

**TRIAL**  
International



# Make way for Justice #4

**Momentum towards accountability**

UNIVERSAL JURISDICTION ANNUAL REVIEW 2018  
#UJAR

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EUROPEAN CENTER FOR  
CONSTITUTIONAL AND  
HUMAN RIGHTS

**REDRESS**  
Ending Torture, Seeking Justice for Survivors



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### KEYS



Syrian cases



Upcoming cases



Passive personality cases



Active personality cases

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# 2017 : MOMENTUM TOWARDS ACCOUNTABILITY

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Last year, war crimes units (WCUs) around the world tightened the net on war criminals: while European countries continue to be the main drivers of universal jurisdiction cases, complaints have been filed all around the world against war crime suspects. Colombia, Brazil, Argentina and Gambia joined the team, making the fight against impunity more and more universal.

In 2017 alone, specialized units have publicly investigated, prosecuted or brought to justice 126 suspects of the gravest crimes: genocide, war crimes and crimes against humanity. Of those individuals, 13 have already been convicted.

This is just the tip of the iceberg: hundreds of others cases are being investigated confidentially. Yet many of them will never lead to a trial. This is too often due to a lack of political will. Despite ample evidence, the investigation against **Rifaat Al-Assad** – the uncle of the current Syrian president – has for instance been at a standstill for four years in Switzerland.

However, more often, investigations are closed for lack of evidence. Gathering material in universal jurisdiction cases is complex: the alleged crimes were committed abroad, years or even decades ago, and often in the midst of political turmoil. Evidence is often reduced to witness testimonies, but trauma and elapsed time can affect their recollection of events. Despite these challenges, the burden of proof is no lower than in traditional criminal proceedings.

## Increased cooperation for more effective investigations

How, then, to make sure justice is served? As is often the case, cooperation is the key. In recent years, WCUs have taken to exchanging digital evidence, jurisprudence and good practices. At the heart of this coordination are initiatives like the Genocide Network, the European Investigation Order and cooperation with Europol<sup>1</sup>. Together, they are at the forefront of the effort to track war criminals in Europe. When the latter are found, these mechanisms enable faster and more robust prosecutions. In Africa, efforts are underway to create a similar Network of African Prosecutors specialized in serious international crimes.

WCUs are the concrete expression of the states' determination to fight impunity. They show that justice is within reach when political actors commit sufficient resources and expertise - and WCUs definitely need both to fulfill their titanic mission.

**Philip Grant**  
TRIAL International Director

**Valérie Paulet**  
TRIAL International Project Coordinator

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<sup>1</sup>Europol supports Member States in preventing and combatting all forms of serious international organized crime and terrorism. The **Genocide Network** was set up to ensure close cooperation among national authorities in investigating and prosecuting the crime of genocide, crimes against humanity and war crimes. Finally, the **European Investigation Order** is a tool to help authorities fight crime and terrorism.

# KEY FINDINGS

**126** accused in  
**14** countries

**55** charges of torture

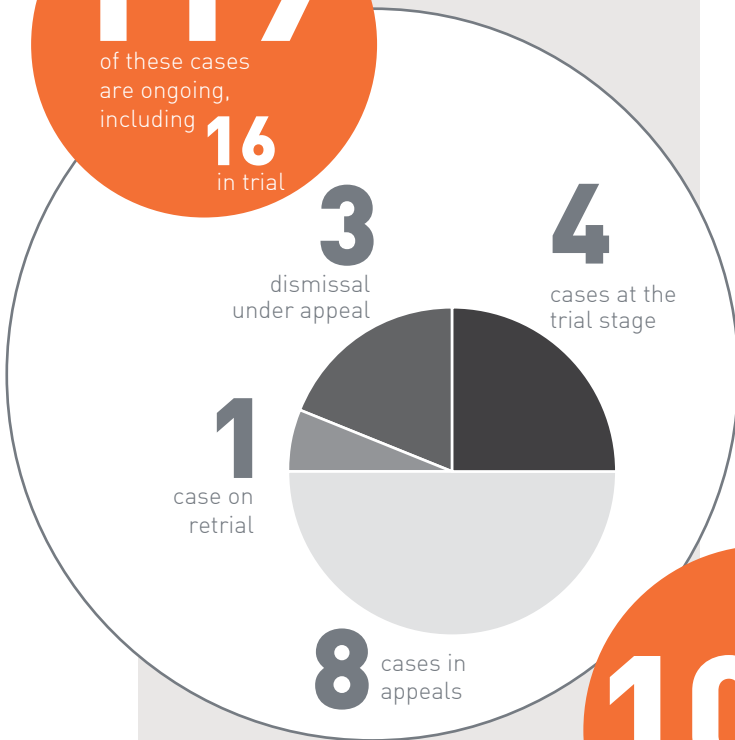
charges of genocide **12**

**46** charges of crimes against humanity

charges of war crimes **91**

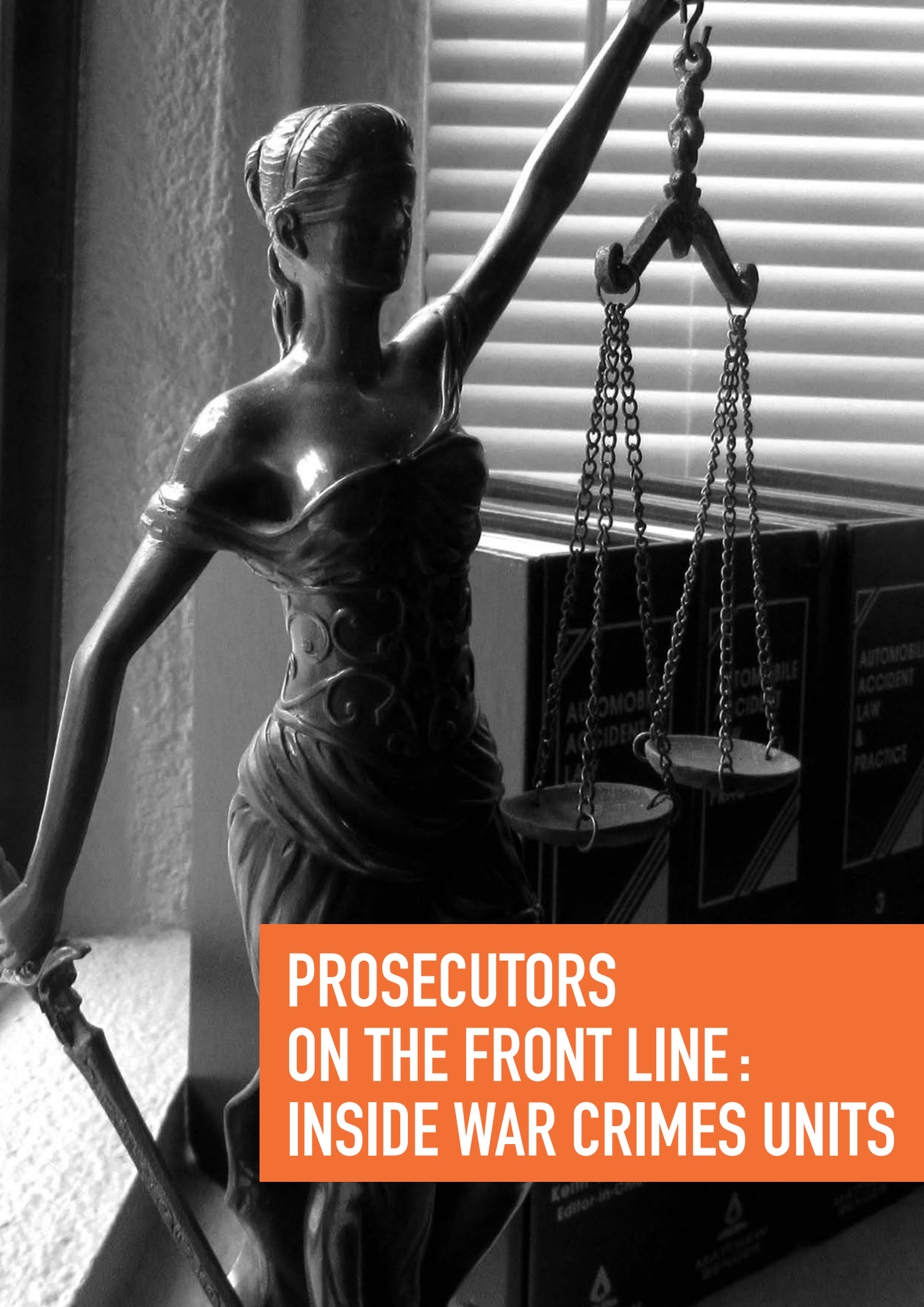
**13** accused convicted

**119** of these cases are ongoing, including **16** in trial



**106%** increase from last year

While every effort has been made to ensure the accuracy of the information presented in each case, readers are invited to alert the author to any inaccuracies or updates on the information cited. The author would like to remind that any person charged by national or international authorities is presumed innocent until proven guilty.



**PROSECUTORS  
ON THE FRONT LINE:  
INSIDE WAR CRIMES UNITS**

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# PROSECUTORS ON THE FRONT LINE: INSIDE WAR CRIMES UNITS

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**T**hey work from the Netherlands, Denmark or the United Kingdom, but they deal with mass crimes occurring on the other side of the world – in Syria, Rwanda or Nepal. “They” are the prosecutors in the war crimes units (WCUs). These highly specialized professionals are tasked with bringing to justice war criminals present on their soil, regardless of where the alleged crimes were committed. We met with these dedicated individuals who, in challenging circumstances and through endless legal complexities, seek justice for the most severe crimes.

It’s 9:00 am in Rotterdam (the Netherlands) and Prosecutor Nicole Vogelenzang arrives at her office. “These days, we are working around the clock” she smiles. Her team at the Dutch Public Prosecution Service is in the middle of a case against an Ethiopian national accused of war crimes and torture. The accused is a foreigner and the crimes occurred on another continent. Yet, the trial is taking place in Europe – thanks to universal jurisdiction (UJ).

According to this principle, states have to prosecute criminals present on their territory, regardless of where the crimes took place or the nationality of the perpetrators or of the victims<sup>2</sup>.

“This is a groundbreaking principle”, explains Valérie Paulet, legal advisor and expert on universal jurisdiction. “Traditionally, a state must have a strong link with the alleged crime to be able to prosecute it. Universal jurisdiction is an exception to that rule, based on the idea that some crimes constitute an offense to all humankind, so all humankind must fight them.”

## Migrating criminals, borderless justice

WCUs were founded in answer to an increasingly permeable world, where alleged criminals can escape justice by moving to another country - an increasingly likely scenario with the recent influx of migrants from war zones.

“In the years 2000, the Danish immigration services flagged some asylum seekers present on our soil as suspects of mass crimes”, recalls Prosecutor Jakob Willaredt (Denmark). “As such they were not entitled to refugee status, but could not be sent back either, because their country was at war. What could we do with them? The only solution left was to try them in Denmark.”

A similar situation arose for example in 2016 in Switzerland, when a former Gambian minister **Ousman SONKO** was arrested at the immigration center of Lyss (canton of Bern), where he had filed for asylum. “It was a situation out of a movie: this man, who may have overseen the torture of countless Gambians under Yahya Jammeh’s dictatorship, was right here in Switzerland where he could be prosecuted. We raced against the clock to investigate and denounce the case to the Swiss authorities, in case he got wind of our work and fled beyond our reach”, says Benedict De Moerloose, head of the Investigations and Criminal Law Department at TRIAL International.



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<sup>2</sup> For more information, see “[Universal jurisdiction at a glance](#)”



At the core of WCUs is the idea that justice, in the 21st century, is borderless. In an unprecedented movement, some states are committing resources to making the fight against impunity a truly global one.

### **A legal path riddled with political hurdles**

However, the picture is far from rosy for prosecutors in WCUs, and political considerations sometimes weigh heavily on their work. Cooperation with the countries where the crimes occurred can be protracted, complex and difficult. "The crimes happened abroad, so what we can and cannot do is entirely in the hands of the local authorities", explains Prosecutor Jakob Willaredt (Denmark). "Our domestic police cannot go and investigate independently; everything is done by mutual legal assistance."

And there are no means to coerce a state unwilling to cooperate. International obligations weigh little in this game. "In a case against the former Army General Kumar Lama, Nepal never allowed us to enter the country even though, as a signatory to the Convention against Torture, it was under obligation to do so", notes Tom Halpin, the lawyer in the Lama case in the United Kingdom.

Other times, the state where the crimes were committed cannot offer help because they are in the midst of a crisis. Syria and Iraq are obvious examples.

Thankfully, mutual legal assistance sometimes blossoms into successful collaborations, and the cases can move forward. In a case against a Ugandan warlord, the Danish WCU found a prize ally in the Ugandan government. Prosecutor Jakob Willaredt remembers: "We made our request for assistance through our Embassy in Kampala, and they were immediately willing to help. They shared with us results of a previous investigation they had conducted. They gave us access to the evidence that they had. When victims were heard in a Ugandan court, the judge allowed us to bring the transcript back to Denmark."

### **Building understanding and relatability**

Work involving distant and foreign settings also presents less obvious difficulties. Tom Halpin (UK) highlights how discrepancies in criminal justice systems can play a dramatic role: "In the case against General Kumar Lama, some of the evidence we presented did not hold in court, because it was gathered by Nepali partners in accordance with local standards, not British ones – which are significantly higher."

Likewise, it can be highly challenging for victims and witnesses to testify in alien surroundings, which may compound the trauma many of them still suffer years after the events.

Yet, their testimonies are invaluable for the prosecution. Most people in the courtroom have never set foot in the country where the crime occurred, so the human element is key to building understanding and relatability. "Victims' testimonies are often a highlight of the trials", reports Prosecutor Nicole Vogelenzang (the Netherlands). "Their narration is so powerful, it usually makes an impression on the Court."

Equally important to the court's understanding is travelling to the country in question. In a case against a suspected Rwandan genocidaire, the Swedish WCU conducted six field missions "to really see what the village looks like, how Rwanda is so hilly you can actually see from one hill to the other... you need to be on the ground to understand the crime scene."



Unfortunately, such trips require time and funds, and are not always possible for all WCUs. “To my knowledge, the Swiss WCU has never investigated on the ground”, laments Benedict de Moerloose (Switzerland). “It is frustrating, because some of their cases are set in relatively safe countries.”

### **Driven to the core**

At 8pm, Prosecutor Nicole Vogelenzang (The Netherlands) leaves her office. Tomorrow will be another intensive day in court for the Ethiopian case. “This job keeps you on your feet. I have learned more in 3 years at the WCU than in 10 years working as a public prosecutor.”

Does the scale and gravity of the crimes sometimes take its toll? Prosecutor Jakob Willaredt (Denmark) highlights: “There are hideous crimes in national jurisdiction as well.”

Teamwork is nevertheless essential to withstand the pressure, acknowledges Prosecutor Hanna Lemoine (Sweden): “You need to trust your team to navigate this job. Not only for the workload and the stress, but it is also psychologically heavy. When a sensitive case goes on for years, a professional approach is essential. You need to reenergize.”

She concludes: “Investigating international crimes really gives you a perspective on your own life. The victims’ testimonies, in particular, show the remarkable strength we humans have, and what we can survive.”

# CASES OF 2017



# ARGENTINA

## JUDICIAL DEVELOPMENT

### IN THE SHADOW OF THE FRANCO DICTATORSHIP

#### RODOLFO MARTÍN VILLA AND OTHERS

##### Context

Ongoing proceedings in Argentina against former Spanish officials and other actors of the Franco dictatorship for alleged serious crimes under international law committed in Spain between 1936 and 1977

##### Suspects

Former Spanish officials and other actors of the Franco dictatorship (including González Pacheco, former police officer, Jesús Muñecas Aguilar, former captain of the civil guard and former government ministers Rodolfo Martín Villa and Jose Utrera Molina)

##### Country of residence of suspects

Spain

##### Charges

Crimes against humanity, including torture, extrajudicial killings and enforced disappearances

##### Developments in 2017

On 9 June 2017, the remains of Timoteo Mendieta were identified in a mass grave uncovered near the Guadalajara prison. The archaeological team of the Spanish Association for the Recovery of Historical Memory (Asociación para la Recuperación de la Memoria Histórica - ARMH) has exhumed 28 other victims of the Franco regime.

In June 2017, Judge Servini de Cubría issued an international arrest warrant against Rodolfo Martín Villa for the death of five workers in Vitoria in 1976. However, it was considered unfounded by the Appeals Chamber. In July 2017, Judge Servini de Cubría issued a new arrest warrant against Martín Villa for crimes against humanity and murder.

##### Current status

Under investigation



## Procedure in Spain

In December 2006, the Spanish investigating judge Baltasar Garzón opened an investigation into allegations of crimes against humanity committed during the Franco dictatorship. In October 2008, he ruled that the 1977 Spanish law granting amnesty for crimes committed during the Franco dictatorship did not apply owing to the nature of the crimes. However, the Supreme Court overturned this decision, while Judge Baltasar Garzón was put on trial for prevarication for his alleged unfair interpretation of the Amnesty Law. He was ultimately acquitted, but the Amnesty Law remains applicable, and the crimes committed by the Franco dictatorship cannot be investigated or prosecuted in Spain.

## Procedure in Argentina

On 14 April 2010, Spanish and Argentinean human rights organizations filed a criminal complaint with the Argentinean investigating judge Servini de Cubría on behalf of Spanish victims. On 18 September 2013, the Argentinean judge issued arrest warrants against four former officials of the Franco dictatorship (including González Pacheco and Jesús Muñecas Aguilar) and requested their extradition in order to stand trial for crimes against humanity, including acts of torture, allegedly committed in Spain between July 1936 and June 1977.

On 24 April 2014, the Spanish National Court (Audiencia Nacional, Sala de lo Penal) rejected an extradition request issued on 18 September 2013 by Judge Servini de Cubría against González Pacheco and Jesús Muñecas Aguilar. On 30 October 2014, notwithstanding the Court's decision, the Argentinean investigating judge issued detention orders against twenty of the accused in order to request their extradition to Argentina. However, these orders were not executed in Spain, the authorities arguing that the Spanish Amnesty Law prevailed.

In 2015, Judge Servini de Cubría sent a second rogatory commission to the local court in Guadalajara in Spain, requesting the exhumation of the corpse of Timoteo Mendieta, a trade unionist who was reportedly imprisoned in the Guadalajara Central Prison and executed in 1939. A DNA test of his daughter, Ascensión Mendieta, victim and plaintiff in the case, was also provided. On 24 November 2015, the court in Guadalajara authorized the exhumation, which started on 19 January 2016. The exhumation of 22 bodies from a first mass grave found near the Guadalajara prison failed to identify the remains of Timoteo Mendieta.

On 16 March 2016, Women's Link Worldwide, an international women's organization based in Spain, filed a complaint calling for the investigation into systematic gender-based crimes committed against women under the Franco regime.

In August 2016, Judge Servini de Cubría opened an investigation into the death of Spanish poet Federico García Lorca, pursuant to a complaint filed by the ARMH.

[Read more about Rodolfo Martín Villa, Jose Utrera Molina, Jesús Muñecas Aguilar, Antonio Gonzalez Pacheco](#)

# AUSTRIA

## JUDICIAL DEVELOPMENT



### A LIFE SENTENCE FOR WAR CRIMES IN SYRIA

NAME WITHHELD

#### Context

Ongoing proceedings in Austria for war crimes committed between 2013 and 2014 in Syria

#### Suspect

Palestinian civilian, former member of the Farouq Brigades

#### Country of residence of suspect

Austria

#### Charges

Murder as a war crime and violations of the 1949 Geneva Conventions

#### Developments in 2017

The trial opened in February 2017 but was adjourned shortly after on medical grounds after the unnamed accused collapsed in court.

On 10 May 2017, the accused was found guilty on 20 charges of murder and sentenced to life imprisonment by a jury in Innsbruck. The defense lawyer appealed the conviction.

#### Current Status

Sentenced to life imprisonment

#### Facts

The accused was reported to have murdered twenty unarmed and injured Syrian government soldiers in Homs between 2013 and 2014. He sought asylum in Austria in May 2015.

He was denounced by refugees to whom he had told that he belonged to the Farouq Brigade and that he had fought against Syrian President Bashar Al-Assad.

# BELGIUM

## JUDICIAL DEVELOPMENT

### ONE OF CHARLES TAYLOR'S COMMANDERS SOON IN THE DOCK?

**MARTINA JOHNSON**

#### Context

The Martina Johnson case constitutes the first arrest and indictment for war crimes and crimes against humanity allegedly committed during the first Liberian civil war (1989-1996).

Liberia's former president, Charles Taylor, was sentenced on 30 May 2012 to fifty years in prison (confirmed on appeal on 10 December 2013) for the crimes he committed during the Sierra Leone civil war in the 1990s. However, he was not prosecuted for the crimes committed in Liberia by his troops, the National Patriotic Front of Liberia (NPFL).

#### Suspect

A former front line commander of the NPFL, Liberian Martina Johnson was allegedly Charles Taylor's chief of artillery during Operation Octopus in October 1992.

#### Country of residence of suspect

Belgium

#### Charges

Direct involvement in alleged war crimes and crimes against humanity, including mutilation and mass killings

#### Developments in 2017

The investigation is still ongoing and should be completed in 2018.

#### Current status

Under house arrest, indicted

#### Facts

Martina Johnson was allegedly actively involved in Operation Octopus launched by Charles Taylor and his NPFL troops in October 1992. This offensive against the government and the peacekeeping forces was aimed at taking over the capital Monrovia and resulted in the deaths of hundreds of civilians, many of whom were targeted for ethnic reasons.



## Procedure

In 2012, three Liberian victims, assisted by the NGOs Civitas Maxima and its Liberian sister organization the Global Justice and Research Project (GJRP), filed a complaint in Belgium against Martina Johnson for her alleged direct participation in mutilations and mass killings during Operation Octopus in October 1992.

Martina Johnson was arrested on 17 September 2014 in Gent, Belgium, based on documentation collected by the two NGOs.

She was released on 4 May 2015 and placed under judicial supervision.

[Read more about Martina Johnson](#)



## WERE WAR CRIMES COMMITTED DURING OPERATION CAST LEAD ?

**TZIPI LIVNI**

### Context

Ongoing proceedings in Belgium for war crimes allegedly committed during Operation Cast Lead in Gaza in 2008 and 2009

### Suspect

Former Israeli minister of foreign affairs

### Country of residence of suspect

Israel

### Charges

War crimes

### Developments in 2017

On 23 January 2017, Tzipi Livni was expected to attend a conference at the European Parliament in Brussels. However, after the Belgian prosecutor's office announced its intention to arrest and question her regarding her alleged involvement in Operation Cast Lead, she cancelled her trip to Belgium.

### Current Status

Under investigation

### Facts

From 27 December 2008 to 18 January 2009, Israel launched Operation Cast Lead, a three-week-long military assault on the Gaza Strip. Fifteen hundred tons of bombs were dropped on Palestinian residential neighborhoods, and tens of thousands of artillery shells were fired from tanks, destroying thousands of homes as well as hospitals, schools and mosques.

The number of victims as estimated by the United Nations reached 1,400, among which over 900 civilians, including 400 children and 100 women. At the time, Tzipi Livni was Israel's foreign minister and a member of Prime Minister Ehud Olmert's security cabinet, and she allegedly played a key role in the decisions made before and during the three-week offensive.

### Procedure in UK

In 2009, the Palestinian Center for Human Rights (PCHR) filed 490 criminal complaints with the Israeli military prosecutor against senior Israeli officials, including Tzipi Livni,



for the alleged war crimes committed during Operation Cast Lead. No investigation was opened.

On 12 December 2009, at the request of lawyers representing Palestinian victims, a British court issued an arrest warrant against Tzipi Livni. The warrant was withdrawn on 14 December 2009 after it was confirmed she would not be visiting the United Kingdom.

In October 2011, the PCHR and the British law firm Hickman & Rose, acting on behalf of Palestinian victims, requested the arrest of Tzipi Livni as she was visiting the country. The Foreign and Commonwealth Office granted her diplomatic immunity, preventing her arrest.

### **Procedure in Switzerland**

On 28 May 2017, while Tzipi Livni was travelling to Switzerland to attend an event organized by a Swiss - Israeli association, the NGO "Collectif Urgence Palestine - Genève" filed a criminal complaint accusing her of war crimes for her involvement in Operation Cast Lead.

The Office of the Attorney General of Switzerland confirmed that it is examining the criminal complaint.

### **Procedure in Belgium**

In June 2010, a group of families of victims filed a criminal complaint with the federal prosecutor against Israeli officials, including Tzipi Livni, for war crimes and crimes against humanity committed during Operation Cast Lead. Informed of her visit to Brussels, the collective requested her arrest for interrogation.

[Read more about Tzipi Livni](#)

# BRAZIL

## JUDICIAL DEVELOPMENT

### SRI LANKAN AMBASSADOR FLEES WAR CRIMES ACCUSATIONS

#### JAGATH JAYASURIYA

##### Context

Complaints filed in Brazil and Colombia against the former Sri Lankan general, for war crimes and crimes against humanity allegedly committed in Sri Lanka between 2007 and 2009

##### Suspect

Former Sri Lankan general; former Sri Lankan ambassador to Brazil, Colombia, Peru, Chile, Argentina and Suriname

##### Country of residence of suspect

Sri Lanka

##### Charges

War crimes and crimes against humanity

##### Developments in 2017

On 28 August 2017, the International Truth and Justice Project filed a complaint in Brazil and in Colombia against Jagath Jayasuriya, then Sri Lankan ambassador to Brazil, Colombia, Peru, Chile, Argentina and Suriname, for his alleged involvement in war crimes and crimes against humanity committed during the final phase of the Sri Lankan civil war. He is accused of having commanded the state armed forces, which allegedly attacked hospitals and committed acts of torture, sexual violence, enforced disappearance and extrajudicial killings in 2009.

On 29 August 2017, Jagath Jayasuriya fled back to Sri Lanka.

##### Current status

Criminal complaints filed

##### Facts

Jagath Jayasuriya was commander of the Vanni Security Force Headquarters between 2007 and 2009, one of the bloodiest periods of the 26-year civil war between Sri Lanka and the Tamil rebel group LTTE.

He was commander of all army divisions in the final phase of the conflict and thus allegedly responsible for the shelling of protected objects, including hospitals and persons in no-fire zones, and for torture and sexual violence especially at the detention center known as Camp Joseph, as well as enforced disappearances and extrajudicial killings of surrendered persons by his subordinated forces.

[Read more about Jagath Jayasuriya](#)

# FINLAND

## JUDICIAL DEVELOPMENT

### ACQUITTAL OF THE IRAQI TWIN BROTHERS

#### NAMES WITHHELD

#### Context

Ongoing proceedings in Finland against Iraqi twin brothers for their alleged implication in the Camp Speicher massacre near Tikrit, Iraq, in June 2014

#### Suspects

Iraqi nationals and alleged Islamic State (IS) fighters

#### Country of residence of suspects

Finland

#### Charges

War crimes, murder and aggravated assault committed with terrorist intent

#### Developments in 2017

On 24 May 2017, the District Court of Pirkanmaa acquitted the Iraqi twin brothers for lack of evidence. They were granted a compensation for their pre-trial detention. The two accused were allowed to reside in Finland. The prosecution appealed this judgment.

#### Current status

Acquitted; on appeal

#### Facts

In June 2014, 1,700 unarmed Iraqi army recruits were arrested at Camp Speicher near Tikrit, Iraq, by members of the Islamic State (IS). The victims were laid on the ground and shot one by one. The Iraqi twin brothers are alleged to have murdered 11 of them.

#### Procedure

The 24-year-old Iraqi twin brothers entered Finland in September 2015 as asylum seekers. They were arrested by the National Bureau of Investigation on suspicion of involvement in the Camp Speicher massacre committed on behalf of IS in Iraq. Their trial started on 13 December 2016 before the District Court of Pirkanmaa.

On 30 November 2016, they were charged with war crimes, murder and assault with terrorist intent. The prosecution sought life imprisonment for the defendants, both of whom had pleaded not guilty to the charges.

[Read more about the Iraqi twin brothers](#)

# FRANCE

## JUDICIAL DEVELOPMENT

### CONVICTED GENOCIDAIRES APPEAL THEIR LIFE SENTENCE

#### OCTAVIEN NGENZI AND TITO BARAHIRA

##### Context

The case against Octavien Ngenzi and Tito Barahira is the second trial in France to have resulted in the conviction of Rwandan nationals for their involvement in the 1994 genocide in Rwanda.

##### Suspects

Former Rwandan mayors

##### Country of residence of suspects

France

##### Charges

Genocide and crimes against humanity

##### Developments in 2017

On 15 November 2017, the parties were informed that their appeal hearings would take place from 2 May to 6 July 2018 at the Paris Criminal Trial Court (Cour d'Assises de Paris).

##### Current status

Sentenced to life imprisonment; appeal pending

##### Facts

Octavien Ngenzi was the mayor of the Kabarondo district in the eastern Rwanda and the local leader of a former political party called the National Republican Movement for Development and Democracy (MNRD). Tito Barahira was a former mayor of the same district and the chairman of the MRND at the commune level. Octavien Ngenzi and Tito Barahira were convicted of participating in the massacre of hundreds of Tutsis, including those who had sought refuge in a church in Kabarondo on 13 April 1994.

##### Procedure

On 2 June 2010, the "Collectif des Parties Civiles pour le Rwanda" (CPCR) filed a complaint against Octavien Ngenzi with the Office of the Prosecutor at the Mamoudzou High Court (Tribunal de Grande Instance de Mamoudzou, Mayotte). On 4 June 2010, Octavien Ngenzi was arrested and detained in Mayotte.



In October 2010, Tito Barahira was indicted by the National Public Prosecution Authority (NPPA) in Rwanda for his alleged participation in the genocide and for alleged incitement to commit genocide. Pursuant to an arrest warrant issued in Rwanda, he was arrested on 3 April 2013 in Toulouse, France. However, the French authorities denied the Rwandan extradition request, and the two cases were combined on 16 July 2013. Fourteen civil parties have joined the case.

On 13 May 2014, the Office of the Prosecutor of the High Court of Paris (Tribunal de Grande Instance de Paris) sought the prosecution of Octavien Ngenzi and Tito Barahira before the Paris Criminal Trial Court. On 28 May 2014, the investigating judge referred their case to the Paris Criminal Trial Court. The defendants appealed this decision but the French Supreme Court (Cour de Cassation) dismissed the appeal on 7 January 2015.

The trial before the Paris Criminal Trial Court opened on 10 May 2016 and lasted eight weeks, concluding on 6 July 2016 with the conviction of both Octavien Ngenzi and Tito Barahira for genocide and crimes against humanity. They were found guilty of overseeing the systematic practice of summary executions of ethnic Tutsis. Both were sentenced to life imprisonment.

On 7 July 2016, their lawyers announced their intention to appeal the conviction.

[Read more about Octavien Ngenzi and Tito Barahira](#)

## THIRD GENOCIDE TRIAL SOON TO OPEN IN FRANCE?

### CLAUDE MUHAYIMANA

#### Context

Ongoing proceedings in France for crimes allegedly committed during the 1994 Rwandan genocide

#### Suspect

Naturalized French national originally from Rwanda

#### Country of residence of suspect

France

#### Charges

Complicity in crimes against humanity and genocide

#### Developments in 2017

On 9 November 2017, the investigative judge referred the case to the Paris Criminal Trial Court (Cour d'Assises de Paris) for complicity in genocide and crimes against humanity through aiding and abetting. Claude Muhayimana will be judged for his alleged participation in the Nyamishaba school attack as well as for the massacres of Karongi, Gitwa and Bisesero between April and June 1994. The accused appealed the referral decision.

Claude Muhayimana is also accused of taking part in the massacres at the Kiguye Church and the Gatwaro stadium the following day, where thousands of people were killed. However, the prosecutor called for the dismissal of the accusations with regard to these two events, as Claude Muhayimana presented an alibi proving he was not there during the events.

#### Current status

Pending trial

#### Facts

Claude Muhayimana is alleged to have driven Hutu militias to several attack locations, while he was the driver for the Kibuye Guesthouse. He was allegedly involved in the attack on the Nyamishaba school (Kibuye district) in April 1994 and in the massacres of Tutsi civilians who had found refuge in Karongi, Gitwa and Bisesero between April and June 1994.

He is also accused of participating in killings carried out in the Kibuye church on 17 April 1994 and in a stadium the following day. Both massacres resulted in the death of thousands of victims.



## Procedure

On 13 December 2011, the Rwandan judicial authorities issued an international arrest warrant against Claude Muhayimana for his alleged participation in the Rwandan genocide. In addition, the Rwandan authorities requested his extradition from France.

On 26 February 2014, the French Supreme Court (Cour de Cassation) ruled that Claude Muhayimana could not be extradited because Rwanda's request was based on laws passed after the alleged crimes took place.

On 9 April 2014, Claude Muhayimana was arrested in Rouen following a complaint filed in June 2013 by the "Collectif des Parties Civiles pour le Rwanda" (CPCR). A criminal investigation was launched regarding his alleged role in the genocide committed in the district of Kibuye. Claude Muhayimana was placed in pre-trial detention. On 3 April 2015, he was released and placed under judicial control.

[Read more about Claude Muhayimana](#)



## INVESTIGATIONS COMPLETED AGAINST THREE RWANDAN SUSPECTS

### LAURENT BUCYIBARUTA, LAURENT SERUBUGA AND SOSTHÈNE MUNYEMANA

#### LAURENT BUCYIBARUTA

##### Context

Pending proceedings in France against a Rwandan prefect for crimes committed during the 1994 genocide in Rwanda

##### Suspect

Former Gikongoro prefect and head of the prefectural committee of the Interahamwe movement (the youth organization of the National Republican Movement for Democracy and Development - NRMD)

##### Country of residence of suspect

France

##### Charges

Genocide and crimes against humanity

##### Developments in 2017

On 9 May 2017, the investigating judge within the Paris high Court informed the parties that he had completed his investigation.

The prosecutor's office is expected to soon issue final submissions (requisitions) stating its position regarding the next steps of the proceedings: referral to the Paris Criminal Trial Court (Cour d'Assises de Paris) and if so on what charges, or dismissal of the case.

##### Current status

Pending trial

##### Facts

Laurent Bucyibaruta, as prefect of Gikonrogo, allegedly delivered public speeches urging the Hutu population to attack and kill the Tutsis on many occasions between December 1993 and April 1994.

He is also accused of having ordered massacres of Tutsis and moderate Hutus in various locations in the Gikongoro Prefecture.

Laurent Bucyibaruta is also accused of having ordered the rape and murder of women and girls in various locations.



## **Procedure before the International Criminal Tribunal for Rwanda**

The International Criminal Tribunal for Rwanda (ICTR) indicted Laurent Bucyibaruta on 16 June 2005 for incitement to genocide, genocide and complicity in genocide as well as crimes against humanity including extermination, murder and rape.

In August 2007, the ICTR issued an arrest warrant requesting that the French government detain him. Finally, on 20 November 2007, the ICTR referred the case to the French authorities.

## **Procedure in France**

On 5 January 2000, the FIDH and its member organization in France, the Ligue des droits de l'homme (LDH) lodged a complaint against Laurent Bucyibaruta for his alleged participation in the genocide of 1994. The Office of the Prosecutor of Troyes questioned and detained him on 30 May 2000. He was released on 20 December 2000.

He was arrested again on 5 September 2007 and placed under judicial control after the issuance of an arrest warrant by the ICTR in August 2007.

[Read more about Laurent Bucyibaruta](#)

## LAURENT SERUBUGA

### Context

Pending proceedings in France against a Rwandan colonel for crimes committed during the 1994 genocide in Rwanda

### Suspect

Former deputy chief of staff of the Rwandan army during the 1994 genocide in Rwanda

### Country of residence of suspect

France

### Charges

Genocide and crimes against humanity

### Developments in 2017

In early May 2017, Laurent Serubuga was assigned the status of assisted witness ("témoin assisté"). Later that month, the investigating judge within the Paris High Court informed the parties that he had completed his investigation.

The prosecutor's office is expected to soon issue its final submissions (requisitions) stating its position regarding the next steps of the proceedings: referral to the Paris Criminal Trial Court (Cour d'Assises de Paris) and if so on what charges, or dismissal of the case.

### Current status

Pending trial

### Facts

Laurent Serubuga was reportedly a member of President Habyarimana's inner circle. He is accused of participating in the massacre of hundreds of Tutsis during the 1994 genocide in Rwanda. He was allegedly a member of the civilian self-defense forces who were in charge of managing the genocide.

Laurent Serubuga is also accused of having lead attacks in the region of Giciye.

### Procedure

On 6 January 2000, the FIDH and its member organization in France, the Ligue des droits de l'homme (LDH) lodged a complaint against Laurent Serubuga. The Office of the Prosecutor in Strasbourg closed the case on 22 May 2001 for lack of evidence.

On 10 December 2001, the FIDH, the NGO Survie and the Rwandan community of France filed a new complaint before the investigating judges of the Paris High Court (Tribunal de Grand Instance de Paris). On 28 June 2002, an investigation was opened against Laurent Serubuga for genocide and complicity in crimes against humanity.

The Rwandan authorities issued an arrest warrant against him in May 2013 and requested his extradition from France. He was arrested on 11 July 2013 in the north of France. On 12 September 2013, the Investigation Chamber of the Court of Appeal in Paris (Chambre de l'instruction de la Cour d'Appel de Paris) denied the Rwandan extradition request and Laurent Serubuga was released. On 26 February 2014, the French Supreme Court (Cour de Cassation) confirmed this decision.

[Read more about Laurent Serubuga](#)

## **SOSTHÈNE MUNYEMANA**

### **Context**

Pending proceedings in France for serious international crimes committed during the 1994 genocide in Rwanda

### **Suspect**

Gynecologist at the University Hospital in Butare

### **Country of residence of suspect**

France

### **Charges**

Genocide and crime against humanity

### **Developments in 2017**

On 9 May 2017, the investigating judge within the Paris High Court informed the parties that he had completed his investigation.

The prosecutor's office is expected to soon issue final submissions (requisitions) stating its position regarding the next steps of the proceedings: referral to the Paris Criminal Trial Court (Cour d'Assises de Paris) and if so on what charges, or dismissal of the case.

### **Current status**

Pending trial

### **Facts**

On 17 April 1994, in a public speech, Sosthène Munyemana allegedly incited Hutus to exterminate the Tutsi community of Tumba. From 21 April 1994, he is also accused of taking part in several massacres of Tutsis in and around Tumba. He is reported to have distributed ammunition and compiled lists of Tutsis to be eliminated. He allegedly led the night patrols and specified who should be abducted.

### **Procedure**

On 18 October 1995, the "Collectif Girondin pour le Rwanda", the FIDH and the NGO Survie lodged a criminal complaint against Sosthène Munyemana for his alleged participation in genocide. In 2001, the "Collectif des Parties Civiles pour le Rwanda" (CPCR) joined the proceedings as a civil party.

In 2006, Rwanda requested his extradition from France. However, on 7 October 2010, the Investigation Chamber of the Bordeaux Court of Appeal denied this request.

In October 2008, Sosthène Munyemana was found guilty in absentia by the Butare's Gacaca Court. He was sentenced to life imprisonment.

On 14 December 2011, Sosthène Munyemana was indicted in the French proceedings and placed under judicial supervision.

[Read more about Sosthène Munyemana](#)

## **AFTER SEVENTEEN YEARS, WILL THE SAINTE-FAMILLE VICTIMS SEE JUSTICE?**

**WENCESLAS MUNYESHYAKA**

### **Context**

Pending proceedings in France against a Rwandan priest for crimes committed during the 1994 genocide in Rwanda

### **Suspect**

Former head of the Sainte-Famille parish in Kigali

### **Country of residence of suspect**

France

### **Charges**

Complicity in genocide, crimes against humanity and torture

### **Developments in 2017**

On 8 November 2017, the Investigation Chamber of the Court of Appeal in Paris (Chambre de l'instruction de la Cour d'Appel de Paris) postponed the appeal hearing to 31 January 2018, following the dismissal of the case on 2 October 2015 by the investigative judges, in order to review the petitions submitted by the civil parties.

### **Current status**

Dismissal; ongoing appeal

### **Facts**

Wenceslas Munyeshyaka was the former head of the Sainte-Famille parish in Kigali. He is accused of being involved in the mass executions that took place on 17 and 22 April 1994 in the Sainte-Famille parish. He is suspected of repeatedly participating in the selection of Tutsi refugees to be murdered, of leaving them to die of thirst, of reporting to the authorities those who tried to help them and of raping several women. After leaving Rwanda, he became a priest in France.

### **Procedure before the International Criminal Tribunal for Rwanda**

On 20 July 2005, the International Criminal Tribunal for Rwanda (ICTR) indicted Wenceslas Munyeshyaka for genocide and crimes against humanity including rape, extermination and murder. In 2007, the ICTR issued an arrest warrant requesting that the French government arrest him. Finally, on 20 November 2007, the ICTR referred the case to the French authorities.



## Procedure in France

On 12 July 1995, a complaint was filed against Wenceslas Munyeshyaka by several French associations (the "Collectif des Parties Civiles pour le Rwanda", Survie, LICRA) as well as individual plaintiffs. On 25 July 1995, an investigation was opened into genocide, crimes against humanity and torture. The FIDH and its French member organization, the Ligue des Droits de l'Homme (LDH), joined the case as civil parties in 2005.

On 8 June 2004, almost ten years after the investigation opened, the European Court of Human Rights condemned France for exceeding reasonable time requirements.

In parallel, Wenceslas Munyeshyaka was tried in absentia in Rwanda and sentenced to life imprisonment in 2006.

Proceedings resumed when the case was transferred in January 2012 to the French specialized unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris High Court (hereinafter "the specialized unit").

On 19 August 2015, the prosecutor of the specialized unit requested a dismissal of the case against Wenceslas Munyeshyaka. On 2 October 2015, the investigative judges dismissed the proceedings against him. The civil parties appealed this decision.

[Read more about Wenceslas Munyeshyaka](#)

## FRANCE DECLINES TO PROCEED IN ALGERIAN “BLACK DECADE” CASE

### ABDELKADER MOHAMED AND HOCINE MOHAMED

#### Context

Case dismissed against two Algerian militia leaders for alleged crimes of torture and enforced disappearance committed in the province of Relizane during the Algerian civil war in the 1990s

#### Suspects

Abdelkader Mohamed (who has both Algerian and French citizenship) and Hocine Mohamed (Algerian citizenship) allegedly led the Relizane militia (Self-Defense Group) during the Algerian civil war.

#### Country of residence of suspects

France

#### Charge

Torture

#### Developments in 2017

On 29 March 2017, the French Supreme Court (Cour de Cassation) confirmed the dismissal of the case due to insufficient evidence.

#### Current status

Case closed

#### Facts

In the 1990s, Algeria was in the throes of a very violent internal armed conflict between state-armed militias and armed Islamic groups. Between 1993 and 1994, the Algerian authorities started to arm militias called Self-Defense Groups to fight the armed opposition. These militias allegedly inflicted numerous forms of abuse on the civilian population, including extrajudicial killings, torture, rape and enforced disappearances.

Led by the Mohamed brothers, the Relizane Self-Defense Group is allegedly responsible for over 100 cases of extrajudicial killings and 208 cases of enforced disappearances carried out in the province of Relizane between 1994 and 1998.

#### Procedure

On 10 October 2003, the FIDH and its member organization in France, the Ligue des Droits de l'Homme (LDH), filed a complaint for torture and crimes against humanity before the Office of the Prosecutor of the Nîmes High Court (Tribunal de Grande



Instance de Nîmes). On 11 December 2003, the High Court launched an investigation into crimes of torture.

On 29 March 2004, the Mohamed brothers were arrested, indicted and placed in custody. On 30 March 2004, they were released and placed under judicial surveillance.

On 18 June 2004, the investigating judge within the Nîmes High Court mandated an international rogatory commission to investigate the crimes committed in Algeria. On 19 July 2005, the Algerian authorities refused to collaborate with the investigating judge. Between 2006 and 2013, the investigation nevertheless continued, and confrontations between the victims and the accused were organized. In July 2013, the Office of the Prosecutor of the Nîmes High Court called for the Mohamed brother's case to be referred to the Criminal Court.

On 26 December 2014, the investigating judge of the Nîmes High Court issued a final order to bring the two accused to trial before the Nîmes Criminal Trial Court (Cour d'Assises de Nîmes). The defendants appealed this decision.

On 29 July 2015, the chief prosecutor called on the investigating chamber to order a complementary investigation into the case.

On 20 January 2016, the Investigation Chamber of the Court of Appeal in Nîmes (Chambre de l'instruction de la Cour d'Appel de Nîmes) repealed the investigating judge's decision to send the Mohamed brothers to trial. The civil parties appealed this decision before the French Supreme Court.

[Read more about Abdelkader Mohamed and Hocine Mohamed](#)



## **SELLING SPYING DEVICES TO LIBYAN TORTURERS**

### **AMESYS CASES**

#### **Context**

Ongoing proceedings before the French specialized unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris High Court (hereinafter "the specialized unit") for allegedly aiding and abetting crimes of torture committed in Libya under the Muammar Gaddafi regime (from 1969 to 2011).

Further proceedings opened in 2017 before the specialized unit for complicity in torture and enforced disappearances committed in Egypt under the Al-Sissi regime (since 2014).

#### **Suspect**

French companies AMESYS and NEXA TECHNOLOGIES

#### **Country of residence of suspect**

France

#### **Charges**

Complicity in torture as a result of selling surveillance material to the Muammar Gaddafi regime in Libya

Complicity in torture and enforced disappearances as a result of supplying similar technology to the Al-Sissi regime in Egypt

#### **Developments in 2017**

On 30 May 2017, AMESYS was formally assigned the status of assisted witness ("témoin assisté") for complicity in torture committed in Libya between 2007 and 2011.

On 5 July 2017, the French media published a report revealing that AMESYS (which became NEXA TECHNOLOGIES) had supplied a similar surveillance system to the Egyptian government in March 2014.

On 9 November 2017, the FIDH and its member organization in France, the Ligue des Droits de l'Homme (LDH), filed a criminal complaint for alleged complicity in international crimes as a result of providing surveillance technologies to the Al-Sissi regime. A judicial investigation into the allegations was opened in December 2017.

#### **Current status**

Under investigation



## Facts

In 2007, AMESYS signed a contract with the government of Libya to provide surveillance technologies for the purposes of intercepting communication and processing and analyzing data. These materials allegedly allowed the Muammar Gaddafi regime to repress the opposition and to commit serious instances of human rights abuse.

In March 2014, NEXA TECHNOLOGIES allegedly sold a similar surveillance system to the Egyptian government. These materials allegedly facilitated widespread repression by the Al-Sissi regime including the brutal arrest, detention and torture of political opponents and human rights activists.

## Procedure

On 19 October 2011, the FIDH and the LDH lodged a criminal complaint as civil parties before the investigating judge at the Paris High Court (Tribunal de Grand Instance de Paris) against AMESYS and its management, denouncing their alleged role as accomplices in acts of torture and other cruel, inhumane or degrading treatment in Libya, on the basis of universal jurisdiction.

On 26 March 2012, the Office of the Prosecutor at the Paris High Court issued an order not to open a criminal investigation, arguing that there were insufficient grounds to open an investigation. However, the investigating judge of the specialized unit decided on 23 May 2012 to open a formal criminal investigation. On 15 January 2013, the Paris Court of Appeal (Cour d'Appel de Paris) decided to allow the investigation to proceed.

In January 2013, five Libyan victims joined the proceedings as civil parties. They were heard in June and July 2013 by the specialized unit. Another Libyan victim joined the case and was heard by the investigating judge on 11 December 2015.

In March 2016 it was revealed that new evidence consisting of dozens of documents from Muammar Gaddafi's security services had come to light, reportedly showing the regime's extensive use of the surveillance technologies provided by AMESYS to track, arrest, and torture political opposition.

[Read more about the AMESYS cases](#)

## JUSTICE SERVED FOR EQUATORIAL GUINEA IN ILL-GOTTEN ASSETS CASE

### TEODORO NGUEMA OBIANG

#### Context

Ongoing proceedings in France, known as the "ill-gotten assets" case, against the vice-president of Equatorial Guinea for embezzlement and misuse of public funds, money laundering, misappropriation and corruption

#### Suspect

Vice-president of Equatorial Guinea

#### Country of residence of suspect

Various, including France

#### Charges

Laundering of funds originating from the misuse of corporate assets, laundering of embezzled public funds, breach of trust, and bribery

#### Developments in 2017

Teodoro Nguema Obiang's trial took place from 19 June to 5 July 2017 in Paris.

On 27 October 2017, the Paris Criminal Court (Tribunal correctionnel de Paris) found Teodoro Nguema Obiang guilty of laundering of funds originating from the misuse of corporate assets, laundering of embezzled public funds, breach of trust, and bribery committed on French soil from 1997 to 2011 for an estimated amount of 150 million euros.

He was sentenced to a 3-year suspended sentence, a fine of 30 million euros and the confiscation of the seized goods, including a luxury residence on Avenue Foch in Paris. However, the International Court of Justice must decide whether the confiscation of this residence, presently used by Equatorial Guinea as its embassy, is legal under international law.

Teodoro Nguema Obiang appealed his conviction.

#### Current status

Sentenced to a 3-year suspended sentence, a fine of 30 million euros and the confiscation of the ill-gotten assets

#### Facts

Between 2000 and 2011, Teodoro Nguema Obiang acquired numerous assets, either directly or using shell companies, including a private mansion on Avenue Foch in Paris for 25 million euros, eighteen luxury cars, a jet, two yachts, artwork, jewelry and luxury goods. The total value of these assets is estimated to be 150 million euros, an amount unrelated to his stated yearly income of 80,000 euros as vice-president.

Teodoro Nguema Obiang is suspected of having misused corporate assets and public funds to acquire these goods.



## Procedure in France

In 2008, the NGO Transparency International, supported by the NGO SHERPA, filed a criminal complaint before the investigating judge within the Paris High Court involving Omar Bongo, Denis Sassou Nguesso and Teodoro Obiang Nguema Mbasogo.

In 2009, the Paris Court of Appeal dismissed the complaint as inadmissible. On 9 November 2010, the French Supreme Court (Cour de Cassation) annulled the Court of Appeal judgment and found the complaint admissible.

In September 2011 and in February 2012, the investigating judges seized over 15 luxury cars owned by Teodoro Nguema Obiang as well as luxury goods, such as fine wine and artwork.

On 11 July 2012, an international arrest warrant was issued against Teodoro Nguema Obiang.

In 5 September 2016, the French judges referred the case to the Paris Criminal Court.

The investigation regarding the ill-gotten assets in Congo is still ongoing. In August 2017, the investigating judges within the Paris High Court informed the parties that the investigation regarding the ill-gotten assets in Gabon was completed.

## Procedure in the USA

On 10 October 2014, the US Department of Justice agreed to a settlement following accusations that Teodoro Nguema Obiang used his position of power to amass over more than 300 million dollars in the United States through corruption and money laundering.

This settlement forces Nguema Obiang to relinquish assets worth an estimated 30 million dollars and prevents him from hiding other stolen money in the United States.

## Procedure in Switzerland

On 31 October 2015, the Geneva prosecutor opened investigations against Teodoro Nguema Obiang for money laundering and ordered the seizure of 11 vehicles. In July 2017, the Federal Supreme Court confirmed the seizure of the luxury cars.

[Read more about Teodoro Nguema Obiang](#)

## GUANTANAMO COMMANDER GETTING AWAY WITH TORTURE ?



### THE GUANTANAMO TORTURE CASE

#### Context

Ongoing proceedings in France against former Guantanamo commander Geoffrey Miller and other unknown perpetrators for alleged torture committed against French citizens at the US detention center in Guantanamo Bay, Cuba

#### Suspects

Former Guantanamo commander Geoffrey Miller and other unknown US officials

#### Country of residence of suspects

United States of America (USA)

#### Charges

Torture

#### Developments in 2017

On 18 September 2017, the case was dismissed. The plaintiffs appealed the decision to the Investigation Chamber of the Court of Appeal in Paris (Chambre de l'instruction de la Cour d'appel de Paris).

#### Current status

Case dismissed; ongoing appeal

#### Facts

Mourad Benchellali, Nizar Sassi and Khaled Ben Mustapha are French citizens who were detained at Guantanamo between 2002 and 2004-2005, where they were subjected to physical and psychological abuse. Geoffrey Miller was commander of the Joint Task Force Guantanamo and reportedly oversaw interrogations and detainee treatment during the plaintiffs' detention.

#### Procedure

In November 2002, a criminal complaint and a claim for damages were filed in France in connection with the arrest, abduction, detention, false imprisonment and arbitrary detention of Mourad Benchellali and Nizar Sassi. Investigatory proceedings were opened in June 2005. The scope of the investigation was later expanded to include torture allegations submitted by the plaintiffs after their release from Guantanamo and to include both the criminal complaint and the civil claim brought by the third plaintiff, Khaled Ben Mustapha.



In January 2012, the investigating judge sent a rogatory letter to the United States calling on the US to cooperate and share information with French investigators.

After this request and several follow-up reminders were ignored by the United States, the plaintiffs filed a motion in February 2014 requesting that the investigating judges summon General Miller for questioning. The request was initially denied. On 2 April 2015, the Paris Court of Appeal reversed this decision, ruling that General Miller must be summoned to give evidence on the acts in question and his role in the treatment of detainees at Guantanamo.

On 20 January 2016, the investigating judge of the Paris High Court (Tribunal de Grande Instance de Paris) issued a subpoena requesting that Geoffrey Miller appear before the judge on 1 March 2016 regarding his alleged involvement in torture committed against Guantanamo Bay detainees. However, Geoffrey Miller failed to appear before the judge. On 20 July 2016, the claimants' lawyer requested that an international arrest warrant be issued against Geoffrey Miller.

[Read more about the Guantanamo torture case](#)



## ONGOING INVESTIGATIONS



### Developments in 2017

The judicial investigation into the death of Rémi Ochlick, a French journalist who was killed in an army bombardment in Homs in 2012, is still ongoing.

In the Caesar case, no French victim has been identified through the examination of the pictures (required for jurisdictional purposes, see below). However, the investigation is still ongoing, in collaboration with other European countries.

The investigations regarding the complaints filed by Mustafa Abdul Rahman and Obeida Dabbagh are still ongoing.

### Procedure

#### The Rémi Ochlik/Edith Bouvier case

A judicial investigation is underway regarding an army bombardment in February 2012 in Homs resulting in the death or injury of several journalists operating from a media center based there. This case was originally opened in 2012 as a homicide case but was reclassified in 2014 as a war crimes case.

The families of Rémi Ochlik and Marie Colvin ([“Holding Al-Assad’s regime accountable?”](#)), an American journalist also killed in the bombing, are civil parties in the case, together with French journalist Edith Bouvier and Syrian and British journalists who were injured, the FIDH and Reporters without Borders.

#### Caesar investigation

A former photographer, codenamed Caesar ([“Spotlight on the Syrian torture machine”](#)), with the military police of the Syrian regime sought refuge in Europe after fleeing Syria with thousands of pictures of dead and abused bodies, attesting to the torture committed in the jails of the regime of Bashar Al-Assad.

In September 2015, on the basis of these pictures, the French ministry of foreign affairs requested that the Paris prosecutor of the French specialized unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris High Court (Tribunal de Grande Instance de Paris) open a preliminary investigation into crimes against humanity, war crimes and torture. France has jurisdiction over these alleged crimes if one or more of the victims is French, or if a suspect has established his habitual residence on French territory, or, in the case of the crime of torture, if a suspect is located on French territory. Investigations are ongoing.

#### Complaints filed by Syrian nationals

In early July 2016, Syrian-French national Mustafa Abdul Rahman lodged a criminal complaint with the Paris High Court against the regime of Bashar al-Assad, alleging



torture, forced disappearance, and homicide. The complaint concerns the death of his brother Hicham, a Syrian doctor, who died in a prison near Damascus at the end of 2014. This case was formally closed in 2016.

On 24 October 2016, another complaint was filed with the Paris High Court by Obeida Dabbagh, a Syrian-French national, on behalf of his brother and nephew, Mazen and Patrick Dabbagh, both Syrian-French nationals. Obeida Dabbagh alleged that they were arrested in 2013 in Syria by the Air Force Intelligence Directorate (“[Ten top-ranking suspects in intelligence services torture case](#)”) and detained at the Investigative branch in Mezze (Damascus). They have since disappeared. A judicial investigation into torture, crimes against humanity, and enforced disappearances has been opened before the French specialized unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris High Court.

[Read more about Mazen and Patrick Dabbagh](#)





## CEMENT COMPANY LAFARGE INDICTED FOR CRIMES IN SYRIA

### ERIC OLSEN AND OTHERS



#### Context

Proceedings against the cement company Lafarge (now LafargeHolcim) on the one hand for financing terrorism, complicity in war crimes and crimes against humanity committed by the Islamic State in Syria (ISIS), and deliberate endangerment of people's lives, and on the other hand for alleged illegal purchase of oil.

#### Suspects

Current and former CEOs and directors of French-Swiss cement company LafargeHolcim Group (crimes allegedly committed by the French company Lafarge prior to its 2015 merger with Swiss-based Holcim) and of its subsidiary Lafarge Cement Syria. All suspected individuals are French nationals.

#### Country of residence of suspects

France and Switzerland (headquarters)

#### Charges

Financing of a terrorist enterprise, complicity in war crimes, complicity in crimes against humanity, deliberate endangerment of people's lives, exploitative labor practices, forced labor, and violation of the EU embargo on oil purchases

#### Developments in 2017

On 9 June 2017, three investigative judges of the Paris High Court (Tribunal de Grande Instance de Paris) opened an investigation into the crimes alleged by the NGOs SHERPA and the European Center for Constitutional and Human Rights (ECCHR) and eleven former Syrian employees. In September 2017, three of the victims were heard by one of the investigative judges.

On 13 October 2017, the NGO SHERPA filed a motion requesting that the investigative judges summon a former French minister of foreign affairs and two former ambassadors of France to Syria for questioning.

On 14 November 2017, the French police searched the premises of LafargeHolcim in Paris. At the same time, the Belgian federal police searched the premises of Groupe Bruxelles Lambert (GBL), the second largest shareholder of LafargeHolcim, in Brussels.

In December 2017, six former CEOs and directors of Lafarge and Lafarge Cement Syria were indicted on charges of financing terrorism and deliberate endangerment of people's lives and some on the additional charge of breaching the EU embargo on Syrian oil, namely, Eric Olsen and Bruno Lafont, former CEOs of Lafarge, Bruno



Pescheux, CEO of the Lafarge Syrian subsidiary between 2008 and 2014, and his successor Frédéric Jolibois, Jean-Claude Veillard, Lafarge's director of security, and Christian Herrault, vice director at Lafarge.

In parallel, in September 2017, a new complaint was filed against LafargeHolcim for complicity in crimes against humanity by an association for the defense of the Christians of the East.



### **Current status**

Ongoing judicial inquiry

### **Facts**

The complaint filed by the human rights groups and former employees alleges crimes committed in Syria between 2013 and 2014 in relation to Lafarge's cement factory in Jalabiya, in northern Syria, in an area where ISIS was operating. Lafarge allegedly entered in negotiations with ISIS to purchase oil and pozzolan from them as well as to obtain official ISIS passes for crossing checkpoints in order to maintain its production in the area. Testimonies also point to Lafarge risking its employees' lives and violating a number of basic labor rights.

### **Procedure**

In September 2016, the French finance minister filed a complaint before the Paris prosecutor against LafargeHolcim for its alleged illegal purchase of oil in Syria, despite the EU embargo issued in 2012. The Paris prosecutor opened an investigation in October 2016.

On 15 November 2016, eleven former Syrian employees and the human rights groups SHERPA and ECCHR filed a criminal complaint as civil parties in Paris against Lafarge, Lafarge Cement Syria, and their current and former CEOs for financing the terrorist group IS and complicity in that group's crimes committed in Syria and for a series of labor rights violations.

[Read more about the Lafarge case](#)

# GERMANY

## JUDICIAL DEVELOPMENT



### TEN TOP-RANKING SUSPECTS IN INTELLIGENCE SERVICES TORTURE CASE

#### THE SYRIAN AIR FORCE INTELLIGENCE SERVICES

#### Context

Ongoing structural investigation into crimes under international law committed by the Syrian government and related institutions since 2011

#### Suspects

Ten high-ranking officials from the National Security Bureau and the Air Force Intelligence services, including Ali Mamlouk and Jamil Hassan, as well as the heads of the northern, central and southern military commands and the heads and deputy heads of the al-Mezzeh Investigation branch and the Special Operations branch.

#### Country of residence of suspects

Syria

#### Charges

Crimes against humanity and war crimes

#### Developments in 2017

On 6 November 2017, eleven Syrian torture victims, supported by the European Center for Constitutional and Human Rights (ECCHR), the Syrian Center for Legal Research and Studies (SCLSR) and the Syrian Center for Media and Freedom of Expression (SCM) filed a criminal complaint with the Office of the German Federal Public Prosecutor in Karlsruhe. The complaint denounces crimes against humanity and war crimes allegedly committed in Syria between September 2011 and June 2014 in various detention facilities of five branches of the Air Force Intelligence Directorate in Damascus, Aleppo and Hama.

#### Current status

Under investigation



## Facts

The Syrian Air Force Intelligence services are considered to be one of the most brutal intelligence agencies in Syria. Starting in 2011, the agency has allegedly implemented a strategic policy of repression and surveillance of opponents of the government of Bashar al-Assad. Arbitrary detention, torture, persecution and sexual violence including threats, humiliation and rape are reported to have been widely used.

The inhumane conditions of detention involving extreme hunger and an almost complete lack of medical care in the Air Force Intelligence detention centers allegedly resulted in critical medical states and deaths of detainees.

[Read more about the Air Force Intelligence case](#)



## **FOUR SIBLINGS SUSPECTED OF WAR CRIMES**

### **MUSTAFA K., ABDULLAH K., SULTAN K. AND AHMED K.**



#### **Context**

Ongoing proceedings in Germany against four Syrian brothers for serious crimes under international law allegedly committed in Syria since November 2012

#### **Suspects**

Four Syrian brothers, former members of Jabhat-al Nusra

#### **Country of residence of suspects**

Germany

#### **Charges**

War crimes and membership in a terrorist group

#### **Developments in 2017**

On 12 June 2017, the four brothers named Mustafa K., Abdullah K., Sultan K. and Ahmed K. were arrested in northern Germany. The accused were subsequently remanded in custody pending further investigation.

They are accused of war crimes for allegedly forcing civilians to leave the city of Ras al-Ayn and plundering their possessions.

#### **Current status**

Under investigation

#### **Facts**

In November 2012, the four accused allegedly joined Jabhat al-Nusra in Syria and fought against Syrian government troops in the city of Ras al-Ayn in northern Syria. Mustafa K., Sultan K. and other Jabhat al-Nusra members reportedly captured an official of the regime of Bashar Al-Assad and forced his family to leave the city while plundering their possessions. Furthermore, Sultan K. and Abdullah K. allegedly took part in the hostilities against the Kurdish People's Protection Units. Alongside other Jabhat al-Nusra members, Ahmed K. is accused of forcing the Kurdish population to leave the city.



## INSIDE AL-ASSAD'S POLITICAL PRISON

### THE SAYDNAYA MILITARY PRISON, THE TISHREEN MILITARY HOSPITAL AND THE MILITARY FIELD COURT

#### Context

Ongoing proceedings against high-ranking Syrian military officials for crimes against humanity and war crimes allegedly committed in the Saydnaya military prison, the military field court and the Tishreen military hospital, located around Damascus, Syria.

#### Suspects

Seven high-ranking Syrian military officials including Defense Minister Fahd Jassem al-Frej, Military Prosecutor Mohammed Hassan Kenjo as well as the head of the military police, the Saydnaya military prison and the Tishreen military hospital.

#### Country of residence of suspects

Syria

#### Charges

Crimes against humanity and war crimes

#### Developments in 2017

On 6 November 2017, four Syrian victims, supported by the European Center for Constitutional and Human Rights (ECCHR), the Syrian Center for Legal Research and Studies (SCLSR) and the Syrian Center for Media and Freedom of Expression (SCM), filed a criminal complaint with the Office of the Federal Public Prosecutor in Karlsruhe for war crimes and crimes against humanity.

The complaint alleged intentional killings, persecution, torture and prosecution without due process of prisoners at the Saydnaya military prison, the military field court and at the Tishreen military hospital between December 2011 and June 2014.

#### Current status

Under investigation

#### Facts

The Saydnaya military prison is one of the major political prisons in Syria. After the outbreak of protests in 2011, it was allegedly used by the government to imprison anyone who was considered an opponent of and a threat to the regime.



After their initial arrest and detention by intelligence services, the detainees were reportedly brought to the Saydnaya military prison and subjected to daily beatings, various methods of physical and psychological torture as well as inhumane conditions of detention, which in numerous cases led to prisoners' deaths. In case of medical emergency, prisoners could be transferred to the Tishreen military hospital, where they allegedly faced further mistreatment from the medical personnel, such as beatings, humiliation or harassment.

In contrast to detention centers run by the Syrian intelligence agencies, the torture in the Saydnaya military prison was not aimed at any purported intelligence gathering as no interrogations of prisoners were carried out.

Imprisonment in the Saydnaya military prison was ordered by the military field court, and allegedly violated fair trial standards, leading to the unlawful punishment of prisoners through long-term imprisonment or death.

[Read more about the Saydnaya Military Prison case](#)





## SPOTLIGHT ON THE SYRIAN TORTURE MACHINE

### THE SYRIAN MILITARY INTELLIGENCE SERVICES AND THE CAESAR FILES CASE

#### Context

Ongoing investigation for serious crimes under international law committed by the Syrian intelligence services and the Syrian military police between May 2011 and July 2015

#### Suspects

High-ranking officials in the Syrian Intelligence services, including Ali Mamluk, head of the National Security Bureau; Abdelfattah Qudsiyeh, deputy head of the National Security Bureau, Rafiq Shehadeh, head of the Military Intelligence Directorate between July 2012 and March 2015; Muhamad Mahalla, head of the Military Intelligence Directorate since April 2015; Jamil Hassan, head of the Air Force Intelligence Directorate since May 2011; Muhammad Khallouf (alias Abou Ezzat), head of branch 235 of the Military Intelligence Directorate; as well as Shafiq Masa, head of Branch 215 of the Military Intelligence Directorate.

Further suspects include high-ranking officials of the Syrian military police as well as heads of other branches of the intelligence services.

#### Country of residence of suspects

Syria

#### Charges

Crimes against humanity, including murder, unlawful imprisonment, torture, rape and other inhumane acts of a similar nature with intent to cause extreme suffering or serious injury to the body or to mental or physical health, and war crimes, including willful killing, prosecution without due process, torture, rape, and other inhumane acts

#### Developments in 2017

On 1 March 2017, the European Center for Constitutional and Human Rights (ECCHR) together with seven Syrian victims, the Syrian Center for Legal Researches and Studies (SCLRS) and the Syrian Center for Media and Freedom of Speech (SCM) filed a criminal complaint against six high-level officials of the Syrian Military Intelligence Directorate with the Office of the German Federal Public Prosecutor. At the beginning of May 2017, the complainants were heard by the prosecutor.

On 21 September 2017, the Caesar-Files Support Group together with ECCHR filed a criminal complaint with the Office of the German Federal Public Prosecutor against senior officials of the Syrian intelligence services and the military police for crimes against





humanity and war crimes committed in Syrian detention facilities, complementing the evidence provided in the complaint of 1 March 2017. A representative of the Caesar File Support Group provided the prosecutor with a set of high-resolution images of deceased and tortured detainees.



### **Current status**

Under investigation

### **Facts**

The complaints address crimes against humanity and war crimes committed in detention centers controlled by the Syrian intelligence services, in particular in the Branches 235, 215 and 227 of the Syrian Military Intelligence Directorate. The high-ranking officials are suspected of bearing criminal responsibility as superior commanders, indirect perpetrators of or accomplices in unlawful arrests, detention, torture, sexual violence and other inhumane acts committed in the detention facilities of those branches between May 2011 and July 2015.

The crimes committed in these and other branches were exposed by the former Syrian military police employee codenamed Caesar. He handed over more than 53,000 photographs taken in Syria between May 2011 and August 2013, showing over 6,000 corpses of detainees with visible marks of torture and inhumane treatment.

[Read more about The Caesar files case](#)



## PROSECUTING THE ON-GOING YAZIDI GENOCIDE

**NAME WITHHELD**

### Context

Ongoing structural investigation in Germany for serious crimes under international law committed against the Yazidi minority in Syria and Iraq since 2014

### Suspect

High-ranking commander of the terrorist group Islamic State (IS)

### Country of residence of suspect

Syria

### Charges

Genocide and war crimes, including abduction and sexual enslavement

### Developments in 2017

The investigation is still ongoing.

### Current status

Under investigation

### Facts

On 3 August 2014, the Islamic State (IS) attacked the region around the town of Sinjar in northwestern Iraq. The Yazidi minority was reportedly subjected to mass execution, widespread kidnappings and sexual enslavement in Syria and Iraq. The accused, a high ranking IS commander, is allegedly responsible for abduction and enslavement of a high number of Yazidi women for the purposes of sexual enslavement.

### Procedure

In December 2016, the Supreme Court of Germany issued an arrest warrant against a high-ranking IS commander allegedly responsible for genocide and war crimes, including abduction and sexual enslavement of Yazidi women in Syria and Iraq.

## FORMER JABHAT AL-NUSRA FIGHTER ON TRIAL FOR MASS KILLING

**ABDALFATAH H. A.**

### Context

Ongoing proceedings in Germany for alleged war crimes committed in Syria in 2013

### Suspect

Syrian national, former member of a combat unit belonging to the terrorist group Jabhat al-Nusra

### Country of residence of suspect

Germany

### Charges

War crimes and membership in a terrorist group

### Developments in 2017

On 2 March 2017, Abdalfatah H. A. was arrested in Dusseldorf in Germany. He was charged with membership in a terrorist organization and war crimes for his alleged involvement in the killing of 36 Syrian civil servants in Syria in March 2013. He is in custody awaiting trial.

### Current status

Under investigation

### Facts

Abdalfatah H. A was a member of a combat unit belonging to Jabhat al-Nusra and allegedly took part in the hostilities. In March 2013, together with other members of his combat unit, Abdalfatah H. A reportedly executed 36 Syrian civil servants, who had been sentenced to capital punishment by a Shariah court.

[Read more about Abdalfatah H. A](#)

## TWO ALLEGED JIHADISTS ARRESTED IN BERLIN

### ABDULMALK A AND MOUSA H. A

#### Context

Ongoing proceedings in Germany for war crimes allegedly committed in Syria in 2013 and membership in terrorist groups Jabhat al-Nusra and Islamic State (IS) in 2012-2013

#### Suspects

Abdulkalk A., former member of the terrorist groups Jabhat al- Nusra and commander of Jabhat al-Nusra forces in eastern Syria

Mousa H. A., former member of Jabhat al-Nusra

#### Country of residence of suspects

Germany

#### Charges

Murder as a war crime and membership in a terrorist organization

#### Developments in 2017

In May 2017, two arrest warrants were issued against the suspects for their alleged membership in terrorist groups. Abdulkalk A. was further accused of murder as a war crime. Following their arrest on 9 May 2017, Mousa H. A. and Abdulkalk A. remain in custody.

#### Current status

Remanded in custody, ongoing investigation

#### Facts

Abdulkalk A. and Mousa H. A. allegedly joined combat units belonging to Jabhat al-Nusra in 2012. While Mousa H. A. is accused of taking part in the hostilities against the regime of Bashar Al-Assad as a fighter, Abdulkalk A. is suspected of being a commander in eastern Syria.

In 2013, Abdulkalk A. allegedly captured and murdered a member of the government's armed forces near the city of Tabqa. Later in 2013, he reportedly joined the Islamic State (IS) forces in the city of Deir Ezzor. He is accused of being in charge of the Euphrates dam, controlled by IS, near the city of Tabqa.

[Read more about Abdulkalk A and Mousa H. A](#)

## **SEXUAL VIOLENCE CHARGES DROPPED FOR LACK OF EVIDENCE**

### **AKRAM A.**

#### **Context**

Ongoing proceedings for membership in a terrorist group and war crimes allegedly committed in Syria in 2016

#### **Suspect**

Syrian national and former member of the terrorist group Islamic State (IS)

#### **Country of residence of suspect**

Germany

#### **Charges**

War crimes and membership in a terrorist group

#### **Developments in 2017**

On 7 February 2017, Akram A. was arrested in northeast Germany and remanded in custody on suspicion of belonging to the IS terrorist group. He was further accused of a war crime for raping a Syrian woman.

On 12 June 2017, the federal prosecutor requested that the investigating judge of the Federal Supreme Court waive the arrest warrant against Akram A. and release him from custody due to new findings questioning the validity of the original charges.

#### **Current status**

Suspect released due to lack of evidence

#### **Facts**

As a member of the IS terrorist group, Akram A. allegedly commanded a checkpoint in IS-controlled territory in Syria. He is believed to have stopped, in early 2016, a Syrian woman who was trying to escape the territory with her children. He was accused of luring the woman to a house under the pretext of getting her an exit permit and raping her.

[Read more about Akram A.](#)

## ALLEGED ISIS EXECUTIONER CHARGED WITH SIX MURDERS

### HARRY SARFO



#### Context

Ongoing proceedings in Germany against a former member of the terrorist group Islamic State (IS) for alleged war crimes committed in Syria in June 2015

#### Suspect

German national, former member of the IS terrorist group, alleged member of an execution squad

#### Country of residence of suspect

Germany

#### Charges

Murder and war crimes

#### Developments in 2017

In July 2017, Harry Sarfo was charged by the German federal prosecutor with six counts of murder and war crimes after the release of a video recording showing the suspect taking part in the execution of six prisoners in Syria.

#### Current status

In custody; indicted

#### Facts

In mid-June 2015, the IS executed six prisoners on Palmyra's market square. Harry Sarfo allegedly belonged to the squad that carried out the execution. He is reported to have guarded the prisoners and prevented them from escaping before the execution. In October 2016 the Washington Post published a video of this execution, where Harry Sarfo is seen holding a pistol and firing in the victims' direction.

#### Procedure

Harry Sarfo was arrested in Germany in July 2015 upon returning from Syria. In July 2016 in Hamburg he received a three-year sentence for membership in a terrorist organization.

In October 2016, the Washington Post published a video showing the execution of six prisoners by IS members on Palmyra's market square. The German public prosecutor then opened a separate case against Harry Sarfo charging him with six counts of murder and war crimes.

[Read more about Harry Sarfo](#)

## ABDUCTION, BLACKMAIL AND TORTURE OF CIVILIANS

### IBRAHIM AL F.

#### Context

Ongoing proceedings in Germany for war crimes committed in Syria in 2012

#### Suspect

Alleged former member of Ghurabaa al-Sham, a part of to the Free Syrian Army, Syrian national

#### Country of residence of suspect

Germany

#### Charges

War crimes, torture and abduction for the purpose of blackmail

#### Developments in 2017

His trial opened on 22 May 2017 at the Higher Regional Court of Dusseldorf.

#### Current status

On trial

#### Facts

Ibrahim Al F. is accused of leading the militia Ghurabaa al-Sham, which has been fighting government forces as part of the Free Syrian Army in the Syrian civil war since summer 2012. Ibrahim Al F. and over 150 men under his command allegedly controlled a district in northern Aleppo and frequently looted the surrounding areas. According to the charges, the accused participated in the abduction of two civilians who resisted the looting and their subsequent one-month detention. Together with his subordinates, Ibrahim Al F. is accused of having personally tortured the residents. They were released following payment of a ransom.

Under his command, his subordinates allegedly abducted at least six other civilians and subjected them to severe torture, which led to the death of at least one person.

#### Procedure

On 6 April 2016, German authorities arrested Ibrahim Al F. in the Westphalia region. He was formally charged with war crimes and abduction for the purpose of blackmail at the Higher Regional Court of Dusseldorf on 27 October 2016.

[Read more about Ibrahim Al F.](#)

## A 3-YEAR SENTENCE FOR TARGETING A UN PEACEKEEPER

### SULIMAN AL-S.

#### Context

Concluded proceedings in Germany for war crimes committed in Syria in 2013

#### Suspect

Syrian national

#### Country of residence of suspect

Germany

#### Charges

Aiding and abetting abduction for the purpose of blackmail, attempted robbery by blackmail in three cases, aggravated deprivation of liberty and war crimes against humanitarian organizations

#### Developments in 2017

On 20 September 2017, the Higher Regional Court of Stuttgart found Suliman Al-S. guilty of aiding and abetting the kidnapping of an employee of the United Nations in Syria in February 2013.

He was sentenced to 3 years and 6 months in prison. The charges of membership in a terrorist organization were dropped.

#### Current status

Sentenced

#### Facts

On 17 February 2013, the Canadian national Carl Campeau, who had been working as a legal adviser to the UN forces (UNDOF) in the Golan Heights, was abducted by the terrorist organization Jabhat al-Nusra in the Damascus area. Suliman Al-S allegedly participated in his abduction by keeping the victim under surveillance between March and June 2013.

Carl Campeau was held captive for 8 months until he managed to escape in October 2013. While in detention, his captors issued death threats against him and tried unsuccessfully to obtain a ransom for his release.

#### Procedure

On 21 January 2016, Suliman Al-S. was arrested in his Stuttgart apartment on suspicion of war crimes committed during the Syrian civil war.

On 27 June 2016, he was charged with war crimes, abduction for the purpose of blackmail, unlawful imprisonment, attempted blackmail, use of force or threats against life and membership in a terrorist organization abroad.

The trial began on 20 October 2016.

[Read more about Suliman Al-S.](#)



## MORE ONGOING INVESTIGATIONS ON SYRIA



In September 2011, the German federal prosecutor opened a structural investigation into war crimes and crimes against humanity committed in Syria since 2011. This investigation is aimed at gathering evidence of crimes committed by the Syrian government and was particularly advanced by the release of photographs taken by the former employee of the Syrian military police codenamed 'Caesar'. He handed over more than 53,000 photographs taken in Syria between May 2011 and August 2013, showing over 6,000 corpses of detainees with visible marks of torture and inhumane treatment.

In September 2017, the Caesar File Support Group provided the German federal prosecutor with high-resolution images and metadata, which will be used to verify the authenticity of the photographs.

A second structural investigation was opened in August 2014 for the purposes of gathering evidence of international crimes committed by the terrorist group Islamic State (IS) in Syria and Iraq.

The structural investigations have resulted thus far in investigations against 27 specific individuals involved in crimes committed by the IS and 10 individuals involved in crimes committed by the Syrian government, which has led to indictment and further prosecution on several occasions.

## **EVIDENCE ON SOCIAL MEDIA : A GAME CHANGER IN WAR CRIMES TRIALS**

### **RAMI K.**

#### **Context**

Concluded proceedings in Germany for war crimes committed during the Iraqi civil war in 2015

#### **Suspect**

Former member of the Iraqi Armed Forces

#### **Country of residence of suspect**

Germany

#### **Charges**

War crimes

#### **Developments in 2017**

On 22 February 2017 the trial against Rami K. started before the Higher Regional Court in Berlin. Rami K. was accused of war crimes for having treated persons who were required to be protected under international humanitarian law in a gravely humiliating or degrading manner.

On 1 March 2017, he was found guilty of war crimes and given a 20-month suspended sentence.

#### **Current status**

Sentenced

#### **Facts**

As a member of the Iraqi Armed Forces, Rami K. reportedly fought in the Iraqi civil war in 2015. Following a battle against members of the terrorist organization Islamic State (IS) north of Baghdad, the suspect allegedly posed for a photo while holding the severed heads of two IS fighters who had been killed in combat. The photo was later published on social media. The suspect confessed to the crime.

#### **Procedure**

On 29 August 2016, German police arrested Iraqi national Rami K. on strong suspicion of commission of a war crime. He was accused of having treated persons who were required to be protected under international humanitarian law in a gravely humiliating or degrading manner.

[Read more about Rami K](#)

## TOP LEADERS OF RWANDAN REBEL GROUP UNDER APPEAL

### IGNACE MURWANASHYAKA AND STRATON MUSONI

#### Context

Ongoing proceedings in Germany against former officials of the Democratic Forces for the Liberation of Rwanda (Forces Démocratiques de Libération du Rwanda – FDLR) for alleged serious crimes under international law committed in the Democratic Republic of the Congo (DRC). The FDLR, formerly the Armée de Libération du Rwanda (Liberation Army of Rwanda) was created in 2001 and has been operating in the eastern DRC since then. Some of its members have been accused of participating in the 1994 genocide in Rwanda.

#### Suspects

Ignace Murwanashyaka has been head of the FDLR since 2001. Straton Musoni has been his deputy since 2004.

#### Country of residence of suspects

Germany

#### Charges

Ordering and coordinating crimes against humanity and 16 counts of war crimes committed by the FDLR on Congolese territory between January 2008 and November 2009; belonging to a terrorist group

#### Developments in 2017

The appeal hearings are pending before the Federal Court of Justice (Bundesgerichtshof)

#### Current status

Sentenced to prison for 8 and 13 years; detained in Germany; under appeal

#### Facts

In 2009, Rwanda and the DRC led a joint military operation aimed at neutralizing the FDLR. This operation resulted in various retaliatory attacks by the FDLR on Congolese civilians, including women, children and other vulnerable persons. The two suspects are accused of having coordinated attacks that resulted in the death of civilians, pillage, recruitment of child soldiers, and rape and other forms of sexual violence.



## Procedure

Ignace Murwanashyaka and Straton Musoni were arrested in Germany on 17 November 2009, following the issuance of an arrest warrant by the German Federal Court of Justice on 16 November 2009. Their trial before the Higher Regional Court in Stuttgart began on 4 May 2011 and ended after 320 days of hearings on 28 September 2015. During the proceedings 11 of the 16 initial charges of war crimes and crimes against humanity were dropped. The Higher Regional Court of Stuttgart issued its first instance verdict on 28 September 2015, convicting Ignace Murwanashyaka of 5 counts of aiding and abetting war crimes and of leading a foreign terrorist organization and sentencing him to 13 years in prison. Straton Musoni was sentenced to 8 years' imprisonment for his role as leader in a foreign terrorist organization. The judgment was appealed.

[Read more about Ignace Murwanashyaka and Straton Musoni](#)

## **TORTURE IN SECRET CIA DETENTION CENTERS**

### **GINA HASPEL AND OTHERS**

#### **Context**

Monitoring procedure (preliminary examination) in Germany regarding torture and other crimes committed by US officials in CIA detention centers and other US overseas detention centers

#### **Suspects**

Gina Haspel, CIA deputy director since February 2017 and other unidentified US officials

#### **Country of residence of suspects**

United States of America (USA)

#### **Charges**

Torture, other related crimes

#### **Developments in 2017**

On 6 June 2017, the European Center for Constitutional and Human Rights (ECCHR) submitted to the Office of the German Federal Public Prosecutor evidence regarding Gina Haspel's role in the torture of detainees in a secret CIA detention center in Thailand in 2002.

#### **Current status**

Monitoring procedure (preliminary examination)

#### **Facts**

The CIA is accused of having planned, developed and exercised torture and other acts of cruel, inhumane, or degrading treatment in its response to international terrorism since 2001. The CIA and the US armed forces allegedly arrested suspects in different locations worldwide and brought them to US detention facilities located outside mainland US territory or rendered them to other states. As part of the interrogation and detention program, US officials reportedly tortured detainees in these various detention centers.

#### **Procedure**

On 9 December 2014, the German federal public prosecutor opened a monitoring procedure in response to the publication of the executive summary of the US Senate Select Committee Intelligence report on the CIA detention and interrogation program and the criminal complaint filed by ECCHR on 17 December 2014. The monitoring procedure is still underway. ECCHR submitted further information on 28 July 2015 regarding witnesses and suspects with respect to CIA torture and on 28 June 2016 with respect to torture at Guantanamo and Abu Ghraib.

[Read more about the CIA secret detention center case](#)

# SENEGAL

## JUDICIAL DEVELOPMENT

### THE FALL OF A DICTATOR

#### HISSÈNE HABRÉ

##### Context

Concluded proceedings against the former president of Chad for alleged serious crimes under international law committed in Chad between 1982 and 1990

##### Suspect

President of Chad from 1982 to 1990

##### Country of residence of suspect

Senegal

##### Charges

Crimes against humanity, war crimes and systematic use of torture

##### Developments in 2017

The appeal hearings started on 9 January 2017.

On 27 April 2017, the Extraordinary African Chambers (EAC) in Senegal rejected Hissène Habré's appeal and confirmed his conviction for crimes against humanity, including torture and murder. However, he was acquitted of the charge of rape.

##### Current status

Sentenced to life in prison in Dakar

##### Facts

Hissène Habré was president of Chad from 1982 to 1990, establishing a regime that relied on its intelligence agency, the Directorate of Documentation and Security (DDS), to act as a tool for political repression. Through this agency, the regime committed widespread human rights violations and carried out collective arrests and mass murders based on ethnic origin. In 1992, the Truth Commission established by Hissène Habré's successor, Idriss Deby, accused Hissène Habré of 40,000 political assassinations and systematic torture.



## Procedure in Belgium

On 30 November 2000, victims of Hissène Habré's regime who were living in Belgium filed a complaint against Hissène Habré in Brussels, alleging crimes against humanity, torture, arbitrary detention and enforced disappearances. On 19 September 2005, Judge Daniel Fransen of the District Court of Brussels issued an international arrest warrant against Hissène Habré and requested his extradition to Belgium.

On 15 November 2005, the Senegalese authorities arrested Hissène Habré in Dakar. However, on 25 November 2005, the Dakar Court of Appeal decided that it had no jurisdiction to rule on the extradition request in light of Habré's purported immunity as a former head of state.

## Procedure in Senegal

On 26 January 2000, seven victims and one victims association (the Association of the Victims of Crimes and Political Repression (AVCRP) in Chad) filed a complaint against Hissène Habré before the Regional Court of Dakar for acts of torture and crimes against humanity. On 3 February 2000, a Senegalese judge, Demba Kandji, indicted Hissène Habré for torture, barbarous acts and crimes against humanity.

On 4 July 2000, the Dakar Court of Appeal ruled that Senegalese courts could not pursue the charges because the crimes were not committed in Senegal. The victims appealed. On 20 March 2001, the Senegalese Supreme Court (Cour de Cassation) confirmed the first instance decision that Senegalese authorities did not have jurisdiction over the case because the alleged crimes were not committed in Senegal.

## Procedure before the Extraordinary African Chambers

On 2 July 2006, the African Union requested that Senegal prosecute Hissène Habré, to which Senegalese President Abdoulaye Wade agreed. On 31 January 2007, the Senegalese National Assembly adopted a law allowing Senegalese courts to prosecute the crimes with which Hissène Habré was charged, even if committed outside Senegal.

On 16 September 2008, fourteen victims filed a new complaint against Hissène Habré for crimes against humanity and torture before Senegalese jurisdictions. However, from 2008 to 2010, Senegal refused to advance with the case unless it received full funding for the trial. On 20 July 2012, following a submission from Belgium, the International Court of Justice ordered Senegal to either prosecute Hissène Habré or extradite him to Belgium without delay.

On 22 August 2012, Senegal and the African Union signed an agreement that created the EAC within the Senegalese court system, with a mandate of "prosecuting and trying the person or persons mainly responsible for crimes and serious violations of international law, international custom, and international conventions ratified by Chad and committed in Chadian territory during the timeframe starting from 7 June 1982 to 1 December 1990".

On 2 July 2013, the EAC indicted Hissène Habré. In February 2015, following an investigation, the four judges of the EAC ruled that there was sufficient evidence to send Hissène Habré to trial for crimes against humanity, war crimes, and torture. His trial started on 20 July 2015 but was postponed the next day by the judges of the Chamber because the defense lawyers decided to boycott the trial and did not appear in court. The President of the EAC decided to appoint three new defense lawyers and gave them



45 days to prepare the case. During 52 days of witness hearings, 98 witnesses, mostly from Chad, were heard. Over 4,000 victims registered as civil parties.

In parallel, the trial of former Habré-era officials began in Chad on 14 November 2014. On 25 March 2015, the High Court of N'Djamena convicted twenty security agents from Habré's former regime on charges of murder, torture, kidnapping and arbitrary detention, while acquitting four others. In addition, the Criminal Court ordered the payment of 125 million dollars in reparations, half of which is to be paid by the convicted persons and half by the Chadian government.

Closing arguments before the EAC in Senegal took place between 8 and 12 February 2016. On 30 May 2016, the Court found Hissène Habré guilty of war crimes, crimes against humanity, torture and sex crimes, including rape and sexual slavery, and sentenced him to life imprisonment. This decision marks the first time a former head of state has been convicted for such crimes by an African court.

On 10 June 2016, Hissène Habré's defense lawyers filed an appeal against this conviction, arguing that the length of the sentence was too severe as it failed to account for extenuating circumstances. However, the lodging of the appeal had no immediate legal bearing on the ongoing reparation proceedings in favor of the victims of torture, sexual crimes and bereavement. Accordingly, the main trial chamber of the EAC granted the civil party victims reparations of up to 20 million West African francs (USD 33,898) each on 29 July 2016.

On 28 September 2016, the African Union appointed the four judges of the EAC's Appeals Chamber.

[Read more about Hissène Habré](#)



# SPAIN

## JUDICIAL DEVELOPMENT

### EXTRADITION ORDERED IN THE JESUIT MURDER CASE

#### GENERAL RAFAEL HUMBERTO LARIOS AND OTHERS

##### Context

Ongoing proceedings against former Salvadoran officials for alleged serious crimes under international law committed in El Salvador during the 1980-1992 internal armed conflict

##### Suspects

Seventeen Salvadoran military officials (of the twenty original suspects, one died, and charges against two others were dismissed)

##### Country of residence of suspects

El Salvador and Spain

##### Charges

Crimes against humanity, murder and terrorism

##### Developments in 2017

On 16 November 2017, the Society of Jesus (Compañía de Jesús), the José Simeón Cañas Central American University in El Salvador and a human rights lawyer requested the reopening of the judicial process initiated in 2000 in El Salvador.

On 29 November 2017, following the dismissal of his petition for a writ of habeas corpus by the US Eastern District Court of North Carolina, Inocente Orlando Montano ("[Former colonel about to stand trial?](#)") was extradited to Spain to stand trial for his alleged role in the murders of the Jesuits. The Supreme Court of El Salvador rejected the extradition to Spain of the other defendants.

##### Current status

Under investigation; pending trial

##### Facts

From 1980 to 1992, El Salvador was divided by an internal armed conflict between the rebel Farabundo Martí National Liberation Front (FMLN) and the government, led by the Nationalist Republican Alliance (ARENA). In this context, on 16 November 1989, →

six Jesuit priests, their housekeeper and her 16-year-old daughter were killed at the Pastoral Center of José Simeón Cañas Central American University in San Salvador.

Following the ratification of the Chapultepec Peace Accords on 16 January 1992, a Truth Commission was established to investigate crimes committed during the war, including the murder of the six Jesuits, their housekeeper and her daughter. The Truth Commission concluded that these crimes were ordered by Salvadoran officials and executed by the Salvadoran armed forces.

## Procedure

On 13 November 2008, the Spanish Association for Human Rights (APDHE) and the Center for Justice and Accountability (CJA) filed a complaint before the Spanish National Court against former Salvadoran President Alfredo Cristiani Burkard and fourteen former military officers and soldiers. Some relatives of the Jesuits are also part of the proceeding.

On 13 January 2009, Judge Eloy Velasco charged fourteen former officers, including Colonel Ponce, former head of the Armed Forces at the time of the murders, General Rafael Humberto Larios, former minister of defense, Colonel Juan Orlando Zepeda, former vice minister of defense, and Colonel Inocente Orlando Montano, former vice minister for public safety, with murder, crimes against humanity and terrorism. On 30 May 2011, six new defendants were added to the indictment, and international arrest warrants were issued on charges of terrorism and crimes against humanity. One of the defendants, Colonel Ponce, died of a heart attack in May 2011.

On 6 October 2014, the Criminal Chamber of the Spanish National Court ruled that Spain has jurisdiction to investigate and to prosecute the murder of the six Jesuits and their employees as a crime against humanity and as terrorism. In May 2015 the Supreme Court confirmed the jurisdiction of the Spanish courts.

On 16 December 2015, Judge Eloy Velasco issued a new international arrest warrant against suspects in El Salvador.

On 4 January 2016, the Spanish judge sent a request for a Red Notice to Interpol, requesting the arrest of 17 former soldiers allegedly involved in the murders of the Jesuits.

On 5 and 6 February 2016, four Salvadorian officials were arrested by the civil National Civil Police of El Salvador pursuant to the international arrest warrant issued by the criminal chamber of the Spanish National Court (Audiencia Nacional, Sala de lo penal): Colonel Guillermo Alfredo Benavides Moreno, former director of the military school; Sergeant Ramiro Ávalos Vargas; Sergeant Tomás Zárpate Castillo and Corporal Ángel Pérez Vásquez.

On 13 July 2016 the Salvadoran Supreme Court ruled that the Amnesty Law adopted after the conflict was unconstitutional. However, on 18 and 26 August 2016, the extradition requests from Spain for the four accused were respectively denied. They were released from detention. The Salvadoran Supreme Court decided that Benavides should nonetheless be held in prison to complete a 30-year sentence he received in El Salvador in 1991 for murder and terrorism. His extradition to Spain was denied in 2016, and charges against Ávalos Vargas, Zárpate Castillo and Pérez Vásquez were dismissed.

[Read more about Antonio Avalos Vargas, Guillermo Alfredo Benavides Moreno, Tomas Zarpate Castillo, Angel Perez Vasquez, Alfredo Cristiani Burkard, Rafael Humberto Larios, Juan Orlando Zepeda](#)

## **FORMER COLONEL ABOUT TO STAND TRIAL ?**

### **INOCENTE ORLANDO MONTANO MORALES**

#### **Context**

Ongoing proceedings for serious crimes under international law committed in El Salvador during the 1980-1992 internal armed conflict

#### **Suspect**

Officer in the military, vice-minister for public security (from 1 June 1989 to 2 March 1992) in El Salvador

#### **Country of residence of suspect**

United States of America (USA)

#### **Charges**

Crimes against humanity, murder and terrorism

#### **Developments in 2017**

On 21 August 2017, the US Eastern District Court of North Carolina dismissed Inocente Orlando Montano's petition for a writ of habeas corpus finding no irregularity in the extradition proceedings and no basis upon which the petitioner's request for release could be granted.

On 15 November 2017, the Supreme Court dismissed Inocente Orlando Montano's last request to halt his extradition to Spain.

On 29 November 2017, Inocente Orlando Montano was extradited to Spain and placed in police custody. He is accused of actively participating in planning the murder of the six Jesuits.

The Spanish High Court (Audiencia Nacional) is due to decide whether or not to open a trial phase.

#### **Current status**

Extradited and detained in Spain

#### **Facts**

See above ("the Jesuit Murder Case")

#### **Procedure**

On 23 August 2011, US authorities arrested Inocente Orlando Montano on charges of federal immigration fraud. He was indicted on 10 February 2012 for false declarations to the US authorities regarding the date of his entry into the territory and his military training in El Salvador.



On September 2012, he pled guilty, acknowledging he had given false statements. His trial took place in August 2013 and he was sentenced to 21 months in prison on 27 August 2013. On 23 July 2014, the Criminal Chamber of the Spanish National Court (Audiencia Nacional, Sala de lo penal) submitted a supplemental brief to the US authorities in support of a pending request for extradition issued on 4 November 2011.

In this request, Spain urged the US authorities to allow the extradition of Inocente Orlando Montano from the USA to Spain to face trial for the murder of the six Jesuits, their housekeeper and her daughter, committed in El Salvador on 16 November 1989.

On 5 January 2016, a judge from the Eastern District Court of North Carolina granted the request to extradite Inocente Orlando Montano to Spain. On 1 April 2016, Inocente Orlando Montano's lawyers filed a petition for a writ of habeas corpus to reverse the extradition order.

[Read more about Inocente Orlando Montano](#)

## COULD A MINISTER OF DOMESTIC AFFAIRS BE UNAWARE OF THE POLICE'S WRONGDOINGS ?

**CARLOS VIELMANN MONTES**

### Context

Ongoing proceedings for serious crimes under international law allegedly committed in Guatemala in 2005 and 2006

### Suspect

Former minister of domestic affairs; dual Spanish and Guatemalan national

### Country of residence of suspect

Spain

### Charges

Extrajudicial executions in 2005 (the killing of three inmates who had escaped from the Infiernito prison) and in 2006 (the killing of seven inmates at the Pavón prison) in Guatemala

### Developments in 2017

Carlos Vielmann's trial took place in January and February 2017. On 9 January 2017, the prosecution requested 160 years' imprisonment and compensation of 300,000 euros for each of the victims.

On 6 March 2017, the Spanish National Court (Audiencia Nacional, Sala de lo penal) acquitted Carlos Vielmann of the ten extrajudicial executions that were perpetrated in 2005 and 2006, considering that it was not proven beyond reasonable doubt that he had ordered, authorized, supported or otherwise acquiesced to the capture and murder of the victims, or that he had any knowledge of the circumstances leading to their deaths.

The judgment was appealed before the Supreme Court by the Human Rights Association of Spain (APDHE).

### Current status

Acquitted; under appeal

### Facts

In October 2005, nineteen prisoners escaped from the Infiernito prison, a high security prison in Guatemala City. Carlos Vielmann and Erwin Sperisen, who was appointed Chief of the National Civil Police (NCP) by Carlos Vielmann, allegedly devised a plan aimed at finding and executing the escaped prisoners. This was known as the Gavilán Plan. Nine prisoners were captured and three allegedly executed as a result.

In September 2006, under Carlos Vielmann's alleged direct command, Erwin Sperisen, along with 3000 NCP officers and members of the army, intervened in the Pavón prison, a high security prison controlled by prisoners, to restore state authority. This intervention ended in the arrest and the alleged extra-judicial execution of seven prisoners.



## Procedure

In 2010, Carlos Vielmann was indicted for establishing, along with Erwin Sperisen, a parastatal criminal structure within the Ministry of Domestic Affairs, which ordered, authorized and supported the murder of seven prisoners in the Pavón prison and three in the Infiernito prison.

In February 2012, Guatemalan authorities dropped their request for the extradition of Carlos Vielmann.

On 4 November 2013, Carlos Vielmann was brought on charges of extrajudicial executions before the Spanish National Court (Audiencia Nacional, Sala de lo penal).

[Read more about Carlos Vielmann](#)



## NO-GO ON TORTURE INVESTIGATIONS IN SYRIA

### Context

Concluded proceedings in Spain for alleged serious crimes under international law committed in Syria since 2011

### Suspects

Nine high-level Syrian members of the security and intelligence forces

### Country of residence of suspects

Unknown

### Charges

Terrorism and enforced disappearances and torture

### Developments in 2017

On 1 February 2017, Amal Hag Hamdo Anfalís, a Spanish national of Syrian origin, filed a complaint with the Spanish National Court (Audiencia Nacional) against 9 high-level military and government officials of the Syrian Arab Republic for alleged acts of terrorism and enforced disappearance committed against her brother, Abdulmuemen Alhaj Hamdo.

The complaint is directed against: Ali Mamluk, head of the Syrian National Security Bureau (NCB); Abdul-Fattah Qudsiyeh, deputy head of the NCB; Mohammad Dib Zeitun, head of the General Syrian Security Directorate; Jamil Hasan, head of the Syrian Air Force Intelligence Directorate; Faruq Al-Sharaa, former vice president; Mohamed Said Bekheitan, deputy head of ruling Baath Party; Mohammad Al-Hajj Ali, major general; General Jalal Al-Hayek; Colonel Suleiman Al-Yusuf; and another high-level official of the Syrian government.

On 27 March 2017, Judge Eloy Velasco Núñez declared the complaint admissible and opened an investigation. Judge Eloy Velasco requested that Eurojust ascertain whether there were other countries of the European Union investigating international crimes committed by the administration of the Syrian Arab Republic. He also ordered that testimonies be obtained from the victim, witnesses and expert witnesses and that rogatory letters be sent. On 30 March 2017, the Spanish public prosecutor appealed this decision.

On 27 July 2017, the Spanish National Court decided to dismiss the case after the public prosecutor argued it lacked jurisdiction to judge the crimes committed.

The law firm "Guernica 37 International Justice Chambers" appealed the decision before the Appeals Chamber of the Spanish National Court. On 15 December 2017, the appeal was rejected.



### **Current status**

Closed

### **Facts**

On 17 February 2013, Abdulmuemen Alhaj Hamdo, a Syrian national born in Idleb, disappeared while covering his daily delivery shift as a professional transporter between the municipality of Mashta el Helou and the city of Homs in western Syria.

In 2015, Abdulmuemen Alhaj Hamdo's eldest son recognized the body of his father on several photographs taken by a forensic photographer codenamed Caesar, who deserted from the Syrian army. Caesar made public over 50,000 photos evidencing various crimes committed in detention centers of the Syrian government since 2013.





# SWEDEN

## JUDICIAL DEVELOPMENT

### MASS KILLING CAUGHT ON VIDEO

#### HAISAM OMAR SAKHANH

##### Context

Concluded proceedings in Sweden for war crimes allegedly committed in Syria in 2012

##### Suspect

Alleged former member of a Syrian rebel group

##### Country of residence of suspect

Sweden

##### Charges

War crime

##### Developments in 2017

Haisam Omar Sakhanh's trial before the District Court of Stockholm was held from 11 to 23 January 2017. On 16 February 2017, the District Court of Stockholm sentenced Haisam Omar Sakhanh to life in prison for his participation in the massacre of seven soldiers in Syria in 2012.

The court of appeal confirmed his sentence to life in prison on 31 May 2017. On 20 July 2017, the Swedish Supreme Court denied Haisam Omar Sakhanh's leave to appeal.

##### Current status

Sentenced to life in prison

##### Facts

In February 2012, Haisam Omar Sakhanh was arrested by Italian police during a riot at the Syrian embassy in Rome, where he was protesting against the Syrian regime. After being questioned and released, he reportedly travelled to Syria to fight Syrian government forces.

In May 2012, he allegedly participated in the execution of seven captured Syrian soldiers in Idlib, in northwestern Syria. A video of the massacre was published on social media and allowed the Swedish prosecutors to identify the accused.

Haisam Omar Sakhanh acknowledged that he took part in the executions but claims that the victims had been sentenced to death by a legitimate court after a fair trial.

##### Procedure

On 11 March 2016, Syrian national Haisam Omar Sakhanh was arrested in the Swedish town of Karlskoga on suspicion of war crimes committed in Syria. On 14 March 2016, he was remanded in custody by a court in Orebro, pending further investigation. Haisam Omar Sakhanh was formally charged with war crimes by the Swedish prosecutor's office on 29 December 2016.

[Read more about Haisam Omar Sakhanh](#)

## **VIOLATING THE DIGNITY OF THE DEAD**

### **MOHAMED ABDOULLAH**

#### **Context**

Concluded proceedings for war crimes allegedly committed in Syria since 2011

#### **Suspect**

Member of the Syrian government forces

#### **Country of residence of suspect**

Sweden

#### **Charges**

War crimes

#### **Developments in 2017**

On 14 September 2017, Swedish prosecutors brought new charges against Mohamed Abdullah. He was accused of violating the personal dignity of five dead and severely injured persons.

On 25 September 2017, he was sentenced to 8 months in prison.

#### **Current status**

Sentenced to 8 months imprisonment

#### **Facts**

The accused allegedly committed war crimes while fighting with Syrian government forces in the country's civil war between March 2012 and July 2015.

#### **Procedure**

Mohamed Abdullah was arrested in Stockholm on 23 February 2016 for alleged war crimes committed in Syria. He had been identified by the Swedish police through a photograph he posted on Facebook showing him posing with his foot on the chest of one of the victims.

Mohamed Abdullah, who came to Sweden in July 2015, admitted that he had been working for the Syrian regime but denied taking part in the fighting. In March 2016, he was released without charge due to a lack of corroborating evidence.

[Read more about Mohamed Abdullah](#)

## “FACEBOOK POSER” APPEALS HIS SENTENCE

### RAED ABDULKAREEM

#### Context

Ongoing proceedings in Sweden against an Iraqi national for war crimes allegedly committed in Iraq in 2015

#### Suspect

Former member of the Iraqi government forces

#### Country of residence of suspect

Sweden

#### Charges

War crimes

#### Developments in 2017

Both Raed Abdulkareem and the prosecutor appealed the first instance judgment. The appeal is currently ongoing.

#### Current status

Sentenced to 6 months' imprisonment; appeal ongoing

#### Facts

While fighting Islamic State (IS) militants as a member of the Iraqi armed forces in spring 2015, Raed Abdulkareem posed for pictures with the dead bodies of enemy fighters. The photos, which he posted on Facebook in July 2015, show the accused standing in military uniform among several decapitated bodies and a severed head on a plate.

#### Procedure

In September 2016, Raed Abdulkareem was charged with committing a war crime for allegedly posing with the dead bodies of IS fighters in Iraq. The authorities had discovered incriminating photos during a separate investigation into a robbery, for which Raed Abdulkareem is currently serving a 42-month sentence.

He admitted to being in the photos but denied any wrongdoing, claiming he had been forced to pose for them. However, on 6 December 2016, Raed Abdulkareem was found guilty of war crimes and sentenced to 6 months imprisonment by the Blekinge District Court.

The judgment has been appealed both by the prosecutors and the defendant.

[Read more about Raed Abdulkareem](#)

## THE PAST CATCHES UP WITH A SWEDISH NATIONAL

### THEODORE TABARO



#### Context

Ongoing proceedings in Sweden for crimes allegedly committed during the 1994 Rwandan genocide

#### Suspect

Naturalized Swedish national originally from Rwanda

#### Country of residence of suspect

Sweden

#### Charges

Genocide, serious crimes against international law

#### Developments in 2017

On 6 September 2017, Theodore Tabaro was charged with murder, attempted murder, rape and kidnapping of members of the Tutsi minority. He is accused of having organized, recruited, incited and even executed massacres of Tutsis.

On 26 September 2017, the Swedish war crimes unit travelled to Rwanda to gather evidence and to examine witnesses and victims. Some 30 other survivors and family members of the victims are among the plaintiffs.

Theodore Tabaro's trial opened on 27 September 2017 before a special Court in Stockholm.

#### Current status

Ongoing trial

#### Facts

Theodore Tabaro was allegedly involved in the 1994 Rwandan genocide against ethnic Tutsis, in which 800,000 people were killed. The alleged crimes took place between 9 April and 31 May 1994 in the Winteko, Nyakanyinya and Mibirizi sectors in southwestern Rwanda.

On 9 April 1994, Theodore Tabaro, with other Hutu militias, allegedly took part in the massacre of numerous civilians and the rape of women and young girls in Winteko. On 13 April 1994, he allegedly participated in the Nyakanyinya school attack, where several hundred people were killed or seriously injured by grenades, gunfire and knives. He is also accused of taking part in the Mibirizi church attack several days later.

He arrived in Sweden in 1998 and became a Swedish citizen in 2006.



### Procedure

On 25 October 2016, Theodore Tabaro was arrested in his home in Orebro on suspicion of involvement in the 1994 Rwandan genocide. The accused was subsequently remanded in custody by the Stockholm District Court and the war crimes unit of the Swedish police took over the investigation.

[Read more about Theodore Tabaro](#)



# SWITZERLAND

## JUDICIAL DEVELOPMENT

### FORMER MINISTER ARRESTED IN AN ASYLUM SEEKERS' SHELTER

#### OUSMAN SONKO

##### Context

Ongoing proceedings in Switzerland against former Gambian Minister of the interior under the Yahya Jammeh regime for alleged serious crimes under international law

##### Suspect

Former inspector general of police (2005 to 2006) and minister of internal affairs (2006 to 2016)

##### Country of residence of suspect

Gambia

##### Charges

Crimes against humanity and torture

##### Developments in 2017

Alerted to Ousman Sonko's presence on Swiss territory, TRIAL International lodged a criminal complaint with the Bernese prosecuting authorities on 25 January 2017. The former Gambian minister was arrested the following day at the immigration center of Lyss (canton of Bern), where he had filed for asylum. He was charged with crimes against humanity.

Seven Gambian victims filed a complaint. Three of them were heard by the attorney general, as well as several witnesses.

On 19 October 2017, the Swiss Federal Supreme Court confirmed the seizure of Ousman Sonko's assets. They are worth approximately USD 14,000.

His detention was extended for three months twice by the Court of Coercive Measures of the canton of Bern (on 3 May 2017 and then on 2 November 2017).

##### Current status

Detained pending trial

##### Facts

Gambia was under the control of Yahya Jammeh from 1994 to 2017. For more than two decades, all opposition was repressed: torture, extrajudicial executions and enforced disappearances were widespread.

After the re-election of Yahya Jammeh in September 2006, Ousman Sonko was appointed minister of interior. He held this position until September 2016, when he was dismissed from office and left Gambia.

[Read more about Ousman Sonko](#)

## THE “BUTCHER OF HAMA” UNDER INVESTIGATION FOR WAR CRIMES

### RIFAAT AL-ASSAD

#### Context

Ongoing proceedings in Switzerland against the former head of the Defense Brigades in Syria for alleged war crimes committed in Hama in 1982

#### Suspect

Brother of the former Syrian President Hafez Al-Assad and uncle of the current President Bashar Al-Assad; Former head of the Defense Companies, Syria's elite commando troops, from 1971 to 1984.

#### Country of residence of suspect

Various

#### Charges

War crimes allegedly committed in Hama in 1982

#### Developments in 2017

On 25 September 2017, a collective of lawyers revealed the existence of the criminal investigation pending in Switzerland since 2013, against Rifaat Al-Assad. Four years after the opening of the investigation, they denounced a denial of justice from the Office of the Attorney General.

#### Current status

Under investigation

#### Facts

Rifaat Al Assad, as the commander of the Defense Companies, is suspected of participating in the massacre of several thousand people in Hama during the civil war in Syria from 1979-1982.

In February 1982, opponents of the regime took up arms in Hama. As retaliation, the Syrian armed forces, including the Defense Companies attacked the city. The civilian population was trapped in Hama for almost a month. The estimate civilian casualties ranges from ten to forty thousand people, depending on the sources.

#### Procedure

In November 2013, after being informed that Rifaat Al-Assad was in Switzerland, TRIAL International lodged a complaint with the Office of the Attorney General of Switzerland regarding the massacre of Hama. A criminal investigation for war crimes was opened in December 2013. In August 2014, a victim joined the proceedings.

In September 2015, Rifaat Al-Assad returned to Geneva. TRIAL International and the victim asked the Swiss authorities to arrest him. After the Office of the Attorney General refused to proceed with his arrest, the victim filed a motion for provisional measures before the Federal Criminal Court. Two days later, the Office of the Attorney General was ordered to audition Rifaat Al-Assad.

In 2016 and 2017, TRIAL International filed several more complaints. It also brought to the case ample evidence and a list of witnesses ready to testify. As the proceedings continued, six more victims joined the case.

[Read more about Rifaat al- Assad](#)

## WAS ALGERIA AT WAR IN THE 1990'S ?

**KHALED NEZZAR**

### Context

Ongoing proceedings against the former Algerian minister of defense for alleged war crimes committed in Algeria between 1992 and 1994

### Suspect

General in the Algerian army, minister of defense in Algeria from 1990 to 1994 and member of the High Council of State (HCS) from 1992 to 1994

### Country of residence of suspect

Algeria

### Charges

Various war crimes: torture, extrajudicial killings, enforced disappearances and other grave breaches of international humanitarian law

### Developments in 2017

In January 2017, the Office of the Attorney General of Switzerland dismissed the case, deeming that the alleged acts committed by the former minister of defense could not be considered war crimes on the grounds that there was no war in Algeria when the facts occurred.

On 18 January 2017, the civil parties appealed the decision before the Federal Criminal Court.

### Current status

Case dismissed; under appeal

### Facts

From 1992 to 1994, as minister of defense and member of the HCS, Khaled Nezzar allegedly incited, authorized or ordered military and public agents to commit acts of torture, murders, extrajudicial killings, enforced disappearances and other grave violations of international humanitarian law. The dirty war caused the death of around 200,000 persons and the disappearance of some 20,000 others.

### Procedure

Three torture victims filed a first complaint against Khaled Nezzar in France in 2001, but he managed to leave the country before judicial action could be initiated. In October 2011, TRIAL International filed a new criminal complaint as he was travelling to Geneva. Two victims of torture joined the procedure. He was arrested in October 2011 and interrogated by the Swiss attorney general. He appealed the procedure before the Federal Criminal Court. In a decision from 25 July 2012, Khaled Nezzar's appeal was rejected. The court considered that immunity could not be invoked for international crimes.

[Read more about Khaled Nezzar](#)



## INVESTIGATING WAR CRIMES OF THE LIBERIAN CIVIL WAR

### ALIEU KOSIAH

#### Context

Ongoing investigation in Switzerland for serious crimes under international law allegedly committed in Liberia between 1993 and 1995

#### Suspect

Former Rebel Commander of the United Liberation Movement of Liberia for Democracy (ULIMO)

#### Country of residence of suspect

Switzerland

#### Charges

War crimes, such as systematic killings, targeting civilians

#### Developments in 2017

The investigation is still ongoing. Since his arrest, Alieu Kosiah's detention has been renewed every three months by a judge.

#### Current status

Under investigation; remanded in custody

#### Facts

Alieu Kosiah allegedly committed war crimes between 1993 and 1995 as commander of the ULIMO. This rebel group was fighting Charles Taylor's National Patriotic Front of Liberia (NPFL) until 1996.

#### Procedure

Seven Liberian victims, assisted by the NGO Civitas Maximas, filed a complaint in Switzerland against Alieu Kosiah for his alleged participation in war crimes and systematic killings committed between 1993 and 1995 in Lofa County in northwestern Liberia.

On 10 November 2014, Alieu Kosiah was arrested in Switzerland for his alleged involvement in war crimes committed between 1993 and 1995. On 13 November 2014, a Swiss judge decided to hold him in detention. The plaintiffs as well as several witnesses from Liberia came to Switzerland to be heard by the prosecutor. Alieu Kosiah is still in pre-trial detention, and the investigation is ongoing.

[Read more about Alieu Kosiah](#)



## UPCOMING RE-TRIAL FOR ERWIN SPERISEN

### Context

Ongoing proceedings for serious crimes under international law allegedly committed in Guatemala in 2005 and 2006

### Suspect

Head of the National Civil Police (NCP) of Guatemala from 2004 to 2007; dual Swiss and Guatemalan national

### Country of residence of suspect

Switzerland

### Charges

Extrajudicial executions in 2005 (the killing of three inmates who had escaped from the Infiernito prison) and in 2006 (the killing of seven inmates at the Pavón prison) in Guatemala

### Developments in 2017

On 29 June 2017, the Swiss Supreme Court overturned the judgment of the Criminal Chamber of the Geneva Court of Appeal and ordered Erwin Sperisen's re-trial. The federal judges recognized the occurrence of extrajudicial executions committed by a commando composed of police forces. However, they deemed that Erwin Sperisen should have been allowed to be confronted with several witnesses.

On 20 September 2017, the Swiss Supreme Court allowed the release of Erwin Sperisen pending his re-trial. On 25 September 2017, he was released and placed under house arrest.

On 11 October 2017, Erwin Sperisen filed a new motion requesting the recusal of the Judge Cambi Favre-Bulle, the presiding judge of the Criminal Chamber of the Geneva Court of Appeal and Revision. On 3 November 2017, his motion was rejected. Erwin Sperisen appealed this decision to the Supreme Court.

The new trial is expected to start in April 2018.

### Current status

Pending retrial





## Facts

In October 2005, nineteen prisoners escaped from Infiernito, a high security prison in Guatemala City. Erwin Sperisen allegedly devised a plan aimed at finding and executing the escaped prisoners: this was known as the Gavilan Plan. Nine prisoners were captured and three allegedly executed as a result.

In September 2006, Erwin Sperisen, along with 3,000 NCP officers and members of the army, intervened in the Pavón prison, a high security prison controlled by prisoners, to restore state authority. This intervention ended in the arrest and the alleged extra-judicial execution of seven prisoners.

## Procedure

In 2008, several Swiss organizations filed a criminal complaint against Erwin Sperisen with the Office of the Prosecutor in Geneva, after discovering that he was living in Switzerland. He was arrested on 31 August 2012 in Geneva. In March 2013, the mother of one of the victims filed a complaint and joined the criminal proceedings. Fourteen witnesses travelled from Spain, France and Guatemala to be heard by the Swiss authorities.

His trial opened on 15 May 2014 in Geneva. He was convicted on 6 June 2014 and sentenced to life imprisonment for the crimes he committed in the Pavón prison, but he was acquitted for his alleged involvement in the Gavilan Plan.

Erwin Sperisen appealed the conviction and his appeal hearings took place from 4 to 8 May 2015 before the Criminal Chamber of the Geneva Court of Appeal. On 12 May 2015, the Criminal Chamber upheld the life imprisonment sentence. In addition to the seven extra-judicial executions for which Erwin Sperisen was found guilty in the first instance, he was condemned as jointly responsible for the murder of three fugitives from the El Infiernito prison though not as a direct perpetrator.

Arguing that his right to a fair trial had been violated, Erwin Sperisen lodged an appeal against the conviction.

[Read more about Erwin Sperisen](#)



## IS SWITZERLAND DENYING JUSTICE TO A TORTURED REFUGEE ?

### THE NAÏT LIMAN CASE

#### Context

Ongoing civil proceedings in Switzerland for alleged torture committed against Abdennacer Naït-Liman in 1992

#### Suspect

Abdallah Kallel, former Tunisian minister of domestic affairs

#### Country of residence of suspect

Tunisia

#### Charges

Torture

#### Developments in 2017

On 14 June 2017, TRIAL International defended Abdennacer Naït-Liman before the Grand Chamber of the European Court of Human Rights (ECHR).

The verdict will be issued on 15 March 2018.

#### Current status

Case dismissed; ongoing appeal before the Grand Chamber of the ECHR

#### Facts

In April 1992, while living in Italy, Abdennacer Naït-Liman was arrested and handed over to the Tunisian authorities. For forty days he was arbitrarily detained on the premises of the Republic of Tunisia's Ministry of the Interior and subjected to various forms of torture: sleep deprivation, beatings and being attached for the entirety of his detention to an iron bar positioned between two tables.

In 1995, Abdennacer Naït-Liman was granted asylum in Switzerland.

#### Procedure

In February 2001, as Tunisia's former minister of the interior, Abdallah Kallel, travelled to Geneva, Abdennacer Naït-Liman filed a criminal complaint against him for grievous bodily harm. He accused him of ordering the physical and psychological torture to which he was subjected on the premises of the Ministry of the Interior. However, the former minister was able to abscond from Switzerland.



In July 2004, with the support of TRIAL International, Abdennacer Nait-Liman filed a civil claim in Geneva aimed at securing compensation from Abdallah Kallel and Tunisia for the injuries he sustained as a result of the torture.

However, both the District Court and the Appellate Court ruled that the petition was inadmissible. Abdennacer Nait-Liman appealed to the Supreme Court.

On 22 May 2007, the Federal Court rejected the appeal because of an insufficient connection with Switzerland.

In November 2007, Abdennacer Nait-Liman submitted an application to the ECHR, alleging a violation of Article 6 paragraph 1 of the European Convention on Human Rights because of the refusal of Swiss courts to examine his claim for compensation.

On 21 June 2016, the ECHR rejected his application on the grounds that Switzerland had the right to limit his access to civil proceedings.

On 29 November 2016, the request of Abdennacer Nait-Liman and TRIAL International for the case to proceed to the Grand Chamber of the ECHR was accepted.

[Read more about the Abdallah Kallel case](#)



## **TORTURE ALLEGATIONS AGAINST AN ATTORNEY GENERAL ALI BIN FADHUL AL-BUAINAIN**

### **Context**

Ongoing proceedings against the attorney general of Bahrain for torture allegedly committed in Bahrain in 2010

### **Suspect**

Attorney general of Bahrain, vice president of the executive committee of the International Association of Prosecutors

### **Country of residence of suspect**

Bahrain

### **Charges**

Torture

### **Developments in 2017**

Criminal investigations continue in Switzerland (Bern)

### **Current status**

Under investigation

### **Facts**

Jaafar Al-Hasabi, a British citizen born in Bahrain, was detained and tortured in Bahrain in 2010. He and 22 other political activists had been arrested and charged with membership of in a terrorist network aiming to overthrow the government.

Held incommunicado, Jaafar Al-Hasabi was subjected to electric shocks, beatings on the soles his feet, stress positions and other forms of torture. Although the United Nations expressed concern regarding Jaafar Al-Hasabi's secret detention and the risk that he would be tortured, the attorney general of Bahrain authorized the extension of his detention, allowing the torture to continue.

### **Procedure**

On 8 September 2015, Jaafar Al-Hasabi filed a criminal complaint in Bern against the attorney general of Bahrain, Ali Bin Fadhul Al-Buainain, for facilitating torture. He was supported by the European Center for Constitutional and Human Rights (ECCHR), REDRESS, the Bahrain Institute for Rights and Democracy (BIRD) and TRIAL International.



On 13 September 2015, an application was filed with the Bern prosecutor, calling for the attorney general to be summoned for interviewing. The complaint was filed in anticipation of his attendance at the annual conference of the International Association of Prosecutors (IAP) being held that year in Switzerland from 13 to 17 September, at which he was elected vice president of the organization.

On 15 September 2015, the prosecutor issued a decision stating that an investigation would be opened but that the evidentiary threshold for a summons had not yet been met. Ali Bin Fadhul Al-Buainain was allowed to return to Bahrain without questioning.

In June 2016, torture survivor Jaafar Al-Hasabi gave testimony to prosecutors in Bern concerning the Bahraini attorney general's alleged complicity in acts of torture.

In November 2016, the Swiss prosecutors submitted an application to the Swiss Federal Office of Justice seeking to transfer the case to prosecution authorities in Bahrain. This application was rejected, and the case reverted to the Swiss authorities.

Ali Bin Fadhul Al-Buainain was expected to visit Ireland to attend an IAP conference in Dublin in September 2016. Jaafar Al-Hasabi brought a private prosecution application before the District Court in Dublin on 13 September 2016 requesting that the attorney general be summoned in connection with the allegations of torture. The application was rejected, with the judge arguing that a sufficient link between the acts of torture and the alleged involvement of the accused had not been established. Police in Ireland opened a parallel investigation into the matter, which is still ongoing. Jaafar Al-Hasabi's complaint was supported by GLAN (Global Legal Action Network), BIRD (Bahrain Institute for Rights and Democracy), ECCHR, and REDRESS.

[Read more about Ali Bin Fadhul Al-Buainain](#)

# THE NETHERLANDS

## JUDICIAL DEVELOPMENT

### JUSTICE SERVED FOR VICTIMS OF THE RED TERROR

#### ESHETU ALEMU

##### Context

Ongoing proceedings against a Dutch national originally from Ethiopia for war crimes committed in Ethiopia during the Red Terror in the late 1970s

##### Suspect

Former member of the provisional military administrative council, also known as the Dergue, under the Mengistu Haile Mariam regime

##### Country of residence of suspects

The Netherlands

##### Charges

War crimes, including arbitrary detention, inhumane treatment, torture, and murder of alleged opponents of the regime

##### Developments in 2017

Eshetu Alemu's trial began on 30 October 2017 in The Hague. He was accused of ordering the killing of 75 young prisoners in 1978 and of being responsible for the detention and inhumane treatment of over 300 people.

The public prosecutor requested a life sentence. Eshetu Alemu pleaded not guilty to these charges.

On 15 December 2017, he was found guilty of war crimes, including arbitrary detention, inhumane treatment, torture and murders. He was sentenced to life in prison. Eshetu Alemu appealed his conviction.

##### Current status

Sentenced to life in prison

##### Facts

In 1974, the communist military regime, known as the Dergue, overthrew Emperor Haile Selassie I and seized power in Ethiopia. The regime effectively ruled the country for 17 years. In February 1977, the Red Terror was officially declared, and the mass killing, arrest, torture and disappearance of suspected political opponents began. →



Eshetu Alemu is accused of ordering the execution of 75 people, of torturing 9 people, and of controlling the illegal detention of over 300 people in cruel and inhumane conditions in Ethiopia's Gojjam province during the Red Terror.

In 1990 he fled to the Netherlands, and he became a Dutch citizen in 1998.

### **Procedure in Ethiopia**

On 12 December 2006, Ethiopia concluded the trial of former Dergue officials, convicting Eshetu Alemu and 57 other regime officials of genocide and crimes against humanity. Eshetu Alemu was judged in absentia and received a death sentence.

### **Procedure in the Netherlands**

Eshetu Alemu was arrested in the Netherlands in September 2015. In September 2016, fifteen Ethiopian witnesses residing in the United and Canada were questioned by a Dutch judge and a prosecutor.

The trial of Eshetu Alemu was supposed to start on 21 November 2016 in The Hague. However, the accused changed lawyer, and his trial was postponed.

[Read more about Eshetu Alemu](#)

## CHARGES DROPPED AGAINST COMMANDER OF THE AFGHAN ARMY

### SADEQ ALAMYAR



#### Context

Ongoing proceedings against a Dutch national originally from Afghanistan for alleged war crimes committed in 1979 in Afghanistan

#### Suspect

Former commander of the 444<sup>th</sup> Commando Force of the Afghan army

#### Country of residence of suspect

The Netherlands

#### Charges

Direct participation in and superior responsibility for war crimes committed in Afghanistan

#### Developments in 2017

In December 2017, the Dutch prosecution service decided to dismiss the case against Sadeq Alamyar for lack of convincing evidence.

#### Current status

Case dismissed

#### Facts

In the night of 19 to 20 April 1979, Sadeq Alamyar's troops allegedly raided Asadabad, the capital of Kunar province in northeastern Afghanistan. Over 1,000 boys and men were executed or taken away to be killed in retaliation for collaborating with anti-government fighters. Sadeq Alamyar allegedly fired some of the shots himself. His men used bulldozers to bury the bodies in mass graves in Kerala. Many of the victims were only wounded and therefore buried alive. The rest of Kerala's population deserted the village. In the 1990s, Sadeq Alamyar was granted asylum in The Netherlands. He is now a Dutch citizen, living in Rotterdam.

#### Procedure

Following a criminal complaint by relatives of the victims in 2008, the International Crimes Unit of the Dutch National Police launched a criminal investigation into the crimes allegedly committed by Sadeq Alamyar. Seventy-five witnesses, victims and relatives, former Mujahedeen fighters, fellow party members of Sadeq Alamyar and troops from the former Afghan government army were heard by the international crimes unit. Members of the investigation team travelled to Afghanistan to conduct these interviews.

Sadeq Alamyar was arrested on 27 October 2015 in Rotterdam by the Dutch National Police for alleged war crimes. He was released on parole on 18 December 2015.

[Read more about Sadeq Alamyar](#)

## **LIBERIAN “BLOOD TIMBER” BUSINESSMAN SENTENCED TO A 19-YEAR PRISON TERM**

### **GUUS VAN KOUWENHOVEN**



#### **Context**

Ongoing proceedings against a Dutch national for alleged war crimes committed during the second Liberian civil war (1999-2003)

#### **Suspect**

Dutch national, director of operations of the Oriental Timber Company (OTC) and owner of the Royal Timber Company (RTC), operating in Liberia

#### **Country of residence of suspect**

The Netherlands

#### **Charges**

Complicity in war crimes, supplying arms and ammunition in violation of weapons embargoes

#### **Developments in 2017**

Guus Van Kouwenhoven's appeal hearings began on 6 February 2017 before the Court of Appeal of Den Bosch. On 10 February 2017, the prosecution solicited a 20-year prison sentence.

On 21 April 2017, the Court of Appeal of Den Bosch sentenced Guus Van Kouwenhoven to nineteen years of imprisonment for complicity in war crimes committed in Liberia and for his involvement in arms trafficking for Charles Taylor. The Court of Appeal considered that by providing weapons, personnel and equipment to the armed conflict, Guus Van Kouwenhoven consciously accepted the probability that war crimes and/or crimes against humanity would be committed.

On 8 December 2017, Guus Van Kouwenhoven was arrested in South Africa. The Netherlands requested his extradition.

#### **Current status**

Sentenced

#### **Facts**

Managing the largest timber operation in Liberia, Guus Van Kouwenhoven facilitated the import of weapons for Charles Taylor, thereby infringing resolutions of the UN Security Council. These weapons were supplied to militias and used to carry out numerous massacres.



He allegedly made available trucks, drivers and facilities for the transportation and storage of weapons as well as armed personnel to Charles Taylor's troops.



### **Procedure**

On 18 March 2005, Guus Van Kouwenhoven was arrested in Rotterdam. He was charged with delivering arms to Liberia, involvement in war crimes committed in that country and breaching the embargo decreed by the United Nations with respect to Liberia.

His trial began on 24 April 2006 in The Hague. On 7 June 2006, the Dutch court acquitted Guus Van Kouwenhoven of war crimes for lack of evidence. He was sentenced to an eight-year prison term for breaking the UN arms embargo against Liberia. Both sides filed an appeal.

On 10 March 2008, the Dutch Court of Appeal overturned the conviction and acquitted him of all charges for lack of evidence.

On 20 April 2010, the Supreme Court of the Netherlands (de Hoge Raad) overturned the decision of the Court of Appeal. The Dutch Supreme Court considered that the appeal judges wrongly rejected a prosecution request to hear the testimonies of two new witnesses.

[Read more on Guus Van Kouwenhoven](#)

# THE UNITED KINGDOM

## JUDICIAL DEVELOPMENT

### EX-WIFE OF FORMER LIBERIAN PRESIDENT CHARGED WITH TORTURE

#### AGNES REEVES TAYLOR

##### Context

Ongoing proceedings for war crimes allegedly committed during the first Liberian civil war (1989-1996). The Agnes Reeves Taylor case is the fourth arrest by a Western country of a suspect of war crimes allegedly committed during the first Liberian civil war (1989-1996). Liberia's former president, Charles Taylor, was sentenced on 30 May 2012 to fifty years in prison (confirmed on appeal on 10 December 2013) for the crimes he committed during the Sierra Leone civil war, in the 1990s. However, he was not prosecuted for the crimes committed in Liberia by his troops, the National Patriotic Front of Liberia (NPFL).

##### Suspect

Ex-wife of former Liberian president Charles Taylor

##### Country of residence of suspect

United Kingdom

##### Charges

Torture, conspiracy to commit torture and intentionally inflicting severe pain or suffering in the performance of official duties

##### Development in 2017

On 1 June 2017, Agnes Reeves Taylor was arrested at her residence in East London by the Metropolitan Police based on information provided by the NGOs Civitas Maxima and its Liberian sister organization, the Global Justice and Research Project (GJRP).

On 2 June 2017, she was charged with torture and infliction of severe pain or suffering for her alleged involvement with Charles Taylor's rebel group, the NPFL, during the first Liberian civil war. She was charged with two counts of torture committed in Gbarnga, in central Liberia, and one count of torture committed in Gborplay, in the northeast. She allegedly allowed the rape of seven women at the headquarters of Charles Taylor's rebels.

On 11 August 2017, the London O'Bailey court rejected her request for provisional release on bail.

##### Current status

Under investigation

##### Facts

Agnes Reeves Taylor is accused of having ordered and carried out torture in Gbarnga, the headquarters of Charles Taylor's National Patriotic Front, and in Gborplay, between 23 December 1989 and 1 January 1991, during the first Liberian civil war.

[Read more about Agnes Reeves Taylor](#)

## **EMIRATI OFFICIALS ACCUSED OF TORTURE OF QATARI NATIONALS**

### **NAMES WITHHELD**

#### **Context**

Ongoing investigation of Emirati officials for serious crimes under international law committed between 2013 and 2015 in the United Arab Emirates

#### **Suspects**

Ten unnamed senior officials of the United Arab Emirates

#### **Country of residence of suspects**

The United Arab Emirates (UAE)

#### **Charges**

Torture and arbitrary detention

#### **Developments in 2017**

On 13 September 2017, Hamad Ali al-Hammadi, Mahmoud Abdel Rahman al-Jaidah and Yousef Abdul Samad al-Mulla filed a complaint with the Metropolitan Police in London for arbitrary detention and torture committed between 2013 and 2015 by unnamed Emirati officials.

#### **Current status**

Under investigation

#### **Facts**

In 2013, Hamad Ali al-Hammadi, Mahmoud Abdel Rahman al-Jaidah and Yousef Abdul Samad al-Mulla, all Qatari citizens, were arrested and detained by UAE authorities. During their detention, they were allegedly beaten, tortured, hung upside down, electrocuted and coerced into signing false confessions of crimes. All three were released in 2015. In 2017, the UAE television broadcast footage of Hamad Ali al-Hammadi, Mahmoud Abdel Rahman al-Jaidah and Yousef Abdul Samad al-Mulla's false confessions.



## LONDON METROPOLITAN POLICE INVOKES “SPECIAL MISSION IMMUNITY”

### GENERAL MAHMOUD HEGAZY AND OTHERS

#### Context

Judicial review proceedings concerning the decision of the Metropolitan Police not to arrest Egyptian officials, including Lt. General Mahmoud Hegazy, in connection with torture allegations, as they were granted “special mission immunity”.

#### Suspects

Lt. General Mahmoud Hegazy, and other Egyptian government officials

#### Country of residence of suspects

Egypt

#### Charges

Torture

#### Developments in 2017

The claimants have appealed the findings of the High Court. The Court of Appeal is expected to hear the case on 21 March 2018.

#### Facts

The Freedom and Justice Party (FJP) learned that Lt. General Mahmoud Hegazy, director of the Egyptian Military Intelligence Service in 2013, would be visiting the United Kingdom (UK) in September 2015. In light of allegations of torture against him, the FJP requested that the Metropolitan Police arrest General Mahmoud Hegazy and other Egyptian government officials during their visit. The Metropolitan Police refused on the grounds that General Mahmoud Hegazy, as a member of a special mission visiting the UK enjoyed “special mission immunity”, a personal, temporary immunity from criminal process. General Mahmoud Hegazy subsequently left the UK.

In 2016, four claimants – including the FJP, several former ministers of the FJP government, and a British surgeon who worked in emergency field hospitals in Egypt – submitted an application for judicial review of the decision to not arrest General Mahmoud Hegazy. REDRESS and Amnesty International intervened in the proceedings. On 5 August 2016, the Court found that customary international law required that the UK secure General Mahmoud Hegazy’s personal inviolability and ensure immunity from criminal jurisdiction for the members of the special mission.



## **NO EXTRADITION FOR SUSPECTS AT RISK OF UNFAIR TRIAL**

### **EMMANUEL NTEZIRYAYO AND OTHERS**

#### **Context**

The United Kingdom (UK) High Court has rejected an appeal by the Rwandan government of a 2015 decision to not extradite five Rwandan men accused of taking part in the 1994 genocide in Rwanda.

#### **Suspects**

Five Rwandan nationals: Vincent Brown, also known as Vincent Bajinya, Charles Munyaneza, Emmanuel Nteziryayo, Celestin Ugirashebuja and Celestin Mutabaruka

#### **Country of residence of suspects**

United Kingdom

#### **Charges**

Genocide, crimes against humanity, premeditated murder, participation in acts of devastation, massacres and looting

#### **Development in 2017**

On 28 July 2017, the High Court dismissed an appeal made by the Rwandan government of a 2015 decision to not extradite five Rwandan men accused of taking part in the 1994 Rwanda genocide. The Court referred to Article 6 of the European Convention on Human Rights, finding a "real risk of a flagrant denial of justice for these men if returned to Rwanda".

In relation to Mutabaruka and Nteziryayo, the Court concluded that they should in no event be returned as they had been subject to criminal proceedings in their absence in Rwanda. Their return, the Court concluded, would breach the principle of double jeopardy.

The Court highlighted that the three other men could be investigated and, provided there is sufficient evidence, prosecuted in the UK.

#### **Facts**

Vincent Bajinya, Charles Munyaneza, Emmanuel Nteziryayo, Celestin Ugirashebuja and Celestin Mutabaruka are accused of taking part in the 1994 genocide in Rwanda.

[Read more about Vincent Bajinya, Charles Munyaneza, Emmanuel Nteziryayo, Celestin Ugirashebuja, Celestin Mutabaruka](#)



# THE UNITED STATES OF AMERICA JUDICIAL DEVELOPMENT

## IMMIGRATION FRAUD GIVES A VOICE TO VICTIMS

**MOHAMMED JABBATEH**

### Context

Ongoing trial in Philadelphia (USA) for immigration fraud and perjury. The accused lied to the immigration authorities regarding his involvement in the first Liberian civil war (1989-1996).

### Suspect

High-ranking officer in the United Liberation Movement for Democracy in Liberia (ULIMO), a rebel group fighting against Charles Taylor's National Patriotic Front of Liberia (NPFL)

### Country of residence of suspect

United States of America

### Charges

Two counts of fraud in immigration documents, two counts of perjury

### Developments in 2017

Mohammed Jabbateh's trial began on 2 October 2017 in Philadelphia. He was charged with two counts of fraud in immigration documents and two counts of perjury stemming from statements he made in connection with his applications for asylum and later for legal permanent residence in the United States of America. On 18 October 2017, he was found guilty by a jury on all four counts.

His sentence will be issued early 2018.

### Current status

Convicted; awaiting sentencing judgement



## Facts

During the first Liberian civil war (1989-1996), Mohammed Jabbateh was a high-ranking officer in the rebel group ULIMO.

In his capacity as ULIMO-K leader, Mohammed Jabbateh allegedly ordered, facilitated and encouraged murder of civilian non-combatants, enslavement and sexual enslavement, public raping, maiming of civilians, torture, conscription of child soldiers, execution of prisoners of war, and the desecration and mutilation of corpses.

## Procedure

Mohammed Jabbateh was arrested on 13 April 2016 in Philadelphia. He was placed under house arrest on 18 April 2016. Civitas Maxima and its Liberia-based sister organization, the Global Justice and Research Project (GJRP), collaborated with the US Department of Homeland Security on the investigation since 2014.

The trial officially began on 2 October 2017 in Philadelphia. Over 20 victims came from Liberia to testify regarding crimes committed by Mohammed Jabbateh or under his control. They testified about rapes and torture, killings and looting, pillaging and acts of ritual cannibalism committed personally or ordered, facilitated and/or encouraged by Mohammed Jabbateh among his ULIMO fighters.

[Read more about Mohammed Jabbateh](#)

## HOLDING AL-ASSAD'S REGIME ACCOUNTABLE ?



Marie Colvin, a renowned American war correspondent, was covering the siege of Homs, Syria, for London's Sunday Times in early 2012. She was killed in an attack against a media center carried out by Syrian government forces on 22 February 2012. The French photographer Rémi Ochlik ("[Syrian Investigations](#)") was also killed in the attack, and three others were injured.

On 9 July 2016, the Center for Justice & Accountability (CJA) and co-counsel Shearman & Sterling LLP filed a lawsuit against the government of Syria for the murder of Marie Colvin on behalf of Colvin's family. The suit was filed in the US District Court for the District of Columbia under the Foreign Sovereign Immunities Act (FSIA), a federal law that allows victims to sue designated state-sponsors of terrorism, including Syria, for the murder of US citizens.

The complaint names nine Syrian officials and agents – including Ali Mamluk, director of Syria's National Intelligence Bureau; Rafiq Shahadah, former director of Military Intelligence; and Major General Issam Zahreddine of the Republican Guard – who allegedly planned and authorized the attack on Marie Colvin and other journalists.

The US State Department declared that the complaint was transmitted to Syria on 15 February 2017.

A black and white photograph of a single flower growing from a field of rubble and debris, with a dark building in the background. The flower is in sharp focus, while the background is blurred. The scene is one of devastation and resilience.

# UNIVERSAL JURIDICTION AT A GLANCE

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# UNIVERSAL JURISDICTION AT A GLANCE

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## WHAT IS UNIVERSAL JURISDICTION?

A state is usually competent to judge crimes if they have been committed on its territory or by or against its citizens. However, some international crimes are so serious that they constitute offenses against all humankind, thereby warranting special measures.

Among these measures is the principle of universal jurisdiction, based on the notion that the fight against impunity is borderless. Under this principle, states have the option – and at times the obligation – to prosecute alleged criminals who are on their territory, regardless of where the crimes may have been committed or the nationality of the perpetrators and the victims.

The crimes covered by this principle include genocide, crimes against humanity, war crimes, torture and enforced disappearances. Universal jurisdiction is a powerful tool in the service of international justice and is gaining increasing credence through the recognition that the fight against impunity has no borders.

## HOW HAS THIS PRINCIPLE EVOLVED THROUGH TIME?

Universal jurisdiction did not come into being overnight but started to gain acceptance in the aftermath of the Second World War. It acquired further recognition in the four Geneva Conventions of 12 August 1949, aimed at protecting populations amidst armed conflict. These rules, which are still applicable today, commit states to prosecuting and punishing the perpetrators of serious crimes, even if they are committed outside the territory of the state in question.

With time, this principle was further consolidated and reinforced through other international conventions, in particular the UN Convention Against Torture (1984) and the UN Convention Against Enforced Disappearance (2006), which oblige state parties to prosecute or extradite suspects of these crimes. On 17 July 1998, a further advance was made with the signing of the Rome Statute of the International Criminal Court, which provides for a permanent International Court that is responsible for prosecuting individuals who commit serious international crimes and that can exercise its jurisdiction only if states are unable or unwilling to investigate or prosecute those persons alleged to be responsible for crimes enshrined in the Rome Statute. The principle of complementarity has reinforced expectations with regards to the notion that national justice systems should play a central role in the fight against impunity. The obligation to extradite or prosecute has today acquired a solid foundation in international law.

# 2017 CASES OVERVIEW

This table provides an overview of the pending universal jurisdiction cases in 2017. It aimed to facilitate the use of this report. While every effort has been made to ensure the accuracy of the information presented in each case, readers are advised to confirm the currency of the information cited.

COUNTRY OF PROSECUTION	CASE	COUNTRY OF COMMISSION	CHARGES					CURRENT STATUS	PAGE
			TORTURE	GENOCIDE	CRIMES AG. HUMANITY	WAR CRIMES	OTHER CHARGES		
Argentina	Franco dictatorship case	Spain	•		•		•	Passive personality case; Under investigation	12
Austria	Syrian case in Austria	Syria				•		Sentenced to life imprisonment; on appeal	14
Belgium	Martina Johnson	Liberia	•		•	•		Under investigation	15
Belgium	Tzipi Livni	Gaza Strip				•		Under investigation	17
Brazil	Jagath Jayasuriya	Sri Lanka			•	•		Criminal complaint filed	19
Finland	The Iraqi twin brothers case	Iraq				•	•	Acquitted; on appeal	20
France	Octavien Ngenzi & Tito Barahira	Rwanda		•	•			Sentenced to life imprisonment; confirmed on appeal	21
France	Claude Muhayimana	Rwanda		•	•			Pending trial	23
France	Laurent Bucyibaruta	Rwanda		•	•			Pending decision to refer him to trial	25
France	Laurent Serubuga	Rwanda		•	•			Pending decision to refer him to trial	27
France	Sosthène Munyemana	Rwanda			•	•		Pending decision to refer him to trial	28
France	Wenceslas Munyeshyaka	Rwanda	•		•	•		Case dismissed; on appeal	29
France	Hocine and Abdelkader Mohamed	Algeria	•					Case dismissed; confirmed on appeal	31
France	Amesys cases	Lybia, Egypt	•					Active personality case; Under investigation	33
France	Teodoro Nguema Obiang (The ill-gotten assets case)	Equatorial Guinea					•	Sentenced to a 3-year suspended sentence	35
France	The Guantanamo case	Cuba (Guantanamo Bay US detention centre)	•					Under investigation	37
France	Ongoing investigations on Syria in France	Syria	•		•	•		Under investigation	39
France	Lafargeholcim	Syria			•	•		Active personality case; Under investigation; several indictments issued	41
Germany	Air Force intelligence case	Syria			•	•		Under investigation	43

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			TORTURE	GENOCIDE	CRIMES AG. HUMANITY	WAR CRIMES	OTHER CHARGES		
Germany	Four Syrian siblings case Mustafa, Abdullah, Sultan and Ahmed K	Syria			•	•		Under investigation	45
Germany	Inside Al-Assad's political prison	Syria			•	•		Under investigation	46
Germany	The Syrian military intelligence and Caesar files cases	Syria	•		•	•		Under investigation	48
Germany	Yazidi genocide	Syria		•	•	•	•	Under investigation	50
Germany	Abdalfatah H.A	Syria				•	•	Under investigation	51
Germany	Abdulmalk A and Mousa H.A	Syria				•	•	Indicted; Detained	52
Germany	Akram A.	Syria				•	•	Under investigation; released	53
Germany	Harry Sarfo	Syria				•	•	Indicted; Detained	54
Germany	Ibrahim Al .F	Syria	•			•	•	On trial	55
Germany	Suliman A.S	Syria				•	•	Sentenced to 3 years and 6 months imprisonment	56
Germany	Other investigations on Syria	Syria	•		•	•		Under investigation	57
Germany	Rami K	Iraq				•		Sentenced to a 20-month suspended sentence	58
Germany	Ignace Murwanashyaka & Straton Musoni	Congo			•	•	•	Sentenced; on appeal	59
Germany	CIA secret detention centers	Different locations	•				•	Under investigation	61
Sénégal	Hissène Habré	Chad	•		•	•		Life sentenced confirmed on appeal	62
Spain	The Jesuits Murder	El Salvador			•		•	Under investigation	65
Spain	Inocente Orlando Montana	El Salvador			•			Extradited to Spain	67
Spain	Carlos Vielmann	Guatemala					•	Acquitted; on appeal	69
Spain	Investigation on Syria	Syria	•		•	•	•	Under investigation	71
Sweden	Haisam Omar Sakhanh	Syria				•		Sentenced to life imprisonment; confirmed on appeal	73
Sweden	Mohamed Abdoullah	Syria				•		Sentenced to 8 months imprisonment	74

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			TORTURE	GENOCIDE	CRIMES AG. HUMANITY	WAR CRIMES	OTHER CHARGES		
Sweden	Raed Abdulkareem	Iraq				•		Sentenced; on appeal	75
Sweden	Tabaro Theodore	Rwanda		•			•	Active personality case; on trial	76
Switzerland	Ousman Sonko	Gambia	•		•			Detained; under investigation	78
Switzerland	Rifaat-al-Assad	Syria				•		Under investigation	79
Switzerland	Kalhed NEZZAR	Algeria				•		Case dismissed; on appeal	80
Switzerland	Alieu Kosiah	Liberia				•		Detained; under investigation	81
Switzerland	Erwin Sperisen	Guatemala					•	Active personality case; Pending retrial	82
Switzerland	Abdallah Kallel	Tunisia	•					Case dismissed; ongoing appeal before the Grand Chamber of the ECHR	84
Switzerland	Ali Bin Fadhul AL-Buainain	Barhain	•					Under investigation	86
The Netherlands	Eshetu Alemu	Etiopia	•			•		Active personality case; sentenced to life imprisonment	88
The Netherlands	Sadeq Alamyar	Afghanistan				•		Case dismissed	90
The Netherlands	Guus Van Kouwenhoven	Liberia				•	•	Sentenced to 19 years imprisonment	91
The United Kingdom	Agnès Reeves Taylor	Liberia	•					Detained; under investigation	93
The United Kingdom	Emirati officials torture case	The United Arab Emirates	•				•	Under investigation	94
The United Kingdom	General Mahmoud Hegazy and others	Egypt	•					Case dismissed; on appeal	95
The United Kingdom	The extradition case of five Rwandan	Rwanda		•	•	•		Extradition to Rwanda denied	96
The United-States	Mohammed Jabbateh	Liberia					•	Convicted; awaiting his sentencing judgement	97
The United-States	Marie Colvin case	Syria					•	Under investigation	99



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# WHO WE ARE

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This report has been researched and written by Valérie Paulet, project coordinator at TRIAL International, in collaboration with the International Foundation Baltasar Garzon (FIBGAR), the European Center for Constitutional and Human Rights (ECCHR), the International Federation for Human Rights (FIDH) and REDRESS. The organizations are grateful to the following persons for their assistance and collaboration: the prosecutors from the various war crimes units for their precious testimonies, Alain Werner and Civitas Maxima for their expertise, Alain Gauthier from the "Collectif des parties civiles du Rwanda" for the information he provided, and the volunteers who helped with research including Desislava Gosteva, Jenna Ruberti, Stéphanie Horth, Maria Sole Fanuzzi, Isys Lam, Artemis Papavasileiou and Aziz Mrad.

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## **Trial international**

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

## **ECCHR**

The European Center for Constitutional and Human Rights (ECCHR) is an independent non-profit organization based in Berlin that makes use of groundbreaking strategic legal intervention to challenge impunity, injustice and human rights violations worldwide. ECCHR aims to hold the responsible state and non-state actors accountable and to bring about political, economic, legal and social change. In order to achieve that ECCHR works closely with partners from around the world.

## **FIDH**

FIDH takes action for the protection of victims of human rights violations, the prevention of violations and to bring perpetrators to justice. A broad mandate: FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights. A universal movement: FIDH was established in 1922, and unites 184 member organisations in 112 countries around the world. An independent organisation: FIDH is not linked to any party or religion and is independent of all governments.

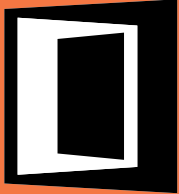
## **FIBGAR**

The International Foundation Baltasar Garzón (FIBGAR) is a private, social, non profit foundation, deeply committed to the defense and promotion of Human Rights and Universal Jurisdiction. Although FIBGAR is located in Spain, Colombia, Argentina and Mexico, its global vocation encourages us to design and implement projects with a wider scope. In 2015, FIBGAR launched the Madrid – Buenos Aires Principles of Universal Jurisdiction.

## **REDRESS**

REDRESS is an international human rights non-governmental organization with a mandate to assist victims of torture and related international crimes to seek justice and other forms of reparation. REDRESS collaborates with partners around the world to ensure that victims' rights to justice and reparation are enforced in practice. It accomplishes this through a combination of litigation, advocacy and capacity building.





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