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Germany must investigate sexual and gender-based violence in Syria as crimes against humanity – Survivors file criminal complaint against Air Force Intelligence Service

Q&A on the legal background

On 17 June 2020, [ECCHR](#) and its partner organizations [Urnammu](#) and [Syrian Women's Network](#) submitted a criminal complaint on behalf of seven Syrian survivors to the German Federal Public Prosecutor. The complainants demand the German judiciary to prosecute sexual and gender-based violence (SGBV) in Syria as crime against humanity. The complaint is directed against nine high-ranking officials of the Syrian Air Force Intelligence Service and complements a previous criminal complaint against the same suspects that ECCHR submitted in November 2017. This previous legal action contributed to an arrest warrant against [Jamil Hassan](#), then head of the Air Force Intelligence, issued by the Federal Court of Justice in June 2018.

This complaint is part of ECCHR's work on [Syria](#), which includes seven other criminal complaints in Germany, Austria, Sweden and Norway. It is also part of a series of legal actions challenging [sexual and gender-based violence](#) in Chechnya, Chile, Colombia, DRC, the Philippines and Sri Lanka.

What is the goal of this criminal complaint?

With this criminal complaint, the seven plaintiffs, ECCHR and its partners seek to advance accountability for sexual and gender-based violence committed against female and male detainees in detention facilities run by the Syrian Air Force Intelligence.

Albeit detailed reports from Syrian and international organizations, including the UN Commission of Inquiry (UN CoI), outline the forms and impact of SGBV committed in the Syrian intelligence services' detention facilities, no arrest warrant or indictment issued include the explicit charge of sexual and gender-based crimes as crimes against humanity. Therefore, this complaint aims for Germany to investigate and prosecute acts of rape, sexual coercion and deprivation of a person's reproductive capacity as a crime against humanity under Section 7(1) Number 6 of the German Code of Crimes Against International Law (CCAIL), thus recognizing that Syrian intelligence officers have committed SGBV as part of a widespread and systematic attack against the civilian population.

In addition, as a long-term effect, ECCHR and its partners demand that German authorities prioritize the investigation and prosecution of SGBV in its work on Syria, and undertake measures to apply a [gender analysis](#) in their investigations and prosecutions, which means that they examine structural inequalities and differences between men and women, boys and girls and that they include this approach in their investigation measures.



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Who is the subject of this criminal complaint?

The criminal complaint is directed against Jamil Hassan, former head of the Syrian Air Force Intelligence, and eight other high-ranking officials in the Syrian National Security Bureau and the Air Force Intelligence Service. They were the subject of a [2017 complaint filed by ECCHR](#), which contributed to the arrest warrant against Jamil Hassan. The new complaint demands that rape and other forms of sexual violence be added to the charges against him as crimes against humanity, and that German authorities investigate the other suspects' involvement in crimes against humanity such as extermination, torture, killing, rape and other forms of sexual violence, enforced disappearance, causing of grave physical and mental harm, deprivation of liberty, and persecution on political grounds. The nine suspects are accused of having ordered, maintained and allowed the witnesses' ill-treatment. The suspects are indirect perpetrators or accomplices in the crimes, based on their high position in the chain of command, which enabled them to order direct physical perpetrators to carry out torture and SGBV against detainees.

What evidence is the criminal complaint based on?

The complaint is based on the testimony of seven survivors who were detained in five different prisons by the Syrian Air Force Intelligence in the cities of Damascus, Aleppo and Hama. Between April 2011 and August 2013, the four women and three men either survived or witnessed SGBV and torture. Their testimony is supported by medical reports, a gender analysis of the [Caesar photos](#), and various reports by international and Syrian human rights organizations as well as the UN Commission of Inquiry.

What forms of sexual violence are the Syrian intelligence services committing against the civilian population in detention facilities?

In Syria, SGBV is committed with the political aim of suppressing and punishing individuals perceived as belonging to the political opposition by creating a ceaseless environment of fear. [Survivors report many forms of SGBV](#) – both physical and non-physical – such as rape or its threat, sexual harassment, intimate searches, and genital mutilation. SGBV also includes acts such as forced abortions and forced nudity. Such measures have been used against adults as well as children.

SGBV has long-term physical and psychological consequences for direct victims and their families, but is also used as a tool to weaken society and the political opposition as a whole. The Syrian government's widespread use of SGBV creates fear within society, forcing, for example, women in particular to flee the country. Upon their release, female survivors often face further discrimination. Due to the notion within the Syrian society that women carry "the family's honor," female survivors are made to feel responsible for their family's lost reputation, which in turn can lead to survivors being socially isolated by their families. Women are especially targeted with the objective of offending male relatives and destabilizing the family as a whole. Even if female detainees have not been subjected to SGBV, it is usually assumed that they were raped in detention, often with the same consequences.

For men and boys, SGBV mostly results in a perceived loss of masculinity, causing them to be unable to speak to friends or family about what happened, as they fear that they will lose the respect of more senior family members.



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Why is it important to highlight gender analysis in the investigation and prosecution of international crimes?

The commission of crimes, including sexual and gender-based crimes, is related to gender norms and inequalities. Gender analysis examines whether and how crimes are committed due to the gender or role assigned to individuals according to the society in which they live.

Certain acts may target women, others might affect members of a certain religion, or LGBTQI people. A gender analysis of a particular conflict or crime site enhances the understanding of underlying social inequalities behind the violence that occurs. It shines a light on which experiences were reported on, by whom as well as gaps within investigations with respect to a certain for example gender, religious group or ethnic minority.

A gender-sensitive approach to investigating and prosecuting such crimes uncovers structural discrimination and oppression that precedes the forms of violence used against individuals or groups because of their role in society. With this criminal complaint, ECCHR aims to shed light on particular treatments' disproportionate effects on individuals depending on their gender or role in society, illustrating that they are used with the objective of weakening Syrian society as a whole and to suppress voices critical of the government.

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