



DOSSIER

HUMAN RIGHTS VIOLATIONS IN SYRIA

PART I: TORTURE UNDER ASSAD

SURVIVORS DEMAND JUSTICE – GERMAN AUTHORITIES ISSUE HISTORICAL INTERNATIONAL ARREST WARRANT

CRIMINAL COMPLAINTS IN GERMANY AND AUSTRIA AGAINST HIGH-PROFILE MEMBERS OF SYRIAN INTELLIGENCE SERVICES

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MILESTONE IN THE FIGHT AGAINST IMPUNITY: GERMAN AUTHORITIES ISSUE ARREST WARRANT FOR HIGH LEVEL OFFICIAL IN ASSAD’S GOVERNMENT

On 8 June 2018, it was announced that the Germany Federal Court of Justice (*Bundesgerichtshof* – BGH) had issued an arrest warrant against Jamil Hassan, head of the Syrian Air Force Intelligence Service. This measure is a milestone towards justice and accountability for all those affected by Assad’s torture system, particularly the 24 Syrian torture survivors and activists whose testimonies contributed to the arrest warrant.

Since March 2017, they have, together with the lawyers Anwar al-Bunni (Syrian Center for Legal Research and Studies), Mazen Darwish (Syrian Center for Media and Freedom of Expression) and the European Center for Constitutional and Human Rights (ECCHR), filed four criminal complaints in Germany based on the principle of universal jurisdiction against high-ranking officials in Assad’s government. In May 2018, this series of complaints in Germany was followed by a complaint in Austria.

1. INTRODUCTION

Torture, execution and forced disappearances of civilians; air strikes targeting civilian buildings and extensive bombardments 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. 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 long-term 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 rights 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. The international community needs to defend 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 initiated 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 seven survivors and lawyers who had to flee from Syria and were granted international protection in Germany, as well as lawyers Anwar al-Bunni ([Syrian Center for Legal Researches & Studies](#)) and Mazen Darwish ([Syrian Center for Media and Freedom of Speech](#)) and ECCHR filed several criminal complaints to the Office of the German Federal Prosecutor in Karlsruhe concerning crimes against humanity and war crimes.

The Office of the German Federal Prosecutor responded promptly to the first criminal complaint, submitted in March 2017. Since the beginning of May 2017, the complainants gave witness evidence in

Berlin and Karlsruhe. From the torture survivors' perspective this was an important step towards achieving justice.

In September 2017, 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.

In November 2017, two more criminal complaints concerning human rights violations under Assad followed. They were submitted by ECCHR and 13 survivors as well as Syrian partner organizations. The crimes addressed in the submission – killing, persecution, torture and sexual violence – were committed between September 2011 and June 2014 in five Air Force Intelligence branches and in the military prison Saydnaya.

ECCHR has chosen to focus on torture in the 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 oppression of the peaceful uprisings in 2011.

The four criminal complaints filed in Germany 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 can therefore send a strong message in order to encourage further investigations in different European countries, also concerning different parties of the conflict that have participated in crimes against humanity and war crimes. The arrest warrant against Jamil Hassan is an important first step into that direction.

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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2. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE ASSAD GOVERNMENT

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. **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 government used poison gas during airstrikes on two cities in the province of Idlib in April 2014 and March 2015. Many civilian 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 say that these

attacks amount to crimes against humanity and war crimes.

I) TORTURE BY THE INTELLIGENCE SERVICES OF THE ASSAD GOVERNMENT

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 government 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 Syrian government continues to deny that these crimes occurred 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. The pictures were analyzed by Human Rights Watch in their report “[If the Dead could Speak](#)” in December 2015.

In February 2017, Amnesty International published their report “[Human slaughterhouse: Mass hangings and extermination at Saydnaya prison, Syria.](#)” Amnesty International states that between September 2011 and December 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.

3. CRIMINAL COMPLAINTS IN GERMANY AGAINST HIGH-RANKING MEMBERS OF SYRIAN INTELLIGENCE SERVICES AND MILITARY

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 personal testimonies and also collected evidence. Those cases are emblematic of Assad's torture system.

The direct perpetrators and in particular those overseeing these crimes 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 should not go unpunished.

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 complaints are 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 mostly addressed crimes committed by low-ranking perpetrators of non-state armed groups.

ECCHR's criminal complaints aim 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 from 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 for a response from the international criminal justice community. It remains essential however that these crimes at some point be addressed before courts in Syria.

1) THE COMPLAINANTS

The criminal complaints are based on the testimonies of persons who have been detained in different prisons of three different branches (detention facilities) of the Syrian intelligence services and Saydnaya military prison.

The testimonies of the survivors, 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 a Christian and worked as a lawyer 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, a member of the military intelligence arrested W1 and his wife at the Beirut border and transferred him to the 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 amongst other methods.

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. From the ninth day of interrogations onwards he couldn't see or hear anything.

Complainant / 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 complainant 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.

Complainant / 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 disappeared after 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 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.

Complainant / Witness 16

Witness 16 (W 16) is Kurdish and was politically active even before the outbreak of protests against Assad’s government in 2011. He was arrested by Air Force Intelligence officers in September 2011. He spent several weeks in various Air Force Intelligence detention centers, during which time 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 detention conditions in military prisons as well as the systematic abuse and torture.

Daily life at Saydnaya was strictly regimented. Between 3 and 5 in the morning the detainees were woken by guards and had to roll up their blankets. Then they received their only meal of the day: a small amount of (usually stale) bread, an egg, some rice or potatoes. Detainees had to collect water from a slowly dripping tap.

Complainant / Witness 24

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

W 24 spent four and a half months in various prisons belonging to the Air Force Intelligence al-Mezzeh Investigative Branch.

W24 describes how when he arrived at the al-Mezzeh Investigative Branch, he was tortured for several hours with cables and wooden poles with nails attached at the ends. During this initial torture, the guards broke W 24’s jaw. He received no medical care and could not eat for weeks. To survive, he had to rely on his fellow detainees, who would pre-chew his food for him. His injuries from the repeated torture were so severe that he had to be operated on in Germany.

Mazen Darwish, human rights lawyer, complainant

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 activists who were disappeared and killed. 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 for

himself the situation in the prisons 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, complainant

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 other 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

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 proceedings that violated 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. He is the recipient of the Front Line Defenders Award and the Human Rights Award from the German Association of Judges.

II) THE PERPETRATORS

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

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 perpetrators.

Jamil Hassan, Head of the Syrian Air Force Intelligence Directorate, is a close adviser to President Bashar al-Assad and one of the members of his close circle. Hassan has been head of Air Force Intelligence Directorate at the latest since

2011, upholding its reputation as the country's most brutal intelligence arm. In Western media, Hassan has openly spoken out in favor of merciless violence to quell the peaceful protests against the Assad government. As head of the Air Force Intelligence Service, he is jointly responsible for the functioning of the system of surveillance, detention, torture and killing of thousands of Syrians.

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 carried out 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.

Lieutenant General Fahd Jassem al-Frej was the Syrian minister of defense and the 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 those committed in the Saydnaya military prison and in the Tishreen military hospital.

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

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 ECCHR 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 Group provided the Office of the German Federal Public Prosecutor a set of the “Caesar photos” along with the 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 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 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 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 three 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. The images also 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. If the camera’s GPS system was on at the time the picture was taken, the metadata can also be used to help determine where the photo was taken. Metadata includes 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.

5. THE PATH TO JUSTICE LEADS THROUGH EUROPE – INCLUDING THROUGH AUSTRIA

Germany plays an important role in addressing and prosecuting human rights violations committed in Syria – due to the German Code of Crimes against International Law (CCAIL) and the broad applicability of the principle of Universal Jurisdiction.

Sweden and France have also taken action: in Sweden in September 2017 a former Syrian soldier was sentenced to eight years' imprisonment for committing war crimes. Two investigations are underway in France, one of them concerning forced disappearances and torture.

Austrian authorities should follow the example set in Germany, Sweden and France and initiate investigations into systematic torture under Assad. To help achieve this goal, in May 2018, four women and twelve men from Syria filed a criminal complaint with the prosecutor in Vienna. The complaint addresses torture as a crime against humanity and war crime in detention facilities of the Syrian intelligence services.

The complaint in Austria was filed by the 16 torture survivors together – as in

Germany – with ECCHR, [SCLSR](#) and [SCM](#). In this case, the complaint 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 while still minors – were tortured themselves or witnessed torture in the detention facilities of the intelligence services.

The accused in this case include Ali Mamluk, head of the National Security Bureau as well as 23 other high-ranking officials in the military intelligence, air force intelligence and general intelligence services.

The torture and other crimes described in the complaint – including murder, extermination, serious bodily harm and deprivation of liberty – 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 but follows the four complaints submitted in Germany.

6. THE CASE AGAINST TRANSNATIONAL CORPORATIONS IN SYRIA – E.G. LAFARGE

By doing business in conflict regions, transnational corporations can contribute to 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 to conflict parties, states and corporations. There are many actors profiting from the situation: from local firms to arms and defense companies in various countries to large transnational corporations like the French cement supplier Lafarge and its subsidiary Lafarge Cement Syria (LCS).

On 28 June, French judges made a landmark decision in the Lafarge/Syria case: **the multinational parent company Lafarge was indicted on charges of complicity in crimes against humanity, financing of a terrorist enterprise, and endangerment of people’s lives. The indictment of the company itself came after the indictment of eight Lafarge former high-ranking executives in December 2017.**

This is a worldwide premiere for a parent company to be indicted for complicity in crimes against humanity, marking a decisive step forward in the fight against the impunity of multinationals operating in armed conflict zones. The charge of complicity in crimes against humanity is of fundamental importance as it frames this case in the context of multinational

companies’ involvement in armed conflicts.

The proceedings against Lafarge followed, amongst other things, a criminal complaint filed in November 2016 by 11 former Syrian employees together with ECCHR and its French partner organization Sherpa.

The allegations: through their business relations with armed groups like the Islamic State (IS), Lafarge and LCS were financing terrorism and complicit in crimes against humanity.

The criminal complaint focuses on the events at the cement factory of the company in Jalabiya in the north of Syria located between al-Raqqa 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.

ECCHR and Sherpa argued that Lafarge and LCS acted as an accomplice to these crimes by financing IS in various ways. Lafarge is believed to have purchased commodities like oil and pozzolan from IS and to have paid fees for passes, up to millions of Euros.

ECCHR and Sherpa further accuse Lafarge and LCS of negligently endangering their employees’ lives and having them work in conditions incompatible with human dignity. LCS withdrew its non-Syrian staff from its factory in Jalabiya. The Syrian employees continued to work there.

ECCHR's and Sherpa's information indicate that the French company failed in providing security for the Syrian staff. Although the violent conflicts close to the factory continuously intensified since 2012

there was no evacuation plan in place when IS attacked and took over the factory. The local staff were left to flee completely on their own.

7. 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 government, 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. Justice for human rights crimes are essential for affected individuals. However, accountability has contributed 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.

Further fields of possible legal interventions may be exports of conventional weapons, other armaments or surveillance technologies to the conflict parties, as well as targeted sexual violence against women and the use of chemical weapons in Syria.

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

Mazen Darwish

Syrian torture survivor, journalist and lawyer

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