

**EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS**



DOSSIER

**HUMAN RIGHTS VIOLATIONS IN SYRIA:
TORTURE UNDER ASSAD**

**SURVIVORS DEMAND JUSTICE –
GERMANY COULD SET PRECEDENT IN FIRST
TRIAL WORLDWIDE ON STATE TORTURE**

The fight against impunity for state torture in Syria: German authorities set international precedent

The [first trial worldwide about state torture in Syria](#) will be opened at the Higher Regional Court in Koblenz (Germany) on 23 April 2020. This follows the German Federal Prosecutor's indictment of two former officials of President Bashar al-Assad's Syrian General Intelligence Directorate in October 2019. Anwar R is accused of being involved in the torture of at least 4000 people between 2011 and 2012 at the General Intelligence Al-Khatib Branch prison in Damascus. His colleague Eyad A is charged with torture in at least 30 cases.

In June 2018, it became public that the German Federal Court of Justice (*Bundesgerichtshof* – BGH) issued an arrest warrant for [Jamil Hassan](#), head of the Syrian Air Force Intelligence Service until July 2019. This was a milestone towards justice and accountability for everyone affected by Assad's torture system, particularly the Syrian torture survivors and activists whose testimony contributed to the arrest warrant, and who work closely with the European Center for Constitutional and Human Rights ([ECCHR](#)).

The Syrian survivors and activists have filed four criminal complaints in Germany based on the principle of universal jurisdiction since 2017. Working with lawyers Anwar al-Bunni (Syrian Center for Legal Studies and Research – [SCLSR](#)), Mazen Darwish (Syrian Center for Media and Freedom of Expression – [SCM](#)), the Caesar Files Group and ECCHR, their goal is to hold high-ranking officials of Assad's security apparatus to account. **The criminal complaints in Germany were followed by similar complaints in Austria in May 2018, in Sweden in February 2019, and in Norway in November 2019.**

The criminal complaints concerning torture under the Assad government are part of a series of legal interventions by ECCHR. These have targeted the [“architects” of the US torture system](#) set up as part of the “war on terror” (filed in Germany and other states), those responsible for [torture in Bahrain](#) (filed in Switzerland and Ireland), and British soldiers [for torture during the Iraq war](#) (filed with the International Criminal Court in The Hague).

1. Introduction

Torture, execution and forced disappearances of civilians; air strikes targeting civilian buildings, and extensive bombing of residential areas; genocide and sexual enslavement of minorities such as Yezidis – these are just some of the violations of international law committed by all parties in the violent conflict in Syria since it began in 2011. They continue today.

Syrian and international organizations have continuously documented grave human rights violations so that the perpetrators can be held to account.

The international community has condemned these crimes for years, and expressed deep concern about the humanitarian crisis in Syria. However, all attempts to resolve the conflict through

international negotiations have failed. Military interventions by third parties – Russia, Iran, Turkey, Saudi Arabia, the US and France – have killed and wounded many, and further inflamed the conflict.

In addition, the long-term unstable political situation provided fertile ground for the rise of radical movements in Syria. Conflict parties like the “Islamic State” and Al-Nusra were able to establish themselves as powerful players, and commit grave human rights abuses.

President Bashar al-Assad’s government is responsible 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 at home; impunity in Syria is nearly absolute.

Systematic torture of civilians in armed conflict is a war crime and crime against humanity. The international community must defend the absolute prohibition of torture, including in armed conflict. If victims do not see justice, there will be no political solution to the conflict.

International criminal justice does not provide a legal avenue for prosecuting international crimes committed in Syria: the International Criminal Court (ICC) does not have jurisdiction over Syria – it has not signed the Rome Statute of the ICC. Permanent UN Security Council members Russia and China **vetoes** a resolution to refer the situation to the ICC.

However, the UN Human Rights Council established the Independent International Commission of Inquiry on the Syrian Arab Republic (UN CoI Syria) in August 2011 in resolution **S-17/1**. The commission has a mandate to investigate all alleged violations

of international human rights law in Syria since March 2011.

In December 2016, the UN General Assembly 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).

UN CoI Syria has collected evidence about human rights violations by all conflict parties in order to make recommendations to UN member states about future legal proceedings. UN CoI Syria works closely with IIIM, which is tasked with “collecting, consolidating, preserving, and analyzing evidence pertaining to violations and abuses of human rights and humanitarian law,” and “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 hold perpetrators of all ranks accountable. In Germany and other European Union member states have initiated universal jurisdiction investigations.

ECCHR uses universal jurisdiction to counter violence with the law. Together with torture survivors who had to flee Syria and were granted international protection in Germany, lawyers Anwar al-Bunni and Mazen Darwish, the Caesar Files Group and ECCHR filed four criminal complaints in 2017 with the German Federal Prosecutor in Karlsruhe concerning crimes against humanity and war crimes.

ECCHR chose to focus the complaints on torture, as its commission in Assad-run prisons is well documented, and serves as

an example of its decades-long systematic and violent repression of the Syrian population, which escalated dramatically after the government's brutal suppression of the peaceful uprisings in 2011.

The four criminal complaints filed in Germany were ECCHR's first steps in a systematic legal intervention with respect to the human rights violations committed in Syria. The German judiciary thereby plays a key role. Many Syrians found refuge from persecution in Germany – now German authorities can send a strong message to

encourage further investigations in different European countries.

The June 2018 arrest warrant for Jamil Hassan was an important first step in that direction. The arrests of Anwar R. and Eyad A. followed in February 2019; charges were filed against them in October 2019. **The first trial worldwide on state torture in Syria is scheduled to start in Germany in early 2020.** With this development, the German judiciary has sent an important signal to those affected as well as the international community.

2. Human rights violations by the Assad government

President Bashar al-Assad assumed office in 2000. From the beginning, he continued his father Hafiz al-Assad's legacy by suppressing all forms 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 the government. Syrian intelligence services responded brutally 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 tortured in civilian and military prisons. **At the same time, the Syrian army started to target the civilian population with heavy artillery and internationally banned weapons such as chemical weapons, cluster ammunition and barrel bombs.**

Assad's forces also targeted many civilian facilities, such as hospitals and schools. According to [Physicians for Human Rights](#), the Syrian army has killed nearly 700 medical facility employees in deliberate attacks. It is safe to say that these attacks

amount to crimes against humanity and war crimes.

1) TORTURE BY ASSAD'S INTELLIGENCE SERVICES

The enforced disappearance and torture of government critics, opposition politicians and journalists has been a common characteristic of Assad's rule for decades. These practices are well known and documented in Syrian torture survivors and activists' testimony, and investigations by international human rights organizations such as [Amnesty International](#) and [Human Rights Watch](#).

Syria's 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*), the General Intelligence Service (*Al-amn al-Amm*), and the National Intelligence Service (*Al-Amn al-Wattani*), which oversees the others – practice widespread, systematic torture. Each

agency has a central branch in Damascus, as well as regional branches.

All intelligence services are well equipped in terms of staff, and prisons are located all over the country. Detention facilities are set up as “interrogation prisons” where detainees are tortured regularly with various techniques. According to survivor testimony, this includes beating with sticks, cables and plastic tubes; kicking heads and genitals; electric shocks; sleep deprivation and sexual assault. The Assad government maintains its claim that interrogations are a means to obtain “confessions.” In reality, the system of torture does not serve to obtain information, but to terrorize and humiliate the population.

The Syrian government continues to deny the occurrence of these crimes, and refuses to allow international experts or journalists to access intelligence service prisons. Testimony from torture survivors working with ECCHR corroborates research and documentation of 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 worked as an official Syrian military police forensic photographer. He took the pictures between May 2011 and August 2013. They show at least 6786 detainees who died *inter alia* from torture, either in detention, or after their transfer from prison to a military hospital.

Amnesty International reported that between September 2011 and December 2015, between 5000 and 13,000 people were [secretly hanged in Saydnaya](#) military prison.

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

3. Criminal complaints in Germany against high-ranking members of Syrian intelligence services and the military

ECCHR has [investigated cases of torture and other human rights violations in Syria](#) since 2012. It has worked closely with survivors, witnesses, lawyers and activists from Syria, as well as international partner organizations.

The direct perpetrators, and in particular those overseeing these crimes, must be held accountable. This is true for torture in Syria, as in other situations and countries like

Argentina, Bahrain, Sri Lanka and the US detention center in Guantánamo. Grave human rights violations such as torture affect the international community as a whole, and must not go unpunished.

The German Code of Crimes against International Law (CCAIL) makes the criminal prosecution of international crimes committed in Syria possible in Germany.

CCAIL came into force in 2002 to bring German criminal law in line with [international criminal law standards](#), in particular the Rome Statute of the ICC.

The principle of universal jurisdiction enshrined in CCAIL is the basis for German judicial authorities' criminal prosecution of genocide, crimes against humanity and war crimes. Under CCAIL, the German Federal Prosecutor (*Generalbundesanwalt*) may investigate crimes committed outside of German territory. **CCAIL allows proceedings concerning these crimes, regardless of where they were committed, who committed them, and against whom.**

Criminal complaints are a first step towards German courts initiating proceedings. They aim to direct the Federal Prosecutor's attention to a specific situation or act that constitutes an offence in the view of the complainant.

The Office of the Federal Prosecutor has investigated the situation in Syria since 2011 in a "structural investigation": it collects evidence and secures it for future use. So far, structural investigations have mostly addressed crimes by low-ranking perpetrators of non-state armed groups.

ECCHR's criminal complaints **aim to assist the Office of the Federal Prosecutor in investigating high-ranking members of the Syrian military intelligence services in order to obtain arrest warrants** from the German Federal Supreme Court, as in the case of Jamil Hassan.

The legal steps in Germany are also intended to raise public awareness of human rights violations in Syria, and increase pressure on the international criminal justice community to respond. It remains essential, however, that courts in Syria address these crimes at some point.

I) THE COMPLAINANTS

The criminal complaints in Germany are based on the testimony of people who were detained in three different Syrian intelligence service branches (detention facilities), and the Saydnaya military prison.

Testimony from survivors and witnesses, official documents, and pictures of the victims and crimes sites show that the Assad government is guilty of systematic crimes against humanity and war crimes.

As an example, excerpts of their testimonies follow:

Complainant / Witness 1

Witness 1 (W1) is Christian and worked as a lawyer in Damascus for 25 years. At the beginning of the revolution in 2011, Assad's General Intelligence Directorate (branch 255) targeted W1: he criticized the Assad government in media articles and on Facebook. Moreover, he opened his home close to Damascus to people fleeing from the Syrian army, and helped distribute UN relief supplies. The intelligence service accused him of "providing support to terrorists." In April 2015, a member of the Military Intelligence arrested W1 and his wife at the Beirut border, and transferred him to branch 235 (known as the "branch of death") in Damascus. W1 was detained there for two weeks. During his time in branch 235, he was tortured with electric shocks, among other methods.

W1 told ECCHR about the conditions during his detention: "Many had skin diseases and boils, but did not have the energy to chase away the rats that were everywhere and gnawed on their wounds. There was barely any food or water. People died around me. Sometimes a corpse would lie in my cell for three days before a guard would come and carry it away."

From his fourth day in detention on, W1 was tortured daily with electric shocks until he lost consciousness. From the ninth day of interrogations onwards, he completely lost his vision and sight.

Complainant / Witness 3

Witness 3 (W3) lived in Damascus, where he 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, during which he was brutally beaten and tortured with electric shocks several times.

W3 also had to witness the abuse of other inmates. He was detained with 30 other men in a four by two meter cell.

“During the interrogations, we were beaten with a long cable or tube until we signed a ‘confession’,” he said in his testimony for the criminal complaint.

W3 and his wife, who is also a complainant in this case, have lived in Germany since September 2015.

Complainant / Witness 5

Witness 5 (W5) was arrested near Damascus in late July 2014. The reason: the activist participated in peaceful demonstrations against the government. She was brought to the Kfar Sousa security quarter, and detained for a month in branch 227. Later, she was transferred to branch 235, where she was held for another month. She was tortured and witnessed the torture of other inmates. W5 was punched and beaten with hard plastic tubes.

She told ECCHR, “Interrogations were conducted in the hallway. During the first ten days of my imprisonment, I was regularly taken out of my cell, and forced to stand in

the hall on one leg while I witnessed the torture of other inmates. The head of the prison had people taken from their cells to torture them with a hose, hard plastic tube or cable (“*fira*”).”

W5 has lived in Germany since 2015. Her husband still lives in northern Syria. Her mother disappeared after her last visit to see W5 in prison.

Complainant / Witness 16

Witness 16 (W16) is Kurdish and was politically active even before the 2011 protests against Assad’s government. Air Force Intelligence officers arrested him in September 2011. He spent several weeks in various Air Force Intelligence detention centers, during which he was subjected to various modes of torture. In February 2012, W16 was transferred to Saydnaya military prison, where he remained until May 2013.

W16 told ECCHR about the inhumane conditions in military prisons, as well as systematic abuse and torture. Daily life at Saydnaya was strictly regimented. Guards woke detainees up between three and five in the morning, and forced them to roll up their blankets. Detainees then received their only meal of the day: a small piece of (usually stale) bread, an egg, and some rice or potatoes. Detainees had to collect water from a slowly dripping tap.

Complainant / Witness 24

Witness 24 (W24) studied engineering in Damascus. As an activist, he was involved in the protest movement against Assad’s government from the beginning. In November 2011, W24 was arrested with three of his friends. He recognized one of their corpses in the “Caesar” photographs.

W24 spent four and a half months in various Air Force Intelligence al-Mezzeh Investigative Branch prisons.

W24 described how when he arrived at the al-Mezzeh Branch – he was tortured for several hours with cables and wooden poles with nails on each end, resulting in a broken jaw. W24 did not receive medical care and could not eat for weeks. To survive, he relied on fellow detainees to pre-chew his food. His injuries from repeated torture were so severe that he had to be operated on in Germany.

Mazen Darwish

Mazen Darwish 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 was forced to go underground, but continued to document numerous violations of freedom of speech and freedom of the press, report on journalists' working conditions, and support journalists who were targeted by the authorities.

After the non-violent protests against Assad broke out in spring 2011, SCM began to document the names of activists who were disappeared and killed. Reporters without Borders honored Darwish as [Journalist of the Year](#) in 2012.

In February 2012, 14 SCM members, including Darwish and his wife, were arrested during an intelligence service raid.

Based on his experience, Darwish recalled, "Torture wasn't the exception, but rather a systematic method in Syrian government prisons." In an [interview](#) with the German newspaper *DIE ZEIT*, he described the torture methods: electric shocks, suspending detainees by their hands, beatings and sleep deprivation.

More than 70 human rights organizations fought for the release of SCM members. The UN General Assembly and 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

Anwar al-Bunni is a well-known Syrian human rights lawyer and founding member of [Human Rights Association Syria](#) (HRAS) and the Syrian Center for Legal Studies and Research (SCLSR), which defends journalists and political prisoners.

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

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

In April 2007, al-Bunni was sentenced for the "distribution of seditious fake information" in proceedings that violated international standards of a fair trial. When sentenced, he had already spent a year in the notorious Adra prison, where he spent three more years.

"It is a miracle that I survived," al-Bunni told ECCHR. He was not detained with other political prisoners. One day, pro-Assad inmates tried to throw him off a third-floor balcony.

Al-Bunni was released in May 2011 and now lives in Berlin. He received the Front Line

Defenders Award and German Association of Judges' Human Rights Award. In December 2018, he won the [Franco-German Prize for Human Rights](#).

II) THE SUSPECTS

The criminal complaints submitted to the Office of the German Federal Public Prosecutor were filed against the following alleged perpetrators, among others:

Jamil Hassan, former Head of the Syrian Air Force Intelligence Service, for whom an arrest warrant was issued in 2018. He was a close advisor to President Bashar al-Assad and a member of his inner circle. Hassan was the head of Air Force Intelligence from 2009 until July 2019, upholding its reputation as the country's most brutal intelligence arm.

In Western media, Hassan has openly spoken in favor of merciless violence to quell peaceful protests against the Assad government. As head of Air Force Intelligence, he was jointly responsible for the government's system of surveillance, detention, torture and killing thousands of Syrians.

Ali Mamluk, Head of the National Security Bureau (NSB), was appointed by Assad in 2012. As a head of the NSB, Mamluk is in command of all four intelligence services, and therefore had effective control over the direct perpetrators. He served as head of the General Intelligence Service from 2005 to 2012.

Abdelfattah Qudsiyeh, Deputy Head of the NSB, commanded the Military Intelligence Service in Damascus until July 2012.

Qudsiyeh not only knew about torture and abuse in the above-mentioned branches, he played a significant role in the system of detention, humiliation and torture.

Brigadier General Rqafiq Shehadeh, Head of the Military Intelligence Service between 2012 and mid-March 2015, was also Assad's special advisor on strategic issues and the Military Intelligence Service. He had effective and direct control over the individuals who carried out torture. Examination and interrogation reports were forwarded directly to him.

The same applies to **Brigadier General Muhamad Mahalla**, who succeeded Brigadier General Shehadeh. In his position, Mahalla is directly involved in repressing opponents of Assad's government, and its violent crackdown on civil society.

Lieutenant General Fahd Jassem al-Frej, Minister of Defense and Deputy Commander-in-Chief of the Syrian Armed Forces from July 2012 to January 2018. Due to his high-ranking position within the Syrian military, al-Frej should be held accountable for grave crimes committed under his command, including in the Saydnaya military prison and Tishreen military hospital.

Major General Mohammed Dib Zeitoun, Head of the General Intelligence Service. On account of his position, he is responsible for systematic torture, crimes against humanity and war crimes committed in branches 40, 252 and 285 of the General Intelligence Service in Damascus, as well as in branch 322 in Aleppo.

4. The criminal complaint by the Caesar Files Group

The “Caesar photos” present a unique insight into the Syrian government’s machinery of torture and killing under Assad. In September 2017, the group around the former Syrian military police employee “Caesar” took legal action for the first time. Together with ECCHR, it filed a criminal complaint with the German Federal Prosecutor against senior officials working for three of the Syrian intelligence services, and the military police, concerning crimes against humanity and war crimes. A representative of the Caesar Files Group provided the German Federal Prosecutor a set of the “Caesar photos” along with associated metadata.

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

The metadata and accompanying criminal complaint provide information about the locations and institutions involved, as well as torture methods and causes of death.

The complaint is directed against the heads of 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 corpses indicate that (and how) detainees in Syrian military intelligence and military police facilities were tortured and killed.

The large number of photos further demonstrates the bureaucratic procedures that were followed, as well as the extent and systematic nature of the torture and killing of detainees under Assad.

The photographs were taken during Syrian Military Police internal procedures. According to “Caesar,” new corpses were brought to military hospitals almost every day. He said that forensic doctors, without carrying out an exam, would arbitrarily note a cause of death, either “cardiac failure” or “breathing difficulties.”

Various sources indicate that the bodies in the photographs bore three different numbers: one for the branch or department where the deceased was last detained; a detainee number assigned by the relevant intelligence services department; and a third representing the total number of bodies seen at the military hospital, written on a piece of cardboard and held up next to the body while the photograph was taken.

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

Metadata attached to image files generally contains information about the camera model used to take the photograph, and in many cases, its serial number and a “hash number.” This information is highly valuable to verify the authenticity of the photos.

If the camera’s GPS system was enabled at the time a picture was taken, metadata can help determine where the photo was taken.

Metadata includes the exact time the photo was taken, and the time it was saved on another device.

In cases where the photographer is registered as the camera's user, the metadata can also help identify the photographer.

5. The path to justice leads through Europe – including Austria

Austrian authorities should initiate investigations into systematic torture under Assad using the principle of universal jurisdiction.

In May 2018, four women and twelve men from Syria filed a [criminal complaint with the prosecutor in Vienna](#), the first of its kind in Austria. The complaint addressed torture in Syrian intelligence service detention facilities as a crime against humanity and war crime.

The 16 torture survivors filed the complaint in Austria – as in Germany – together with ECCHR, SCLSR and SCM. It was also supported by the Center for the Enforcement of Human Rights International ([CEHRI](#)) from Vienna.

The complainants, which include an Austrian citizen and several people who were detained

as minors, were tortured or witnessed torture in intelligence service detention facilities.

In this case, the accused include Ali Mamluk, Head of the National Security Bureau, as well as 23 other high-ranking Military Intelligence, Air Force Intelligence and General Intelligence Service officials.

Torture and other crimes described in the complaint – including murder, serious bodily harm, deprivation of liberty, and extermination of the civilian population – were committed between February 2011 and January 2017 in 13 detention centers in Damascus, Daraa, Hama and Aleppo. The complaint is the first of its kind in Austria, and compliments the four complaints submitted in Germany, as well as those in Sweden and Norway.

6. Sweden: Criminal complaint against Assad's intelligence chiefs

Like Germany and Austria, Sweden can play an important role in the fight against impunity for torture in Syria due to its universal jurisdiction laws. In February 2019, nine torture survivors from Syria filed a [complaint in Stockholm](#) against high-ranking officials of the Assad government for crimes against humanity.

The complainants participated in peaceful protests against the Assad government in

the spring of 2011. For this, they were arrested and imprisoned in 15 detention centers of four Syrian secret services in Damascus, Aleppo, Raqqa and other cities between February 2011 and June 2015.

The complainants were severely tortured and witnessed the torture and deaths of other prisoners. After their release, the complainants left Syria, and now live in Europe.

Their aim is for the Swedish judiciary to investigate the complaint's 25 named intelligence officials, as well as those not yet known by name, and issue arrest warrants based on Sweden's penal code and law on criminal responsibility for genocide, crimes against humanity and war crimes. Allegations include crimes against humanity, war crimes, torture, well degrading treatment, rape, severe bodily injury and illegal abduction.

The men and women filed the complaint together with ECCHR, Anwar al-Bunni,

Mazen Darwish, the Caesar Files Group and the Swedish Civil Rights Defenders (CRD). CRD and ECCHR, whose legal research and analysis form the basis of the criminal complaint, have worked closely with the complainants for a long time.

The Swedish court reacted swiftly: in spring 2019, only a few weeks after the complaint was submitted, four Syrian witnesses gave testimony to the War Crimes Unit of the Swedish police.

7. Norway's role in the fight against impunity

In 2019, the dynamic of criminal complaints, investigations and proceedings in other European countries led Syrian torture survivors to seek justice in Norway as well. Together with ECCHR's Syrian partner organizations, as well as the Norwegian Helsinki Committee (NHC), five torture survivors – a woman and four men – submitted a criminal complaint in Oslo in November 2019.

The complaint is directed against 17 high-ranking officials of Assad's security

apparatus for crimes against humanity and other crimes. The aim is for Norway to investigate and issue arrest warrants.

The five complainants agreed, "With this criminal complaint, we are taking a first step on the long path to justice. In Norway, we have laid a foundation to address the crimes in Syria – work that will involve many generations to come. We are confident that the Norwegian judiciary will help us seek justice."

8. The case against transnational corporations in Syria – Lafarge

By doing business in conflict regions, transnational corporations can escalate conflicts and contribute to grave human rights violations.

An extensive war economy has evolved since the beginning of the armed conflict in Syria, involving nearly all parties to the conflict. This involves trade in weapons,

raw materials and other goods of interest to parties in the conflict, states and corporations. Many actors profit from the situation: local firms, arms and defense companies in various countries, and large transnational corporations like the French cement supplier Lafarge and its subsidiary Lafarge Cement Syria (LCS).

The [Lafarge/Syria case](#) remains a milestone in the fight against corporate impunity even though French courts revoked the indictment for complicity in crimes against humanity in November 2019. The Investigation Chamber of the Paris Court of Appeals confirmed the charges against the multinational for deliberately endangering the lives of its Syrian subsidiary workers and for financing terrorism in relation to large money transfers allegedly made to the Islamic State. The judicial inquiry, in which eight former Lafarge executives are also indicted, remains open against the company on all charges.

ECCHR and its French partner organization [Sherpa](#) have appealed the decision on Lafarge's alleged complicity in crimes against humanity. The French Supreme Court will then address fundamental questions of transnational corporations' responsibility.

Proceedings against Lafarge followed, among other things, a criminal complaint by eleven former Syrian employees, ECCHR and [Sherpa](#) in November 2016.

The allegations: through their business relations with armed groups like the "Islamic State" (IS), Lafarge and its Syrian subsidiary financed terrorism and was complicit in crimes against humanity.

The criminal complaint focuses on events at company's cement factory in Jalabiya, in northern Syria between al-Raqqa and Manbij, between 2012 and 2014. There is no doubt that IS committed grave crimes against the civilian population during that time.

ECCHR and Sherpa argue that Lafarge and its Syrian subsidiary acted as accomplices to these crimes by financing IS in various ways. Lafarge is believed to have purchased commodities like oil and pozzolans from IS, and to have paid the Islamic State up to millions of Euros to continue operations.

ECCHR and Sherpa also accuse Lafarge and its subsidiary of negligence in endangering their employees' lives and having them work in conditions incompatible with human dignity. LCS withdrew non-Syrian staff from its factory in Jalabiya in 2012, while continuing to employ Syrian employees there.

ECCHR and Sherpa's information indicates that the French company failed to provide security for its Syrian staff. Violent conflict near the factory intensified continuously from 2012 on, however Lafarge did not have an evacuation plan in place when IS attacked and took over the factory on 19 September 2014. Local staff were left to flee completely on their own.

9. Outlook

In order to achieve accountability for the systematic and widespread human rights violations in Syria, further legal interventions must follow against the Assad government, transnational corporations, third states that intervened in the conflict, as well as organizations such as IS.

Without justice for those affected by the crimes committed in Syria, there is no prospect for a political solution. Justice for human rights crimes is essential for affected individuals.

Accountability can also help prevent future conflicts, and develop the rule of law and democratic principles after the war in Syria ends.

Further fields of possible legal intervention may include exports of conventional weapons, other armaments and surveillance technology to parties of the conflict, as well as targeted sexualized violence against women.

Further readings

Wolfgang Kaleck/Patrick Kroker

„Syrian Torture Investigations in Germany and Beyond: Breathing New life into Universal Jurisdiction in Europe?“, in *Journal of International Criminal Justice*, 29 March 2018

Emma Graham-Harrison

„Syrian refugees ask Norway police to investigate war crimes“, in *The Guardian*, 13 November 2019

Nick Cumming-Bruce

„Germany Arrests Syrian Intelligence Officers Accused of Crimes Against Humanity“, in *The New York Times*, 13 February 2018

Ana Carbajosa

„Building the case against Assad's regime“, in *El País*, 15 June 2018

“Without justice, there cannot be peace in Syria.”

– Mazen Darwish, Syrian torture survivor, journalist and lawyer

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

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