad regime, against transnational corporations, against third states involved in military intervention in the conflict as well as against organizations such as IS.

Without justice for those affected by the crimes committed in Syria, there is no prospect of a political solution. Undoubtedly, justice for human rights crimes are essential for affected individuals. However accountability also has contributes to the prevention of other conflicts and for the development of the rule of law as well as democratic principles after the end of war in Syria.

ECCHR is also working on crimes committed in other locations in Syria and on additional perpetrators. It is currently examining further legal interventions in

Germany. Such steps could focus e.g. on other parts of the intelligence services or crimes at other locations such as the executions in the Saydnaya detention facility.

Alongside arms trade in conventional weapons and other defense products like surveillance technology to conflict parties, a further field of possible interventions may be the use of drones in Syria. In modern warfare, drones have become increasingly important, be it for surveillance purposes of territories or persons or for targeted killings. According to the research of ECCHR’s partner organization Air Wars, at least 5,500 civilians have been killed in air strikes, some of them by drones. Russia, Iran and the US led coalition are responsible for these casualties.

On the international level, legal steps to address the human rights violations against

the Yazidis and other religious minorities will also be important. It still needs to be examined which legal means and avenues will prove to be most promising to hold IS

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accountable for genocide, sexual enslavement of women and the recruitment of child soldiers.

## “WITHOUT JUSTICE, THERE CANNOT BE PEACE IN SYRIA “

Mazen Darwish

Syrian Torture Survivor, Journalist and Lawyer

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Without your support we would not be able to fight against injustice, to give the victims a voice in court and to enforce human rights with legal means around the world.

With your donation you can help to:

- Put an end to impunity in Syria
- Hold accountable those responsible for torture, arbitrary executions and “disappearances”
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- Put pressure on key decision-makers to prevent human rights violations in the long term

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