

Annex I

SYRIA-RELATED SERIOUS CRIMES COMPLAINTS, INVESTIGATIONS, AND ARRESTS IN EUROPE¹

Target/Suspect/ Accused	Basis for Jurisdiction	Alleged Crimes and Charges	Case Status
FRANCE²			
Qosmos ³ (French software component company)	Universal jurisdiction	Suspected of selling surveillance equipment to the Syrian government that may have been used to facilitate the arrest and subsequent torture of detainees – Aiding and abetting torture	Complaint was filed on June 25, 2012 by the Fédération Internationale des Droits de L’Homme (FIDH) and the Ligue des droits de l’Homme (LDH) Judicial investigation was opened on April 11, 2014

¹ In addition to the countries listed below, Human Rights Watch is aware that Syria-related investigations are also ongoing in The Netherlands, Norway and Switzerland. However, Human Rights Watch was unable to collect more detailed information on these efforts, and therefore did not include them in this chart. On February 1, 2017, Guernica 37 International Justice Chambers filed a criminal complaint against nine members of the Syrian Security and Intelligence Forces on behalf of a victim of Spanish nationality, whose brother was arbitrarily detained, forcibly disappeared, tortured, and executed in 2013 in a detention center in Damascus. The alleged crime is state terrorism under Spanish law, and therefore is not included in this chart. See “Guernica 37 International Justice Chambers & G37 Despacho Internacional File a Criminal Complaint Against Members of the Syrian Security forces,” Guernica 37 International Justice Chambers press release, February 1, 2017, <http://guernica37.org/2017/02/press-release-guernica-37-international-justice-chambers-g37-despacho-internacional-file-a-criminal-complaint-against-members-of-the-syrian-security-forces> (accessed September 6, 2017). An investigation was officially opened on April 10, 2017. See “‘Judge in Spain Begins Investigation of Syrian war crimes’ – Associated Press,” Guernica 37 International Justice Chambers, April 10, 2017, <http://guernica37.org/2017/04/judge-in-spain-begins-investigation-of-syrian-war-crimes-associated-press> (accessed September 6, 2017). Following an appeal by the state prosecutor, on July 21, 2017, a High Court in Madrid (Audiencia Nacional) dropped the complaint. See “Spain Court Drops Complaint against Syrian Security Forces,” Reuters, July 21, 2017, <http://www.reuters.com/article/us-mideast-crisis-syria-spain-idUSKBN1A611?il=0> (accessed September 6, 2017).

² French law provides for two phases of a criminal investigation: preliminary investigations (“enquêtes préliminaires”) undertaken by prosecutors, and judicial investigations (“informations judiciaires”) handled by investigative judges. See Human Rights Watch, *The Long Arm of Justice*, p. 70

³ “FIDH and LDH Ask French Judiciary to Investigate on the Involvement of French Companies in Syria,” FIDH press release, July 25, 2012, <https://www.fidh.org/en/region/north-africa-middle-east/syria/FIDH-and-LDH-ask-French-judicial> (accessed September 6, 2017); and “France: Opening of a Judicial Investigation Targeting Qosmos for Complicity in Acts of Torture in Syria,” FIDH press release, April 11, 2014, <https://www.fidh.org/en/region/europe-central-asia/france/15116-france-opening-of-a-judicial-investigation-targeting-qosmos-for-complicity> (accessed September 6, 2017). For more information on the development of the case, see also “Designation of Qosmos as ‘Assisted Witness’ Constitutes an Important Step Forward in Case Underway,” FIDH press release, April 20, 2015, <https://www.fidh.org/en/region/europe-central-asia/france/designation-of-qosmos-as-assisted-witness-constitutes-an-important> (accessed September 6, 2017).

Syrian government ⁴	Passive personality principle – Victims are French nationals	Assassination of a French journalist, Remi Ochlik, and attempted assassination of a French journalist, Edith Bouvier, while they were covering the Syrian army's shelling of the Baba Amr district of Homs on February 22, 2012 – War crimes	Judicial investigation opened in 2012 for assassination and attempted assassination In October 2014, the facts were reclassified as war crimes, and the proceedings transferred to the war crimes unit
Syrian government ⁵	N/A	Crimes allegedly committed between 2011 and 2013 by the Syrian government based on the Caesar photographs	Preliminary examination opened in September, 2015
Syrian government ⁶	Passive personality principle – Victim (complainant) is a French national	Patrick and Mazzen Dabbagh were arrested in November 2013 by the Syrian Air Forces intelligence service, and were never seen again – Enforced disappearance and torture as crimes against humanity	Complaint was filed on October 24, 2016 by Obeida Dabbagh (brother and uncle of the victims) Judicial investigation was opened on October 27, 2016

⁴ FIDH, *Annual Report 2015*, https://www.fidh.org/IMG/pdf/fidh_annual_report_2015.pdf (accessed September 6, 2017), pp. 30, 51. On July 9, 2016, the Center for Justice and Accountability (CJA) filed a lawsuit in the U.S. District Court for the District of Columbia on behalf of the family Marie Colvin, who fell victim of the same attack. The lawsuit was filed under the Foreign Sovereign Immunities Act, a federal law that allows victims to sue designated state-sponsors of terrorism for the murder of US citizens. For more information on this case see “Syria: War Crimes and the Murder of Journalist Marie Colvin,” CJA, <http://cja.org/what-we-do/litigation/colvin-v-syria> (accessed September 6, 2017). The family of Marie Colvin and British journalist Paul Conroy (also injured in the 2012 attack in Baba Amr) joined the complaint in France as civil parties. Human Rights Watch interview with NGO, July 4, 2017.

⁵ See TRIAL International, *Make Way for Justice #3: Universal Jurisdiction Annual Review 2017*, p. 26.

⁶ Ibid. See also “The Case of Two Disappeared Franco-Syrians in a Bachar El-Assad Jail Referred to the French Justice,” FIDH press release, October 24, 2016, <https://www.fidh.org/en/region/north-africa-middle-east/syria/the-case-of-two-disappeared-franco-syrians-in-a-bachar-el-assad-jail> (accessed September 6, 2017); and “Syria: French Judges Open Enquiry into Disappearance of Franco-Syrian Father and Son in Bachar El-Assad's Jails,” FIDH, November 7, 2016, <https://www.fidh.org/en/impacts/syria-french-judges-open-enquiry-into-disappearance-of-franco-syrian> (accessed September 6, 2017). In July 2016, a similar claim was filed by Mustafa Abdul Rahman, brother of Hicham Rahman, a Syrian doctor allegedly disappeared, tortured and killed by Syrian government forces. The complainant died later in the summer and the case was dismissed. Human Rights Watch interview with NGO, July 4, 2017.

Lafarge (French cement-manufacturing company) ⁷	Active personality principle – Perpetrator is a French national	Suspected of financing ISIS and being complicit in war crimes and crimes against humanity in Syria	Complaint was filed on November 15, 2016 by 11 former Lafarge Syrian employees, the European Center for Constitutional and Human Rights (ECCHR), and the Paris-based legal organization, Sherpa. Judicial investigation was opened on June 6, 2017 ⁸
GERMANY			
Different parties to the conflict in Syria ⁹	N/A	Grave international crimes	Structural investigation opened in September 2011
ISIS ¹⁰	N/A	Grave international crimes	Structural investigation opened in August 2014
Individuals suspected of having committed grave crimes in Syria and Iraq ¹¹	N/A	Grave international crimes	27 targeted investigations
Akram A. (ISIS) ¹²	Universal jurisdiction	Accused of membership in a terrorist	Arrested on February 7, 2017. After further

⁷ “French-Swiss Company LafargeHolcim Sued for Grave Crimes in Syria,” ECCHR, <https://www.ecchr.eu/en/business-and-human-rights/lafarge-syria/articles/lafarge-syria-june17.html> (accessed September 6, 2017).

⁸ It should be noted that the case was assigned to two investigative judges, from the financial and anti-terrorism divisions of the Paris High Court. See “French-Swiss Company LafargeHolcim Sued for Grave Crimes in Syria,” ECCHR.

⁹ Human Rights Watch interview with German officials, February 16, 2017; Human Rights Watch interview with German officials, February 22, 2017; Human Rights Watch email correspondence with German official, March 20, 2017. See also German Parliament, “Reply by the Federal Government to the Inquiry Put by Mr Tom Koenigs, Mr Luise Amtsberg, Dr Franziska Brantner, Other Members of Parliament and the Parliamentary Group BÜNDNIS 90/DIE GRÜNE (Green Party): Investigation in Germany for Serious International Crimes Committed in Syria,” Document n. 18/12533; German Parliament (Deutscher Bundestag), “Reply by the Federal Government to the Inquiry Put by Katja Keul, Tom Koenigs, Dr. Franziska Brantner Other Members of Parliament and the Parliamentary Group BÜNDNIS 90/DIE GRÜNE (Green Party): Investigation in Germany for Serious International Crimes Committed in Syria,” Document n. 18/12487.

¹⁰ Ibid.

¹¹ Human Rights Watch interview with German officials, February 22, 2017.

¹² Office of the Federal Prosecutor General, “Police Arrest Syrian ISIS Suspect Accused of Rape” (“Festnahme wegen des Verdachts der Mitgliedschaft in der ausländischen terroristischen Vereinigung „Islamischer Staat“ (IS) sowie der Begehung eines Kriegsverbrechens”), February 7, 2017, <https://www.generalbundesanwalt.de/txt/showpress.php?themenid=19&newsid=671> (accessed September 6, 2017); Office of the Federal Prosecutor General, “Warrant for Membership of the Foreign

		organization and rape as a war crime	investigation, the arrest warrant was lifted and Akram A. was later released on June 12, 2017
Six high-level officials of the Syrian Military Intelligence Service and government: Ali Mamluk, Abdelfattah Qudsiyeh, Rafiq Shehadeh, Muhamad Mahalla, Muhammad Khallouf (alias Abou Ezzat), Shafiq Masa as well as other unidentified officials ¹³	Universal jurisdiction	Torture committed in three prisons of the Military Intelligence Service in Syria – Crimes against humanity and war crimes	Complaint was filed on March 1, 2017 by seven victims, and Syrian Lawyers Anwar al-Bunni (Syrian Center for Legal Researches & Studies) and Mazen Darwish (Syrian Center for Media and Freedom of Speech), and ECCHR
Abdalfatah H. A. (<i>Jabhat al-Nusra</i>) ¹⁴	Universal jurisdiction	Accused of membership in a terrorist organization and murder (including as a war crime) for the killing of 36 members of the Syrian forces	Arrested on March 1, 2017
Abdulmalk A. (<i>Jabhat al-Nusra and ISIS</i>) ¹⁵	Universal jurisdiction	Accused of membership in terrorist organizations and murder (including as a war crime)	Arrested on May 9, 2017

Terrorist Organization 'Islamic State' (IS) and the Commission of a War Crime" ("Haftbefehl wegen des Verdachts der Mitgliedschaft in der ausländischen terroristischen Vereinigung „Islamischer Staat“ (IS) sowie der Begehung eines Kriegsverbrechens aufgehoben"), June 12, 2017, <https://www.generalbundesanwalt.de/de/showpress.php?themenid=19&newsid=714> (accessed September 6, 2017).

¹³ "Torture under the Assad Regime: Germany Paves the Way for First Syrian Cases under Universal Jurisdiction Laws," ECCHR, <https://www.ecchr.eu/en/international-crimes-and-accountability/syria/torture-under-assad/articles/international-crimes-and-accountability-syria-torture-under-assad.html> (accessed September 6, 2017).

¹⁴ Office of the Federal Prosecutor General, "Two Suspected Members of the Foreign Terrorist Group 'Jabhat al-Nusra' (JaN)" ("Festnahme zweier mutmaßlicher Mitglieder der ausländischen terroristischen Vereinigung „Jabhat al-Nusra“ (JaN)"), March 2, 2017, <https://www.generalbundesanwalt.de/de/showpress.php?themenid=19&newsid=680> (accessed September 6, 2017).

¹⁵ Office of the Federal Prosecutor General, "Two Suspected Members of the Foreign Terrorist Groups 'Jabhat al-Nusra' (JaN) and 'Islamic State' (IS)" ("Festnahme zweier mutmaßlicher Mitglieder der ausländischen terroristischen Vereinigungen „Jabhat al-Nusra“ (JaN) und „Islamischer Staat“ (IS)"), May 9, 2017, <https://www.generalbundesanwalt.de/de/showpress.php?themenid=19&newsid=702> (accessed September 6, 2017).

Harry S. (<i>ISIS</i>) ¹⁶	Active personality principle – Perpetrator is a German national	Accused of murder as a war crime for killing six prisoners in 2015.	Already in prison in Germany for terrorism-related offenses. Charged with murder as a war crime on July 10, 2017
Fares A.B. (<i>Jabhat al-Nusra and ISIS</i>) ¹⁷	Universal jurisdiction	Accused of membership in a terrorist organization, and ill-treatment of prisoners and murder as war crimes	Arrested on August 8, 2017
Heads of the Syrian National Security Bureau, the Military Intelligence Service, the Air Force Intelligence Service, the General Intelligence Directorate and the Military Police ¹⁸	Universal jurisdiction	Systematic torture committed in Syrian military intelligence and military police facilities – Crimes against humanity and war crimes	Complaint was filed on September 21, 2017 by the “Caesar-File Support Group” and ECCHR
SWEDEN			
Mohammed Abdullah (<i>Syrian army</i>) ¹⁹	Universal jurisdiction	Allegedly committed war crimes but was released without charges	Case dismissed for lack of corroborating evidence in March 2016
All parties to the conflict in Syria ²⁰	N/A	Grave international crimes	Structural investigation opened in 2015

¹⁶ Office of the Federal Prosecutor General, “Prosecution Against a Suspected Member of the Foreign Terrorist Organization ‘Islamic State (IS)’ Charged for Murder” (“Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung „Islamischer Staat (IS)“ wegen Mordes erhoben”), July 19, 2017, <https://www.generalbundesanwalt.de/de/showpress.php?themenid=19&newsid=718> (accessed September 6, 2017).

¹⁷ Office of the Federal Prosecutor General, “Arrest Warrant for the Commission of War Crimes and Membership in the Foreign Terrorist Organization ‘Islamic State’ (IS) enforced” (“Haftbefehl wegen des Verdachts der Begehung von Kriegsverbrechen und Mitgliedschaft in der ausländischen terroristischen Vereinigung „Islamischer Staat“ (IS) vollstreckt), August 9, 2017, <https://www.generalbundesanwalt.de/de/showpress.php?themenid=19&newsid=723> (accessed September 6, 2017).

¹⁸ “Caesar Photos Document Systematic Torture: Syrian Military Police defector “Caesar” Passes Key Evidence to German Federal Prosecutor,” ECCHR, <https://www.ecchr.eu/en/international-crimes-and-accountability/syria/the-caesar-files/articles/caesar-files.html> (accessed September 22, 2017).

¹⁹ TRIAL International, *Make Way for Justice #3: Universal Jurisdiction Annual Review 2017*, p. 49.

²⁰ Human Rights Watch interviews with Swedish officials, January 17, 2017; Henrik Attorps (Swedish war crimes prosecutor team), untitled contribution to panel discussion at side event “Accountability Series on the Syrian Arab Republic,” Permanent Missions of Liechtenstein and Canada, 34th Human Rights Council, Palais des Nations, Geneva, March 14, 2017; Human Rights Watch email correspondence with Swedish official, June 19, 2017.

Individuals suspected of having committed crimes in Syria ²¹	N/A	Grave international crimes	13 targeted investigations
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²¹ Human Rights Watch telephone correspondence with Swedish official, April 28, 2017.