

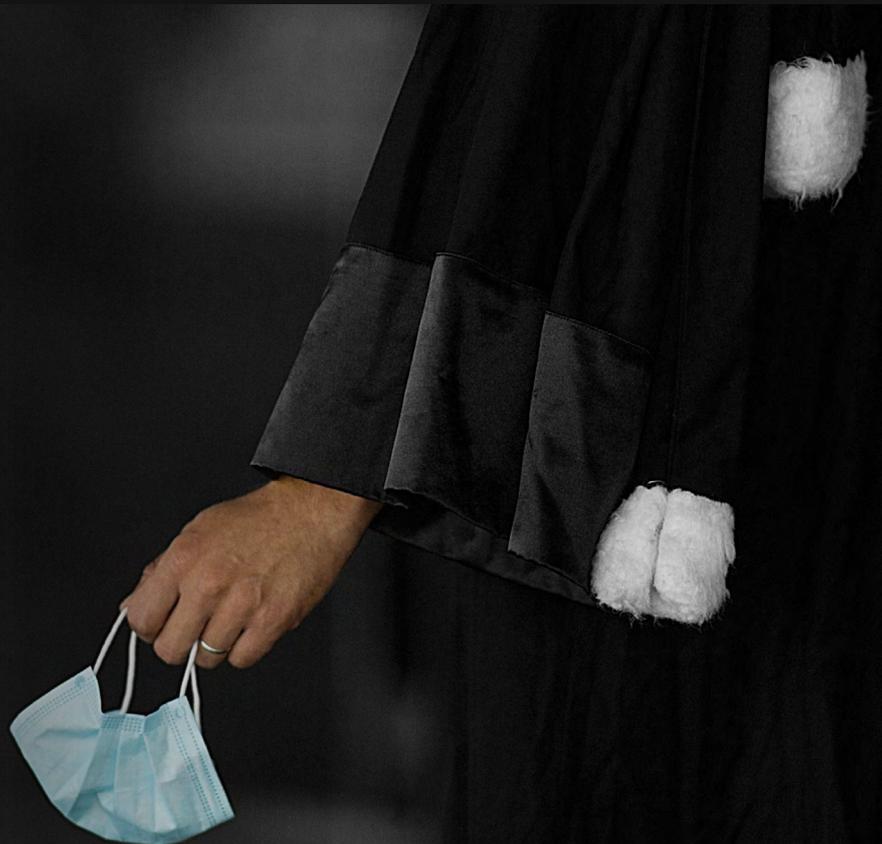


TRIAL
International

Universal Jurisdiction Annual Review 2021

A year like no other? The impact of
coronavirus on universal jurisdiction

#UJAR



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Independent Legal
Department of
Justice of the
CIVITAS
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This publication benefited from the generous support of the Taiwan Foundation for Democracy, the Foreign, Commonwealth & Development Office of the United Kingdom, the City of Geneva and the Oak Foundation. It was researched in collaboration with REDRESS, the International Federation for Human Rights, the European Center for Constitutional and Human Rights, the Center for Justice and Accountability and Civitas Maxima.

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METHODOLOGY AND ACKNOWLEDGMENTS

The present report only highlights cases where judges or prosecutors have initiated investigations into the most serious international crimes. It does not, therefore, include every complaint that victims, lawyers and NGOs filed under universal jurisdiction with national authorities in 2020 if these complaints did not result in significant judicial advances, are still pending or have been dismissed by the relevant national authorities.

The report also refers to cases of international crimes based on active or passive personality jurisdiction when these cases have also had an impact on the practice of universal jurisdiction.

This report has been researched and written by Valérie Paulet, Legal Consultant at TRIAL International, in collaboration with REDRESS, the European Center for Constitutional and Human Rights, the International Federation for Human Rights, the Center for Justice and Accountability and Civitas Maxima.

TRIAL International is grateful to all the persons and organizations who assisted in collecting the information compiled in this report: Alain Gauthier from the *Collectif des parties civiles pour le Rwanda*, Guernica 37 International Justice Chambers, and the prosecutors and investigative judges who answered our questions. While every attempt was made to ensure accuracy, information may be subject to change without notice.

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A year like no other?

The impact of coronavirus
on universal jurisdiction

The year 2020 will remain in memories, by and large, as a period unlike any other. The covid-19 pandemic has turned around countless lives, and continues to do so as we write these lines. State institutions worldwide, including judicial bodies, have had to drastically change their functioning and priorities. With so many activities coming to a brutal halt, have cases related to universal jurisdiction (UJ) also stalled? Luckily, far from it.

While the pandemic has had an impact on UJ cases, it has been more of a reorganization than a complete halt. As the next pages show, many cases did move forward and new suspects were brought to justice. Put differently, even a global health crisis did not imperil the use of UJ across the world –proof, if ever it was needed, of the solidity of the progress made in the last years ([see previous UJARs for details](#)).

“Past the first few weeks in spring when the whole world was taken aback, the judicial community has rapidly adapted” summarizes Valérie Paulet, Legal Consultant at TRIAL International and Editor of the UJAR. *“Prosecutors, judges and NGOs reacted quickly and developed creative ways of carrying out their work. Their agility and the extra effort they put in must be saluted.”*

Strengthening remote investigations

Unsurprisingly, field investigations were considerably limited by national lockdowns and movement restrictions. Even when international travel was allowed between lockdowns, fact-finding missions require a freedom of movement on the ground that could hardly be met. Some ongoing investigations which relied on the capacity of witnesses, victims, investigators and judges to travel abroad either slowed down or stalled. Countries were not equally affected, as the German example below demonstrates.

NGOs in particular, whose investigations rely on flexibility and adaptability, had to find new ways of getting in touch with victims and witnesses. *“We relied even more heavily than before on our networks”*, explains Bénédict De Moerloose, Head of International Investigations and Litigation at TRIAL International. *“Local partners initiated contact with victims and witnesses and created an initial bond, then we would meet them via secure video calls. A certain level of trust was already there. On the plus side, it brought us even closer to our collaborators in the field.”*

Remote meetings presented other advantages: victims and witnesses could talk from their homes, reducing risks of being overheard or followed. Being in a familiar space was also comforting for vulnerable individuals, who could share their experiences in a safe environment. In some instances, the objects or souvenirs surrounding them in their homes prompted memories that helped to establish facts. Likewise, a new emphasis was put on complementary investigative methods, such as satellite imagery and online tracking.

Security, the cornerstone of remote investigations

On the investigators' side, online interviews meant they could speak to witnesses spread throughout the world in a single day, speeding up their work considerably. This came with a *sine qua non*: additional efforts were made to ensure understanding, consent and, of course, the utmost security for interviewees.

Guaranteeing the confidentiality of remote discussions has always been a primary concern, but the pandemic has encouraged all actors to go even further. Both NGOs and domestic authorities have taken unprecedented measures to ensure all communications were safe and confidential. Yet this is merely the tip of the iceberg: as the pandemic sweeps across the globe, it is unlikely that interviews will be carried out face-to-face again in the near future. All professionals must prepare to keep up these efforts in the long run. And security, especially online, is never permanently acquired.

Despite rapid adaptations, investigations unquestionably slowed down in 2020. The number of trials, on the other hand, was remarkable in spite of the exceptional circumstances.

Reaping the efforts from previous years

Eighteen new cases went to trial in 2020, bringing the total to 30 ongoing trials. What is perhaps the most prominent trial in recent years opened in Germany against Syrians Anwar R. and Eyad A. ([see p. 48](#)). It made the international headlines and was unanimously hailed as a significant step against impunity for State crimes. Other high-profile cases include Fabien Neretsé in Belgium, Roger Lumbala in France and Alieu Kosiah in Switzerland.

For Christian Ritscher, a German Federal Public Prosecutor: “2020 was definitely a year of trials, in which the investigative efforts of the previous years have come together.” On the other hand, the International Federation of Human Rights (FIDH) regrets that cases in France were hit by many more delays, explained precisely because investigations had been slacking for years. Most of the cases opened in 2020 could move forward thanks to fact-finding and evidence-gathering missions conducted beforehand. The pandemic and its consequences have emphasized the need for investigations to be conducted as swiftly and thoroughly as possible so that the cases can move ahead when/if the context evolves. This lesson also applies to investigations in unstable zones, which may become inaccessible within a matter of days.

Case-by-case arbitration

In some instances, the public health crisis has resulted in the provisional liberation of suspects (see e.g., Mahamat Nouri, [p. 38](#)). Although this publication highlights the progress in fighting impunity, there is no doubt that the rights of the accused are equally important to building credible justice: “*All legal actors have at heart the fairness and efficiency of justice, including the authors of the UJAR. The purpose is not to punish indiscriminately, and certainly not to bypass the rights of the defense in order to do so*”, says Valérie Paulet. No shortcuts, no cutting corners.

Similarly, in a context where contact is synonymous with danger, summonses to court had to be vetted as absolutely necessary. Prosecuting authorities have had to weigh even more carefully than usual which acts—or whose presence—could not be done without. With fewer people allowed in the courtroom and limitations on victims’ and witness’ travels, a case-by-case set-up had to be defined for each hearing.

This is a cautious approach that has paid off: in the trial against Anwar R. and Eyad A. in Germany, just one of the 52 trial days had to be cancelled due to a covid-19 suspicion. Much like “traditional” security parameters, the *do no harm* principle extended to anticontamination measures and prevailed even in the most sensitive cases.

The year 2020 has been a sobering one. Sanitary considerations have been added to the many difficulties of using universal jurisdiction. Despite all this, the cases presented in this UJAR prove that States have risen to the challenge and that justice will not keel.

KEY FINDINGS



144

suspects at least*



30

ongoing trials



20

convictions



76

war crimes charges



81

crimes against humanity charges



40

torture charges



18

genocide charges



21

countries of commission



18

countries of prosecution



2

acquittals

** Due to structural investigations, in which a large number of suspects are investigated, the exact figure is unknown. 144 is the minimum number.*



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Cases of 2020

ARGENTINA

FORMER SPANISH PRIME MINISTERS TO THE RESCUE OF DICTATORSHIP SUSPECTS

Rodolfo Martín Villa and others

Context

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

Suspects

Former Spanish officials and other actors of the Franco dictatorship (including Rodolfo Martín Villa, former Minister, Antonio González Pacheco, former police officer; and Jesús Muñecas Aguilar, former captain of the Civil Guard).

Country of residence of suspects

Spain

Charges

Crimes against humanity including torture, extrajudicial killings and enforced disappearances

Current status

Under investigation

Developments in 2020

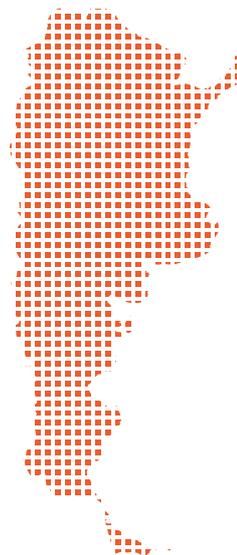
In August 2020, Martín Villa sent to Investigative Judge María Romilda Servini de Cubría around twenty supporting letters from politicians, including from former Prime Ministers José María Aznar, José Luis Zapatero and Mariano Rajoy, defending his role during the democratic transition.

Judge Servini de Cubría interrogated Martín Villa on 3 September 2020 in the Argentinian embassy in Madrid, Spain. During a five-hour video conference, he was questioned on his alleged role in the deaths of 12 victims of the Franco dictatorship.

Facts

After winning the 1930 civil war in Spain, Franco established a bloody dictatorship and proclaimed himself head of state. Enforced disappearances, extrajudicial executions, torture, inhuman and degrading treatments of perceived political opponents were committed on a large scale. Franco maintained a tight grip on power until his death in 1975, after which Spain transitioned to democracy.

In 1977, an amnesty law was passed to cover crimes committed during the dictatorship, preventing the prosecution of human rights violations perpetrated under Franco's regime.



Procedure in Spain

In December 2006, the Spanish investigative 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 Garzón was put on trial for prevarication for his alleged unfair interpretation of the amnesty law. He was eventually acquitted but the amnesty law remains applicable, and the crimes committed by the Franco dictatorship still cannot be investigated or prosecuted in Spain.

Procedure in Argentina

On 14 April 2010, Spanish and Argentinian human rights organizations filed a criminal complaint with Judge Servini de Cubría on behalf of Spanish victims. On 18 September 2013, the judge issued arrest warrants against four former officials of the Franco dictatorship (including González Pacheco and 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 rejected the extradition request.

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 *Asociación para la Recuperación de la Memoria Histórica* (Spanish Association for the Recuperation of Historical Memory, or ARMH).

On 9 June 2017, the remains of Timoteo Mendieta, a trade unionist who was reportedly imprisoned in the Guadalajara Central Prison and executed in 1939, were identified in a mass grave uncovered near the prison. The archaeological team of the ARMH has exhumed 28 other victims of the Franco regime.

In July 2017, Judge Servini de Cubría issued an international arrest warrant against Martín Villa for the death of five workers in Vitoria in 1976, for crimes against humanity and murder.

On 21 June 2018, two victims joined the proceedings. The first, Ruben Amor Benedicto Salmerón, is the grandson of José Salmerón Céspedes who was forcibly disappeared, tortured and executed in 1936 in Tetouan, then part of the Spanish protectorate in Morocco. He requested the exhumation of his grandfather's remains. The second victim is related to Gustavo Adolfo

Muñoz de Bustillo, a 16-year-old executed on 11 September 1978 during violent riots in the transitional period in Barcelona.

On 22 October 2018, the Spanish National Court denied a request from Judge Servini de Cubría to come to Spain to hear Martín Villa, considering that the crimes are prescribed.

On 26 October 2018, Judge Servini de Cubría admitted the complaint filed two years earlier by the NGO Women's Link Worldwide on behalf of six women repressed by the dictatorship. The investigation examines cases of sexual assault, murder, forced abortion and the theft of children under Franco's regime.

In June 2019, new testimonies were heard. One complainant, Fermín Rodríguez, was heard regarding the killing of his brother, who was shot in the head by the police in 1978 during the *Sanfermines* festivities in Pamplona.

MYANMAR LEADERS INVESTIGATED OVER ROHINGYA GENOCIDE

Aung San Suu Kyi and others

Context

Ongoing proceedings for alleged crimes of genocide and crimes against humanity committed in Myanmar against the Rohingya people since 2017

Suspects

Military and civilian leaders, including State Counsellor Aung San Suu Kyi and Army Chief Min Aung Hlaing

Country of residence of suspects

Myanmar

Charges

Crimes against humanity and genocide

Current status

Under investigation

Developments in 2020

On 29 May 2020, Argentina's Federal Criminal Chamber 1 opened an investigation against Myanmar's leader Aung Sang Suu Kyi and senior military officials over crimes of genocide committed against the Rohingya people.

Facts

On 25 August 2017, a military crackdown started in Myanmar against the Rohingya people after militants allegedly attacked police posts in Rakhine State. The violent repression forced more than 740'000 civilians to flee massacres, extrajudicial executions and sexual violence. The United Nations' independent international fact-finding mission in Myanmar concluded that soldiers systematically used rape, gang rape and other violent and forced sexual acts against women, girls, boys, men and transgender people.

The UN investigators qualified this severe repression as genocide and declared that the generals at the head of the country's army must answer charges of genocide in northern Rakhine State as well as accusations of crimes against humanity and war crimes in the states of Rakhine, Kachin and Shan.

Procedure in Argentina

The Burmese Rohingya Organisation UK (BROUK) filed a lawsuit on 13 November 2019 before the Argentinian authorities for alleged genocide and crimes against humanity committed against the Rohingya people, including mass killings allegedly committed in August 2017.

Procedure before the International Criminal Court

In parallel, proceedings are underway before the International Criminal Court (ICC). On 14 November 2019, a Pre-Trial Chamber of the ICC authorized the Office of the Prosecutor to investigate alleged crimes of deportation, persecution and any other crime within the ICC's jurisdiction committed against the Rohingya people. This authorization follows the lawsuit filed by The Gambia against Myanmar at the International Court of Justice on 11 November 2019.

FOLLOW-UP ON OTHER CASES

- MBS: the investigation is ongoing

AUSTRIA



MEDIA REVELATION AROUND AUTHORITIES' ALLEGED PROTECTION OF SYRIAN SUSPECT

Khaled H. and others

Context

Ongoing investigations into international crimes committed by the Syrian intelligence services

Suspects

High- and mid-ranking officials of the Syrian intelligence services, including Military Intelligence, Air Force Intelligence and General Intelligence Services—in particular a former General of the General Intelligence Services from Raqqa (northeastern Syria), Khaled H.

Country of residence of suspects

Syria/unknown

Charges

Crimes against humanity and war crimes

Current status

Under investigation

Developments in 2020

Upon the prosecutor's request, NGOs submitted additional evidence.

In November 2020, the Austrian investigative newspaper Kurier alleged that in 2015, the Austrian Office for the Protection of the Constitution (hereinafter the Office) assisted a former high-level Syrian Intelligence Officer, Khaled H., in escaping France. The Office reportedly helped Khaled H. to relocate to Austria and be granted asylum there.

Facts

The investigations concern crimes against humanity and war crimes committed by the Military Intelligence, Air Force Intelligence and General Intelligence Services including murder, extermination, torture, serious bodily harm and deprivation of liberty.

Since the beginning of the Syrian civil war in 2011, Syrian intelligence services (Air Force Intelligence, Military Intelligence, General Intelligence Services and Political Security) have reportedly been systematically arresting, torturing and killing persons who opposed or were suspected of opposing the Syrian regime. The government's aim has been to stop the protest movement at the earliest possible stage, and intimidate the population.

Procedure

In 2016, the prosecutorial authorities reportedly initiated an investigation against Khaled H., former General of the General Intelligence Services from Raqqa. He is suspected of committing international crimes in detention facilities that were under his command. The investigation is ongoing.

Austrian authorities have further initiated investigations into several other officers of the Syrian intelligence services after 16 women and men from Syria filed a criminal complaint to the Public Prosecutor in Vienna in May 2018. The group of torture survivors—which included an Austrian citizen—filed the complaint together with the European Center for Constitutional and Human Rights, Syrian lawyers Anwar al-Bunni (Syrian Center for Legal Research and Studies) and Mazen Darwish (Syrian Center for Media and Freedom of Expression) and the Centre for the Enforcement of Human Rights International in Vienna. Following the submission, the prosecutor heard one of the complainants and initiated a criminal investigation.

BELGIUM

SENTENCE OF 25 YEARS CONFIRMED FOR GENOCIDE AND WAR CRIMES

Fabien Neretsé



Context

The trial of Fabien Neretsé was the fifth trial held in Brussels in connection with the 1994 genocide in Rwanda. However, it was the first time that the Brussels Criminal Court had to deal directly with facts qualifying as genocide

Suspect

Rwandan national; former senior civil servant

Country of residence of suspect

France

Charges

Genocide and war crimes

Current status

Sentenced to 25 years' imprisonment; confirmed on appeal

Developments in 2020

On 27 May 2020, the Supreme Court upheld the sentence of 25 years' imprisonment.

Facts

Neretsé, originally from Ruhengeri, Rwanda, was an influential figure in the regime of Rwandan President Juvénal Habyarimana. He murdered a Belgian citizen, Claire Beckers, as well as her Tutsi husband Isaiah Bucyana and their daughter Katia. All three were killed on 9 April 1994 in Kigali.

Procedure

Neretsé was indicted in Rwanda on 8 August 2007 on counts of genocide. He was arrested in France on 29 June 2011 and extradited to Belgium on 30 August 2011.

The trial of Neretsé started on 4 November 2019 with the composition of the jury and the hearings on the merits began on 7 November 2019. Neretsé was on trial for genocide and the war crime of murder, including the murder of Belgium citizen Claire Beckers and her family and other attempted murders.

On 19 December 2019, the Criminal Court found Neretsé guilty of genocide and war crimes and sentenced him to 25 years' imprisonment.

TRIAL OF TWO ALLEGED *INTERAHAMWE* MEMBERS DELAYED DUE TO COVID-19

Ernest Gakwaya and Emmanuel
Nkunduwimye

Context

Ongoing proceedings for alleged crimes of genocide and war crimes committed during the 1994 genocide in Rwanda

Suspects

Rwandan nationals, alleged members of the *Interahamwe* militia

Country of residence of suspects

Belgium

Charges

Genocide and war crimes

Current status

Indicted; placed in pre-trial detention

Developments in 2020

The hearings schedule of the Criminal Court was disrupted due to the pandemic. No date has been set yet for the opening of the trial.

Facts

Ernest Gakwaya and Emmanuel Nkunduwimye allegedly participated in the 1994 genocide in Rwanda.

Gakwaya is accused of murdering and raping Tutsis and moderate Hutus during the genocide.

Nkunduwimye allegedly committed murder, attempted murder and rape during the same period. They were allegedly members of the *Interahamwe* militia, the youth organization of the National Republican Movement for Democracy and Development, heavily implicated in the 1994 genocide.

Procedure

Gakwaya and Nkunduwimye were arrested in March 2011 in Brussels. They denied having been members of the *Interahamwe*. On 9 October 2019, the Criminal Court decided to sever the cases against Gakwaya and Nkunduwimye from the case against Fabien Neretsé, considering that there was no connection between the offenses.

PRESIDENT OF THE SENATE WALKS FREE FOR LACK OF JURISDICTION

Alexis Thambwe Mwamba

Context

Closed proceedings for war crimes and crimes against humanity allegedly committed in the Democratic Republic of the Congo

Suspect

Congolese national; former Minister of Justice and President of the Senate of DRC

Country of residence of suspect

Belgium and DRC

Charges

Crimes against humanity and war crimes

Current status

Case closed

Developments in 2020

On 9 January 2020, the Indictments Chamber of the Brussels Court of Appeal declared the public action against Alexis Thambwe Mwamba inadmissible, due to the lack of territorial jurisdiction of the Belgian courts. An appeal was lodged and rejected by the Supreme Court on 10 April 2020. This case is therefore definitively closed.

Facts

During the second Congolese war (1998-2003), Thambwe Mwamba was a member of the rebel group *Rassemblement congolais pour la démocratie* (Movement for the Liberation of Congo, or RCD) led by Jean-Pierre Bemba.

In October 1998, a plane from the company Congo Airline was shot down with 50 persons on board. The RCD, through the voice of Thambwe Mwamba, claimed responsibility for the attack that caused the plane crash.

Thambwe Mwamba explained that the rebels had shot the plane because it was transporting pro-government soldiers and weapons. However, the 50 people on board were civilians (mainly women and children) and crew members.

Procedure

In June 2017, a complaint for war crimes and crimes against humanity was filed in Belgium against Thambwe Mwamba by several families of the victims and the *Ligue congolaise contre la corruption*.

On 4 September 2018, Thambwe Mwamba was heard by the investigative judge regarding his involvement in the crimes.

THREE GENOCIDE SUSPECTS ARRESTED IN BRUSSELS

Pierre Basabose, Séraphin
Twahirwa and Christophe
Ndangali

Context

Ongoing proceedings against three suspects of international crimes committed during the 1994 genocide in Rwanda

Suspects

Three Rwandan nationals: Pierre Basabose, businessman, close to the Rwandan government; Séraphin Twahirwa, leader of an *Interahamwe* militia; and Christophe Ndangali, teacher and intellectual

Country of residence of suspects

Belgium

Charges

Crimes under international humanitarian law

Current status

Under investigation; detained and under judicial surveillance

Developments in 2020

The three accused were charged with serious violations of international humanitarian law on 30 September 2020. Three arrest warrants were issued. Basabose and Twahirwa are currently detained in Belgium. Ndangali currently benefits from surveillance under electronic bracelet. They will be tried in Belgium.

Facts

Basabose is suspected of having financed genocidal propaganda.

Twahirwa led an *Interahamwe* militia (the youth organization of the National Republican Movement for Democracy and Development) allegedly responsible for massacres of Tutsis in a central region of Rwanda.

Ndangali, a teacher and an intellectual, allegedly participated in the exclusion of Tutsis from the school system and called for the extermination of Tutsis.

LIBERIAN VICTIMS STILL WAITING FOR JUSTICE

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 by the Special Court for Sierra Leone on 30 May 2012 to 50 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

Martina Johnson, a former frontline commander of the NPFL, who was allegedly Taylor's chief of artillery during Operation Octopus in October 1992

Country of residence of suspect

Belgium

Charges

War crimes and crimes against humanity, including mutilation and mass killings

Current status

Under investigation; under house arrest; indicted

Developments in 2020

The investigation is ongoing, and several procedural acts were undertaken throughout the year. An international rogatory letter is expected to be executed soon in Liberia.

Facts

Johnson was allegedly actively involved in Operation Octopus launched by Taylor and his NPFL troops in October 1992. This offensive against the government and the peacekeeping forces was aimed at taking over Liberia's 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, filed a complaint in Belgium against Johnson for her alleged direct participation in mutilations and mass killings during Operation Octopus in October 1992. 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 house arrest.

FOLLOW-UP ON OTHER CASES

- T.K. and N.B. (Rwandan nationals): the investigation is ongoing. Due to the pandemic, no date has yet been set for the opening of their trial

FINLAND



SIERRA LEONEAN REBEL ARRESTED FOR CRIMES IN LIBERIA

Gibril Massaquoi

Context

Ongoing trial for alleged crimes including murders, sexual violence and the recruitment and use of child soldiers committed in Liberia during the second Liberian civil war (1999-2003)

Suspect

Sierra Leonean national; former Lieutenant-Colonel of the Revolutionary United Front (RUF); spokesperson and assistant to the group's founder, Foday Sankoh

Country of residence of suspect

Finland

Charges

War crimes and crimes against humanity including murders, sexual violence and the recruitment and use of child soldiers

Current status

On trial

Developments in 2020

On 10 March 2020, Gibril Massaquoi was arrested by Finnish police in Tampere, Finland on suspicion of war crimes and crimes against humanity, including murders, sexual violence and the recruitment and use of child soldiers. His trial opened on 1 February 2021.

Facts

Massaquoi held a leading position within the RUF—a Sierra Leonean rebel group which had close ties to former Liberian President Charles Taylor's National Patriotic Front of Liberia (NPFL). The RUF invaded Sierra Leone in March 1999, with support from the NPFL, in an attempt to overthrow the Joseph Momoh government. The NPFL and RUF stayed closely connected throughout the Sierra Leonean civil war.

Procedure

In 2002, the Special Court for Sierra Leone (SCSL) was established. Massaquoi offered to collaborate, and became a top informer for the prosecution, testifying against his former colleagues. In 2009 and 2012 respectively, the SCSL convicted three former senior leaders of the RUF and Taylor for war crimes and crimes against humanity committed in Sierra Leone. Massaquoi was not charged with any crimes by the SCSL.

As part of their regular investigation and documentation efforts, Geneva-based NGO Civitas Maxima and its Liberian sister organization, the Global Justice and Research Project (GJRP), found evidence that Massaquoi had allegedly committed, overseen and ordered international crimes in Liberia.

On the basis of indications that he was present in Finland, Civitas Maxima and the GJRP submitted information to the authorities in Finland in 2018 regarding Massaquoi's alleged involvement in mass atrocities in Liberia. Following a preliminary investigation, Finland's General Prosecutor issued an order to proceed with the case.

Finnish police investigators visited Liberia on several occasions since early 2019 to hear witnesses in cooperation with Liberian authorities.

TRIAL OF TWIN BROTHERS ENDS WITH AN ACQUITTAL DUE TO INSUFFICIENT EVIDENCE

Iraqi twin brothers

Context

Closed proceedings 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 (ISIS) fighters

Country of residence of suspects

Finland

Charges

War crimes, murder and aggravated assault committed with terrorist intent

Current status

Acquitted; confirmed on appeal; case closed

Developments in 2020

In February 2020, the Court of Appeal dismissed the charges, on the ground that there was not sufficient evidence for a conviction. The case is definitively closed.

Facts

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

Procedure

The 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.

Their trial started on 13 December 2016 before the Pirkanmaa District Court. 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. On 24 May 2017, the Court acquitted the Iraqi twin brothers due to lack of evidence. They were granted compensation for their pre-trial detention. The two were allowed to reside in Finland. The prosecution appealed this judgment.

The appeal trial started on 11 September 2018 but was postponed until further notice due to arrangements regarding hearings of witnesses in Iraq. The Court of Appeal decided that the main hearings would not be formally opened before these witnesses were heard "outside the main hearing".

Prosecution and defense witnesses were heard in September 2019 in Iraq, in the presence of one defense lawyer and the prosecutor. The court and the accused were in Finland and followed the hearings through videoconference.

FORMER REBEL LEADER ARRESTED IN PARIS

Roger Lumbala

Context

Ongoing proceedings for complicity in crimes against humanity committed during the second civil war in the Democratic Republic of the Congo (1998-2003)

Suspect

Congolese national; former leader of the *Rassemblement congolais pour la démocratie-National* (Congolese Rally for National Democracy, or RCD-N)

Country of residence of suspect

DRC

Charges

Complicity in crimes against humanity

Current status

Under investigation; detained

Developments in 2020

Roger Lumbala was arrested on 29 December 2020 in Paris. On 2 January 2021, he was indicted for his alleged participation in a group formed with a view to the preparation of crimes against humanity and complicity in crimes against humanity.

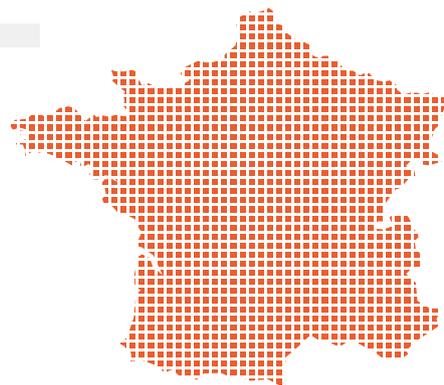
Facts

In 2003 the United Nations published a report implicating the RCD-N in crimes against humanity, including rape, summary executions, mutilation and cannibalism during the second civil war in the DRC.

Lumbala is accused of crimes that took place between 2000 and 2003 in the provinces of Ituri and Haut-Uélé (northeastern DRC). At the time, Lumbala was the leader of the RCD-N.

Procedure

The Office of the Prosecutor of the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office) opened an investigation against Lumbala in 2016.



FORMER SECRET SERVICE AGENT UNDER JUDICIAL SUPERVISION

Abdulhamid A.

Context

Ongoing joint investigation in France and Germany for crimes against humanity and torture allegedly committed by Syrian officials in Syria between 2011 and 2013

Suspect

Syrian national; former member of the General Intelligence Services (GIS), one of the four Syrian intelligence agencies

Country of residence of suspect

France

Charges

Crimes against humanity

Current status

Under investigation

Developments in 2020

On 13 February 2020, Abdulhamid A. was released from pre-trial detention and placed under judicial supervision until the end of the investigation.

Facts

Since the beginning of the Syrian civil war in 2011, Syrian intelligence services have reportedly been systematically arresting, torturing and killing opposition activists. As a former member of the GIS, Abdulhamid A. is suspected of having participated in crimes committed by the Syrian regime against the civilian population between 2011 and 2013.

Procedure

On 12 February 2019, the French authorities arrested Abdulhamid A. in the Paris region on suspicion of crimes against humanity. On the same day, the German authorities arrested two other former GIS officials, Anwar R. and Eyad A., in Germany (see p. 48). The arrests were coordinated by a joint French-German investigative unit.

On 15 February 2019, Abdulhamid A. was indicted by the investigative judges of the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office), and placed in pre-trial detention.

WITNESSES COME FORWARD AGAINST HIGH-RANKING SYRIAN OFFICIALS

Ali Mamluk, Jamil Hassan and Abdel Salam Mahmoud

Context

Ongoing investigation for international crimes committed in Syria in 2013

Suspects

Ali Mamluk, Director of the National Security Bureau; Jamil Hassan, Head of the Syrian Air Force Intelligence; and Abdel Salam Mahmoud, Director of an investigative branch of the Syrian Air Force Intelligence

Country of residence of suspects

Syria

Charges

Complicity in crimes against humanity, torture and enforced disappearances; war crimes

Current status

Under investigation

Developments in 2020

The investigation is ongoing. Syrian survivors of the Mezzeh detention center in Damascus were heard by the investigative judge throughout the year.

Facts

In November 2013, Patrick Dabbagh and his father Mazen Dabbagh, both dual French-Syrian nationals, were arrested in their home in Damascus by Syrian Air Force Intelligence agents and detained for interrogation at the Mezzeh detention center. Neither one has been seen since. In summer 2018, the Dabbagh family received formal notification from the Syrian authorities that Patrick and Mazen Dabbagh had died. According to the United Nation's Commission of Inquiry, Mezzeh has one of the highest mortality rates in Syria.

Procedure

On 24 October 2016, a complaint was filed before the Paris Tribunal by Obeida Dabbagh, a Syrian-French national, on behalf of his nephew and brother, Mazen and Patrick Dabbagh, together with the International Federation for Human Rights (FIDH) and its member organization in France the *Ligue des Droits de l'Homme*.

An ongoing judicial investigation into torture, crimes against humanity and enforced disappearances before the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office) has resulted in the issuance of three international arrest warrants against high-ranking regime officers.

In October 2018, in an unprecedented step towards accountability for crimes committed in Syria, French judges issued international arrest warrants against Mamluk, Hassan and Salam Mahmoud. Mamluk and Hassan, also subject to an arrest warrant issued in Germany earlier in 2018, are both wanted for complicity in crimes against humanity, torture and enforced disappearances. Mahmoud, in charge of the Air Force Intelligence Service at the Mezzeh military airport, is wanted on war crimes charges as well as complicity in crimes against humanity, torture and enforced disappearances.

CRIMINAL INVESTIGATION TRIES TO ESTABLISH THE CHAIN OF COMMAND

The Rémi Ochlik, Marie Colvin and Edith Bouvier investigation

Context

Ongoing investigation into the murder of French, Syrian and British journalists during an army bombardment of a media center in Syria in 2012

Suspects

Several Syrian army officials

Country of residence of suspects

Unknown

Charges

War crimes

Current status

Under investigation

Developments in 2020

The investigative judges have collected witness testimonies regarding the chain of command of the Fourth Division of the Syrian Military.

Facts

On 22 February 2012, a Syrian army bombardment in Baba Amr (Homs) led to the deaths or serious injury of several journalists operating from a media center based there.

French photojournalist Rémi Ochlik and American war crimes correspondent Marie Colvin were both killed in the attack. Several other journalists were injured in the attack, including French journalist Edith Bouvier as well as Syrian and British journalists who were using the center as a base to report on the events in Homs in early 2012.

Procedure

This case was originally opened in 2012 as a homicide case but was reclassified in 2014 as a war crimes case.

The families of Ochlik and Colvin are civil parties in the case, together with French, Syrian and British journalists injured in the attack, the International Federation for Human Rights (FIDH) and Reporters without Borders.

On 9 April 2018, documents filed in a US civil case concerning Colvin's death were declassified. They allegedly demonstrate the premeditated nature of the Syrian army bombardment of the media center in Homs that led to the death of Colvin and Ochlik, and to the injuries to several others including Bouvier, Paul Conroy and Wael al Omar. These documents have been filed in the ongoing war crimes investigation in France. The investigation is ongoing.

On 30 January 2019, the United States District Court in Washington held Syria's government liable for the targeting and killing of Colvin and awarded a compensatory 302 million USD to her relatives.

ISIS FIGHTERS INVESTIGATED FOR CRIMES AGAINST YAZIDIS

Sabri Essid and Nabil Greseque

Context

Ongoing proceedings against two Islamic State (ISIS) fighters accused of genocide and crimes against humanity committed against Yazidis

Suspects

Sabri Essid and Nabil Greseque

Country of residence of suspects

Unknown

Charges

Genocide and crimes against humanity committed in Syria against Yazidis between 2014 and 2016

Current status

Under investigation; international arrest warrant issued for Essid

Developments in 2020

In February 2020, an international arrest warrant was issued for Essid for genocide and crimes against humanity, following the opening of a judicial investigation against him in October 2019.

On 10 July 2020, a judicial investigation was opened against Greseque for genocide and crimes against humanity committed in Syria against Yazidis between 2015 and 2016.

Facts

In August 2014, ISIS fighters invaded Mount Sinjar, the stronghold of the Yazidis, a Kurdish-speaking religious minority in northern Iraq. Thousands were killed and thousands of women and teenage girls were kidnapped and sexually enslaved.

Procedure

In 2016, the prosecutor from the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office) opened a preliminary investigation into alleged genocide and crimes against humanity perpetrated by ISIS against the Yazidi community in Syria and Iraq.

In 2018 and 2019, the International Federation for Human Rights (FIDH) legally represented Yazidi survivors who gave their testimonies to the investigators, denouncing the participation of French citizens in the crimes they suffered.

On 25 October 2019, the French Anti-terrorist Prosecution Office opened an investigation against Essid for crimes against humanity. FIDH is representing two Yazidi survivors.

CIVIL PARTIES CHALLENGE REVOCATION OF INDICTMENT

Lafarge SA–Eric Olsen and others

Context

Proceedings against the cement company Lafarge SA (now Lafarge-Holcim) for financing terrorism, complicity in crimes against humanity committed by armed groups in Syria (including the Islamic State, or ISIS), deliberate endangerment of people's lives and violation of an embargo

Suspects

Former directors, including top executives, of the French-Swiss LafargeHolcim group (the crimes were allegedly committed by the French company Lafarge prior to its 2015 merger with Swiss-based Holcim) and of its subsidiary Lafarge Cement Syria. The suspects are French and Norwegian nationals

Country of residence of suspects

France and Switzerland

Charges

Financing of a terrorist enterprise, complicity in crimes against humanity, deliberate endangerment of people's lives and violation of the European Union embargo on oil purchases

Current status

Under investigation

Developments in 2020

The appeal filed against the 24 October and 7 November 2019 decisions of the Investigation Chamber of the Paris Court of Appeals is ongoing before the Supreme Court. The hearings should take place in 2021.

Facts

Lafarge owned and ran a cement factory in Jalabiya, northern Syria. From 2012 on, several armed groups started to operate in the factory's area. The company allegedly entered into negotiations with ISIS to purchase oil and pozzolan (a material used to make concrete) 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 the lives of its employees, who suffered kidnappings and extortion, and violating a number of basic labor rights. The company allegedly worked out "arrangements" with armed groups like ISIS around the factory from 2012-2015 amounting to at least 13 million EUR, according to the judicial inquiry.

Procedure

In September 2016, the French Minister of Finance 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, 11 former Lafarge Syrian employees and the human rights groups Sherpa and the European Center for Constitutional and Human Rights (ECCHR) filed a criminal complaint as civil parties in Paris against Lafarge, Lafarge Cement Syria and their current and former top executives, for financing of terrorism, complicity in crimes against humanity committed in Syria, endangerment of people's lives and for a series of labor rights violations.

On 9 June 2017, three investigative judges of the Paris Tribunal opened an investigation into the crimes alleged by the plaintiffs. In September 2017, three of the victims were heard by one of the investigative judges.

Between December 2017 and May 2018, eight former executives, including former CEOs of the group, were charged with financing terrorism and endangerment of people's lives amongst other charges, and were requested to provide the courts with a deposit of several million euros. In September 2019, a Syrian-Canadian alleged former intermediary between the company and ISIS suppliers was also charged.

On 28 June 2018, three investigative judges of the Paris Tribunal indicted the legal entity Lafarge SA (now LafargeHolcim) with complicity in crimes against humanity, financing a terrorist enterprise, endangerment of people's lives and violation of an embargo. The investigative judges ordered LafargeHolcim to hand over 30 million EUR to the judicial authorities as a security deposit ahead of a possible trial.

On 24 October 2019, the Investigation Chamber of the Paris Court of Appeals rejected the admissibility of Sherpa and the ECCHR as civil parties.

On 7 November 2019, the Court of Appeals confirmed the indictments of Lafarge executives and of the Lafarge company itself for financing a terrorist enterprise, endangerment of people's lives and violation of an EU embargo. However, the Court revoked the indictment of the company for complicity in crimes against humanity.

In November 2019, Sherpa and the ECCHR appealed both decisions from the Paris Court of Appeals to the French Supreme Court. The defense also appealed the 7 November decision. All parties filed their respective briefs in 2020.

INVESTIGATION TARGETS FRENCH BANK OVER COMPLICITY IN INTERNATIONAL CRIMES

BNP Paribas

Context

Ongoing proceedings in France regarding the alleged complicity of BNP Paribas (BNPP) in crimes committed by the Sudanese government against its citizens between 2002 and 2008

Suspects

BNPP as a company and its senior staff as individuals

Country of residence of suspects

France

Charges

Crimes against humanity, torture, genocide and financial crimes, including money laundering and handling the proceeds of crime

Current status

Under investigation

Developments in 2020

On 26 August 2020, a judicial investigation was opened into BNPP's alleged role in mass atrocities in Sudan before the French Anti-Terrorist Prosecution Office.

Facts

From 2002 to 2008, BNPP was the primary foreign bank of the Sudanese government. During this time, Sudanese government forces and its militia called the *Janjaweed* were engaged in an armed conflict with rebel groups. They systematically targeted civilians belonging to the same non-Arab ethnic groups as the rebels (particularly the Masalit, Fur and Zaghawa), in Darfur and other areas. Government forces and allied militia killed, tortured, detained, forcibly displaced, raped and assaulted tens of thousands of civilians.

These crimes, said to amount to genocide and crimes against humanity, were allegedly facilitated by BNPP through its provision of credit facilities, access to foreign financial markets and petrol exports to the Sudanese government. This alleged responsibility is compounded by the fact that Sudan was subject to sanctions from the United Nations, the European Union and individual States, increasing the government's reliance on the services provided by BNPP.

Procedure

On 26 September 2019, nine Sudanese victims, supported by the International Federation for Human Rights (FIDH) and Project Expedite Justice, filed a criminal complaint against BNPP before the investigative judges of the Paris Tribunal. The complaint alleges that by providing banking services to the Sudanese government while Sudan was subject to international sanctions for committing crimes against its civilians, the bank and its senior staff became complicit in these crimes.

INVESTIGATION IN SLOW MOTION INTO SPYING DEVICE SALE

Amesys

Context

Ongoing proceedings for allegedly aiding and abetting crimes of torture committed in Libya under Muammar Gaddafi's regime

Suspect

Amesys as a company

Country of residence of suspect

France

Charges

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

Current status

Under investigation

Developments in 2020

A judicial request for cooperation was sent to the Libyan judiciary in order to interrogate key witnesses.

Facts

In 2007, the company Amesys signed a contract with the government of Libya to provide surveillance technologies for the purposes of intercepting communication and processing and analyzing data. This technology allegedly allowed the Gaddafi regime (1969-2011) to repress the opposition and to commit serious human rights abuses.

Procedure

On 19 October 2011, the International Federation for Human Rights (FIDH) lodged a criminal complaint as a civil party before the investigative judge at the Paris Tribunal 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 Tribunal issued an order not to open a criminal investigation, arguing that there were insufficient grounds to open an investigation. However, the investigative judge decided on 23 May 2012 to open a formal criminal investigation. On 15 January 2013, the Paris Court of Appeal 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 investigative judge. Another Libyan victim joined the case and was heard 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.

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

IRAQI FUGITIVE SOON TO BE EXTRADITED

Ahmed Hamdane El Aswadi

Context

Ongoing investigation for war crimes and murder committed in Iraq in 2014

Suspect

Iraqi national; suspected member of the Islamic State (ISIS)

Country of residence of suspect

France

Charges

Inhumane and degrading treatment as war crimes and violations of the 1949 Geneva Conventions; criminal conspiracy; murder in connection with a terrorist enterprise

Current status

Under investigation; under extradition proceeding

Developments in 2020

Due to the coronavirus pandemic, Ahmed Hamdane El Aswadi was freed from detention and placed under judicial surveillance in May 2020. He fled to Germany, where he reported to a police station and was placed under extradition proceeding.

Facts

El Aswadi is suspected of having participated in the massacre at Camp Speicher, a military base near Tikrit, Iraq. In June 2014, armed men abducted and executed hundreds of young army recruits, mainly Shiites, killing up to 1'700 people. Based on the testimony of other suspects, the Iraqi authorities claim that El Aswadi personally executed 103 soldiers. The accused denies all involvement in the alleged crimes. The accused arrived in France in the summer of 2016. He was granted refugee status in June 2017. This protection was removed after his arrest.

Procedure

In the summer of 2017, the French intelligence services identified El Aswadi as an alleged ISIS member and reported his presence to the judicial authorities.

In November 2017, the Office of the Prosecutor of the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office) requested the opening of an investigation against El Aswadi. This is the first case to be investigated jointly by the anti-terrorism and the specialized units.

On 6 March 2018, El Aswadi was arrested in Lisieux (Normandy). After two days in police custody, he was indicted for criminal conspiracy, murder in connection with a terrorist enterprise and war crimes of inhumane and degrading treatment and of using prohibited means and methods of warfare. He was subsequently placed in pre-trial detention.

PRE-TRIAL DETENTION LIFTED DUE TO PANDEMIC

Mahamat Nouri

Context

Ongoing proceedings against a rebel group leader for complicity in crimes against humanity allegedly committed in Chad and Sudan between 2005 and 2010

Suspect

Mahamat Nouri is a Chadian politician; former associate of Hissène Habré and Idriss Déby, then leader of the Union of Forces for Democracy and Development (UFDD)

Country of residence of suspect

France

Charges

Crimes against humanity and participation in a criminal organization in order to commit crimes against humanity

Current status

Under investigation

Developments in 2020

On 27 March 2020, Mahamat Nouri was released from detention on sanitary grounds, due to the covid-19 pandemic. He benefited from a health precautionary measure due to his age (he was 73 years old at the time of the decision). The judge ordered his judicial supervision.

Facts

Nouri was the leader of the Chadian rebel group UFDD. He allegedly initiated a series of attacks against government positions in eastern Chad in autumn 2006. After the failure of peace talks in 2007, Nouri reportedly launched an attack on the capital N'Djamena in February 2008. He was repelled after days of heavy fighting by the army with the backing of French troops.

In 2010, Nouri and two other rebel chiefs were expelled from Sudan, where they had based their operations, after Sudan and Chad normalized their diplomatic relations. Nouri fled to Libya, where the UFDD had established bases on the northern border with Chad. He was expelled from Libya to Qatar in 2010 before arriving in France a year later.

Procedure in France

On 18 January 2017, the French authorities imposed a six-month freeze on Nouri's financial assets. In May 2017, on the basis of a referral by the French Office for the Protection of Refugees and Stateless Persons and following a rejection of his asylum requests on the basis of Article 1F of the 1951 Refugee Convention, an investigation into Nouri's alleged crimes was opened at the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National

Anti-Terrorist Prosecution Office). On 17 June 2019, Nouri and two other persons were arrested by the French police on suspicion of crimes against humanity. Nouri appeared on 21 June 2019 before the investigative judges who indicted him for crimes against humanity and participation in a criminal organization in order to commit crimes against humanity. Nouri is suspected of having ordered recruitments of fighters, including child soldiers, between 2005 and 2010 in Chad and Sudan. He was placed in pre-trial detention.

Procedure in Chad

Charges against Nouri were filed in May 2013 in Chad. The same year, the Chadian Ministry of Justice issued an international arrest warrant against Nouri.

Procedure in Libya

On 3 January 2019, the Prosecutor of the Court of Tripoli, Libya issued an international arrest warrant against Nouri and 23 other Chadians for their alleged involvement in attacks in eastern and southern Libya.

ANTI-BALAKA LEADER ARRESTED AND CHARGED

Eric Danboy Bagale

Context

Ongoing proceedings for war crimes, crimes against humanity, torture and enforced disappearances in the Central African Republic between 2007 and 2014

Suspect

Central African national; former head of the Presidential guard turned militia leader

Country of residence of suspect

France

Charges

War crimes, crimes against humanity, torture, enforced disappearances and complicity in these crimes

Current status

Under investigation; detained

Developments in 2020

Eric Danboy Bagale was arrested in France on 15 September 2020 and indicted on 18 September 2020 for war crimes, crimes against humanity, torture, enforced disappearances and complicity in these crimes in the Central African Republic between 2007 and 2014.

Facts

Bagale was a "Liberator", the name given to supporters of General François Bozizé who brought him to power in 2003, after overthrowing President Ange-Félix Patassé. A member of the Gbaya ethnic group, Bagale had become a senior official in the anti-Balaka militias. These armed groups were formed to fight the Séléka militias, an alliance of rebels from the Muslim-majority North of the Central African Republic, which ousted President Bozizé from power in 2013.

The numerous massacres perpetrated by both sides have plunged the country into a violent civil war. According to the United Nations, which accused both sides of war crimes, between 3'000 and 6'000 people died, mostly civilians, between 2013 and 2015.

According to the prosecution, Bagale arrived in France in 2014. He fled the Central African Republic with relatives of President François Bozizé. France and Monaco have frozen Bagale's assets, accusing him of working "to destabilize the Central African Republic" and attempting "to commit an act of terrorism".

LIBERIAN REBEL GROUP SUSPECT FREED, THEN RETURNED TO DETENTION

Kunti K.

Context

Ongoing proceedings for international crimes allegedly committed in Liberia between 1993 and 1997

Suspect

Alleged commander in the United Liberation Movement of Liberia for Democracy (ULIMO), a rebel group fighting against former Liberian President Charles Taylor's National Patriotic Front of Liberia

Country of residence of suspect

The Netherlands and France

Charges

Torture, barbaric acts and complicity in these crimes

Current status

Pending trial; placed under judicial supervision

Developments in 2020

In early January 2020, Kunti K. was returned to prison after failing to fulfill an obligation related to his release, namely to live at an address known to and agreed upon by the judge.

On 26 November 2020, the investigative judge issued a closing order ordering Kunti K. to be sent to trial for crimes of torture, barbaric acts and complicity in torture and aggravated acts of barbarism.

Facts

Kunti K. allegedly committed crimes against humanity between 1993 and 1997 as commander of the ULIMO, during the first Liberian civil war (1989-1996). In his capacity as ULIMO commander, Kunti K. allegedly committed murder, enslavement, torture, cannibalism and used child soldiers.

Procedure

On 23 July 2018, the NGO Civitas Maxima launched a complaint in the name of Liberian victims before the French Specialized Unit for the prosecution of genocide, crimes against humanity, war crimes and torture within the Paris Tribunal (integrated in 2019 within the newly created French National Anti-Terrorist Prosecution Office).

On 4 September 2018, Kunti K. was arrested by the French police. Kunti K. was remanded in custody. On 6 September 2019, Kunti K. was released from pre-trial detention after a procedural error.

JAYSH AL-ISLAM SPOKESPERSON ARRESTED IN MARSEILLE

Islam Alloush

Context

Ongoing proceedings against a senior official of Jaysh al-Islam, an armed group mainly active in Eastern Ghouta (suburbs of Damascus, Syria), for crimes committed between 2011 and 2018

Suspect

Islam Alloush, also known as Majdi Mustafa Ne'ma, former spokesperson of Jaysh al-Islam

Country of residence of suspect

France

Charges

War crimes, torture, enforced disappearances and complicity in these crimes

Current status

Under investigation

Developments in 2020

On 29 January 2020, Alloush was arrested in Marseille and subsequently indicted.

Facts

Alloush, senior official and spokesperson for Jaysh al-Islam, was allegedly involved in the forced enlistment of children in the armed group, kidnapping and torture.

Jaysh al-Islam is also suspected of being involved in the abduction and enforced disappearance of human rights defenders Razan Zaitouneh, Nazem Al-Hammadi and Wael Hamada; and the political activist Samira Al-Khalil.

Procedure

On 26 June 2019, the Syrian Center for Media and Freedom of Expression, the International Federation of Human Rights (FIDH) and its member organization in France the *Ligue des droits de l'Homme* filed a complaint against Alloush for crimes committed by Jaysh al-Islam.

Active personality

CIVIL PARTIES TRAVEL TO RWANDA TO GATHER EVIDENCE

Philippe Hategekimana

Context

Ongoing proceedings for crimes allegedly committed during the 1994 genocide in Rwanda

Suspect

Philippe Hategekimana is a dual French-Rwandan citizen and a former police officer

Country of residence of suspect

France

Charges

Genocide

Current status

Under investigation; detained

Developments in 2020

Hategekimana is detained near Paris. The investigation is ongoing. The civil parties traveled to Rwanda in December 2020 to collect evidence.

Facts

Hategekimana is suspected of having participated in the genocide against Tutsis in Rwanda in 1994. He was allegedly involved in multiple atrocities in Nyanza and the surrounding villages in April 1994. He is accused of having assassinated a Tutsi mayor and of having participated in several

mass murders. After the genocide, Hategekimana fled to France where he obtained citizenship.

Procedure

In June 2015, the *Collectif des Parties Civiles pour le Rwanda* (CPCR) filed a complaint against Hategekimana before the Paris Tribunal. The CPCR alleged Hategekimana was involved in committing atrocities during the genocide. In September 2015, an investigation was opened. The investigative judge issued an international arrest warrant.

Hategekimana was arrested in Yaoundé, Cameroon on 30 March 2018. France has requested his extradition to try him before a French court.

In February 2019, Cameroon accepted the extradition request. Hategekimana was brought before the investigative judges on 15 February 2019, indicted and placed in pre-trial detention. He denied the charges.

THREE UPCOMING TRIALS RELATED TO THE GENOCIDE IN RWANDA

Eugène Rwamucyo

Context

Pending proceedings for crimes committed during the 1994 genocide in Rwanda

Suspect

Rwandan citizen, former head of the Center of Public Health of the University of Butare, Rwanda

Country of residence of suspect

France

Charges

Genocide and crimes against humanity

Current status

Pending trial

Developments in 2020

On 7 April 2020, the prosecution issued its final submission requesting that Eugène Rwamucyo be sent to trial on charges of genocide and crimes against humanity.

On 13 October 2020, the investigative judge referred the case to the Paris Criminal Court for complicity in genocide and crimes against humanity.

Facts

Rwamucyo was the head of the Center of Public Health of the University of Butare in 1994. He is accused of having supervised the burial of Tutsi victims and of finishing off those already injured in the Butare prefecture.

Procedure

On 23 April 2007, the *Collectif des parties civiles pour le Rwanda* (CPCR) lodged a complaint against Rwamucyo for his alleged participation in the genocide. On 18 July 2007, the Prosecutor of Lille opened a judicial investigation, which was transferred to investigative judges of the Paris Tribunal in November 2007. CPCR was admitted as a civil party in the case at the opening of the investigation. The International Federation of Human Rights (FIDH) also became a civil party in 2010.

Rwamucyo was indicted by the investigative judges on 18 September 2013, and placed under judicial supervision.

On 19 December 2018, the investigative judge informed the parties that he had completed his investigation.

Laurent Bucyibaruta

Context

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

Suspect

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

Country of residence of suspect

France

Charges

Genocide and crimes against humanity

Current status

Referred to the Criminal Court; referral under appeal

Developments in 2020

On 7 October 2020, a hearing took place before the Paris Court of Appeal, following the appeals lodged by the accused and by civil parties against the referral of the case to the Paris Criminal Court. On 21 January 2021, the Court of Appeal confirmed the referral of the case, changing the charges from complicity to direct perpetration of genocide for certain criminal facts, and adding others which had been rejected by the investigative judge.

Facts

As prefect of Gikongoro, Laurent Bucyibaruta allegedly delivered public speeches urging the Hutu population to attack and kill 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, and 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 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. On 20 November 2007, the ICTR referred the case to the French authorities.

Procedure in France

On 5 January 2000, the International Federation of Human Rights (FIDH) and its member organization in France, the *Ligue des Droits de l'Homme*, lodged a complaint against Bucyibaruta for his alleged participation in the genocide. The Prosecutor of Troyes questioned and detained Bucyibaruta on 3 May 2000. He was released on 20 December 2000.

Bucyibaruta was arrested again on 5 September 2007 and placed under judicial supervision after the issuance of the arrest warrant by the ICTR. On 9 May 2017, the investigative judge informed the parties that he had completed his investigation.

On 4 October 2018, the prosecution issued its final submission requesting that Bucyibaruta be sent to trial on charges of genocide and crimes against humanity. On 24 December 2018, the investigative judges referred the case to the Paris Criminal Court for complicity in genocide and crimes against humanity. The accused appealed the referral.

Active personality

Claude Muhayimana

Context

Ongoing proceedings for crimes allegedly committed during the 1994 genocide in Rwanda

Suspect

Naturalized French citizen, originally from Rwanda

Country of residence of suspect

France

Charges

Complicity in crimes against humanity and genocide

Current status

Pending trial

Developments in 2020

The trial, initially scheduled from 29 September to 26 October 2020 was delayed due to the covid-19 pandemic. It should be held at the Paris Criminal Court in 2021.

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.

Muhayimana 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 Muhayimana for his alleged participation in the genocide. The Rwandan authorities also requested his extradition from France.

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

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

On 9 November 2017, the investigative judge referred the accused to the Paris Criminal Court for complicity in genocide and crimes against humanity through aiding and abetting. Muhayimana appealed the referral decision. His appeal was denied by the Investigation Chamber of the Court of Appeal in Paris.

FOLLOW-UP ON OTHER CASES

- Serubuga: the investigation is ongoing
- Qosmos: the investigation was ongoing in 2020. It closed in January 2021
- Norbert Dabira: the investigation is ongoing
- The Caesar investigation: the investigation is ongoing

GERMANY



EVIDENCE BUILDS UP AGAINST THE SYRIAN REGIME IN A MULTI-SUSPECT STRUCTURAL INVESTIGATION

Context

Structural investigation by the German Federal Public Prosecutor into international crimes allegedly committed by the Syrian regime and related institutions since 2011. The structural investigation resulted in the personal investigation and the subsequent trial of two former members of the Syrian intelligence services, Anwar R. and Eyad A. ([see p. 48](#)); the arrest of a former doctor working for the Syrian intelligence services, Alaa M. ([see p. 50](#)); and an arrest warrant against the former head of one of the Syrian intelligence services, Jamil Hassan ([see p. 30](#)).

Suspects

Syrian nationals; former and present members of the Syrian intelligence services

Country of residence of suspects

Germany, Syria and potentially other countries

Charges

Crimes against humanity, war crimes and grave domestic crimes including murder, rape and severe sexual coercion

Current status

Under investigation

Developments in 2020

In 2020, the structural investigation was enhanced by submissions of additional evidence against the Syrian regime and related institutions, in particular the Syrian intelligence services.

On 17 June 2020, seven Syrian survivors, together with the NGOs European Center for Constitutional and Human Rights (ECCHR), the Syrian Women's Network and Urnammu, filed a criminal complaint against nine high-ranking officials of the Syrian regime and Air Force Intelligence Service, including the former head of the Air Force Intelligence Service, Jamil Hassan, to the German Federal Public Prosecutor. The complaint addresses sexual and gender-based crimes that were committed between April 2011 and October 2013 in Syrian Air Force Intelligence detention facilities. Testimonies and further evidence indicate that sexual and gender-based crimes in these detention facilities were committed as part of a widespread and systematic attack against a civilian population in Syria and should therefore be legally characterized and charged as crimes against humanity under the German Code of Crimes Against International Law. This additional evidence, highlighting the gendered commission and gendered impact of sexual violence in Syria, calls on the prosecutor to broaden the existing charges against Hassan.

On 10 November 2020, German development aid worker Martin Lautwein joined a criminal complaint filed by the Syrian Center for Legal Studies and Research (SCLSR), the Syrian Center for Media and Freedom of Expression (SCM) and ECCHR in March 2017, which was later joined by the Caesar Files Group (CFG).

Facts

Since the beginning of the Syrian civil war in 2011, Syrian intelligence services (Air Force Intelligence, Military Intelligence, General Intelligence Services and Political Security) have reportedly been systematically arresting, torturing and killing persons who opposed or were suspected of opposing the Syrian regime. In addition to torture and killings, former detainees held by the intelligence services survived or witnessed various forms of sexual and gender-based violence including rape, sexual harassment, electrical shocks to the genitals, forced nudity and forced abortion, which is yet to be addressed by the prosecutorial authorities.

As reported by numerous international and Syrian organizations, the Syrian intelligence agencies continue to commit international crimes by unlawfully arresting, torturing, sexually abusing and killing people in their detention facilities until the present time. Lautwein was arrested and detained by Syrian Intelligence

agencies in 2018 and then brought to Damascus where he was detained in the so-called Palestine branch of the Military Intelligence Service for 48 days. He was repeatedly exposed to torture and witnessed the torture of other detainees, including by repeated beatings, exposure to electric shocks and the so-called "German chair", a method of torture by which the detainee is tied by their arms and legs to a metal chair, the back of which is moved backwards, causing acute stress to the spine and severe pressure on the neck and limbs. Furthermore, Lautwein reported that at least one detainee was exposed to sexual violence.

Procedure

In September 2011, the German Federal Prosecutor opened a structural investigation into war crimes and crimes against humanity committed by the Syrian regime.

In 2017, Syrian survivors, together with Anwar al-Bunni (SCLSR), Mazen Darwish (SCM) and ECCHR, submitted several criminal complaints against high-level officials of Syrian intelligence agencies to the German Federal Prosecutor, addressing killings, persecution, torture and sexual violence committed in Syrian detention facilities, including those under command of the then head of the Air Force Intelligence services, Hassan.

During the same year, the CFG, 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 CFG provided the prosecutor with a set of high-resolution images of deceased and tortured detainees.

On 8 June 2018, the German Federal Court of Justice issued an arrest warrant against Hassan for alleged crimes against humanity and war crimes, upon a request of the German Federal Prosecutor. He is accused of having tortured and killed numerous detainees of the Air Force Intelligence services between 2011 and 2013, either directly as a main-perpetrator or co-perpetrator or indirectly through command responsibility, for the acts of his subordinates.

In 2019 and 2020, the prosecutorial authorities have undertaken further steps to address the crimes committed in Syrian detention facilities between 2011 and 2012 by arrest, indictment and trial of two former members of Syrian intelligence agencies, Anwar R. and Eyad A., as well as the arrest of former Syrian doctor Alaa M.

FIRST TRIAL ON SYRIAN STATE TORTURE MAKES HEADLINES WORLDWIDE

Anwar R. and Eyad A.

Context

Ongoing trial before the Higher Regional Court in Koblenz against two former members of the Syrian General Intelligence Service (GIS) for international crimes allegedly committed by the al-Khatib branch (also known as Branch 251) in Damascus. This is the first trial addressing systematic international crimes committed by the Syrian government and its intelligence agencies since 2011.

Suspects

Anwar R., former head of the investigation unit at the al-Khatib branch of the GIS in Damascus; Eyad A., employee of the subdivision working with Anwar R.'s investigation unit

Country of residence of suspects

Germany

Charges

Anwar R. is charged with being a co-perpetrator in 4'000 cases of torture, 58 murders and in individual cases of sexual assault and rape that were committed between 29 April 2011 and 7 September 2012, as a crime against humanity

Eyad A. is charged with aiding and abetting a crime against humanity in at least 30 cases of deprivation of liberty and torture

Current status

On trial

Developments in 2020

On 23 April 2020, the trial against Anwar R. and Eyad A. started at the Higher Regional Court in Koblenz. Hearings took place over more than 50 days. Numerous survivors and witnesses of the crimes as well as expert witnesses testified, including forensic analyst Professor Markus Rothschild, who analyzed the 26'938 photographs provided by the defected military photographer Caesar and confirmed that survivors' testimonies were largely consistent with his findings.

Several insider witnesses who formerly worked in or with Syrian intelligence agencies also gave their testimony, including an anonymous witness who gave a detailed account on mass burial of deceased detainees of intelligence services. The witness reported about his work in cemeteries in the province of Damascus and his assistance to intelligence officers in transporting and burying the bodies of detainees from detention facilities of intelligence services, including the GIS's al-Khatib prison and the Saydnaya military prison. Trucks carried several hundred corpses per week. The corpses were marked with numbers and symbols on their foreheads or chests, which corresponds with the images provided by Caesar.

Originally, the Court had refused to make an Arabic translation available to the audience. However, on 18 August 2020, the German Constitution Court granted a preliminary injunction to provide Arabic translation to all accredited journalists following the trial.

On 18 November 2020, the Court severed the trial of Eyad A. and announced it should hear the closing statements in that trial on 17 February 2021, and pronounce the judgment on 24 February 2021. The trial against Anwar R. is expected to continue at least until October 2021.

On 19 November 2020, the European Center for Constitutional and Human Rights in its representation of the seven joint plaintiffs, filed a motion to expand the charges against Anwar R. to include rape and sexual coercion as part of the crime against humanity indictment, as so far sexual and gender-based crimes had only been indicted as single incidents rather than as part of a crime against humanity.

Facts

Since the beginning of the Syrian civil war in 2011, Syrian intelligence services have reportedly been systematically arresting, torturing and killing opposition activists. In September 2011, the German Federal Public Prosecutor opened a structural investigation into war crimes and crimes against humanity committed by the governmental institutions. Other person-specific investigations targeted Anwar R. and Eyad A.

Anwar R. headed the investigation unit of the al-Khatib branch. Between late April 2011 and early September 2012, he allegedly implemented and oversaw a brutal system of physical and psychological torture intended to extract confessions and gain insight into the opposition movement. At least 4'000 persons were exposed to torture in the al-Khatib detention center under Anwar R.'s alleged direct command. Methods of torture included beatings with fists and various objects, administering electric shocks, suspending victims from the ceiling by their wrists, sleep deprivation and making threats against relatives. Moreover, victims were subjected to inhumane conditions of detention such as overcrowded cells and the withholding of medical attention. At least 58 persons are said to have died as a result of the torture and inhumane conditions.

Eyad A. was an alleged member of a sub-unit of the investigative division tasked with conducting identity checks and arresting demonstrators, deserters and other suspicious persons. He is indicted for aiding and abetting the torture and illegal detention of at least 30 persons. In the autumn of 2011, after an anti-government demonstration in the city of Douma had been violently dispersed by security forces, Eyad A. and other GIS officials allegedly pursued and arrested fleeing demonstrators and transported them to al-Khatib detention center. According to the charges, Eyad A. had full knowledge of the system of torture and mistreatment that detainees were being subjected to.

Procedure

On 12 February 2019, German authorities arrested Anwar R. and Eyad A. in Berlin and Rhineland-Palatinate respectively, as a result of person-specific investigations. On the same day, French authorities arrested another former intelligence service official in Paris (Abdulhamid A., [see p. 29](#)). The arrests were coordinated by the joint French-German investigative unit.

On 22 October 2019, the German Federal Public Prosecutor formally indicted Anwar R. and Eyad A. before the Higher Regional Court of Koblenz.

SYRIAN DOCTOR SUSPECTED OF CRIMES AGAINST DETAINEES

Alaa M.

Context

The ongoing investigations by the German Federal Prosecutor led to the issuing of an arrest warrant against Alaa M.

Suspect

Syrian national; former doctor and member of the Syrian intelligence agencies

Country of residence of suspect

Germany

Charges

Crimes against humanity and dangerous bodily harm

Current status

Under investigation

Developments in 2020

On 19 June 2020, the Federal Public Prosecutor arrested the former doctor and alleged employee of the Syrian Military Intelligence service Alaa M. under the suspicion of crimes against humanity.

On 16 December 2020 the arrest warrant was extended to cover allegations of killing in one case, torture in 18 cases, inflicting grievous bodily and mental harm in one case, severe deprivation of physical liberty in seven cases (one

of which led to death) and deprivation of reproductive capacity in one case, all of which are characterized as crimes against humanity.

Facts

According to the arrest warrant, Alaa M. worked as a doctor in a detention facility of the Military Intelligence Service in Homs. On 23 October 2011, a detainee suffered an epileptic seizure after being tortured during his interrogation. Alaa M., as a doctor in the facility, was asked to assist the detainee. However, Alaa M. entered the room where the detainee was held and started hitting him with a plastic pipe. The following day Alaa M. was again asked to assist the detainee whose medical condition had deteriorated. Alaa M., accompanied by another doctor, started hitting the detainee with a plastic pipe again until he lost consciousness. The victim died shortly afterwards, however the cause of his death has not been officially confirmed. According to the new arrest warrant, Alaa M is suspected, *inter alia*, of having poured alcohol over the genitals of a 14- or 15-year-old boy, which he then ignited.

STRUCTURAL AND PERSON-SPECIFIC PROSECUTIONS OF NON-STATE ACTORS IN SYRIA AND IRAQ

Kassim A. and others

Context

Ongoing structural and person-specific investigations resulting in criminal proceedings for international crimes committed by members of non-state armed groups in Syria and Iraq

Suspects

German, Syrian and Iraqi nationals

Country of residence of suspects

Germany

Charges

War crimes, crimes against humanity, genocide and membership in a terrorist organization

Current status

Under investigation

Developments in 2020

The proceedings regarding international crimes committed by non-state actors in Syria went on and the Federal Public Prosecutor issued new indictments. The charges usually included both war crimes and membership in a terrorist organization.

Procedure

The structural investigation concerning crimes committed by non-state armed groups in Syria and Iraq, including extrajudicial killings, torture, inhumane treatment, abduction for the purpose of blackmail and other war crimes, was opened by the German prosecutorial authorities in August 2014. It has resulted thus far in investigations against over 50 individuals involved in crimes committed by non-state armed groups, which have led to indictments and further prosecution on several occasions.

A part of the investigation is focused on the attack by the Islamic State (ISIS) against the region around the town of Sinjar (northwestern Iraq) in August 2014. The Yazidi minority was reportedly subjected to genocide, mass execution, widespread kidnappings and sexual enslavement in Syria and Iraq. In December 2016, the Supreme Court of Germany issued an arrest warrant against a high-ranking ISIS commander allegedly responsible for genocide and war crimes, including abduction and sexual enslavement of Yazidi women in Syria and Iraq. (For more information about trials addressing crimes against Yazidi women, [see p. 53](#))

Kassim A.

On 13 February 2020, the Higher Regional Court of Koblenz found the Syrian national Kassim A. guilty of committing a war crime, namely the demeaning and degrading treatment of a person protected by international humanitarian law. He received a sentence of one year and six months.

According to the judgment, Kassim A. joined the armed resistance against the Syrian government in the city of Dara'a in 2012. His phone contained pictures of him posing with the severed head of a combatant, who presumably was part of the Syrian state forces. While he admitted to appearing in the photograph, the hearings of evidence did not bring up any indications that the accused participated in the execution of the combatant.

Carla-Josephine S.

On 29 April 2020, the Higher Regional Court of Düsseldorf found the German citizen Carla-Josephine S. guilty of a war crime (child theft resulting in death) and breaches of the Military Weapons Control Act.

In 2015, Carla-Josephine S. left Germany with her three children without advising their father, who was entitled to joint custody, to join the Islamic State (ISIS) in Syria. In 2018, the house where Carla-Josephine S. and her children were staying in Raqqa was exposed to various missile or bomb attacks during one of which her eight-year-old son was fatally injured.

Abdalfatah H. A., Abdul Jawad A. K., Abdulrahman A. A. and Abdoulfatah A.

On 13 January 2020, the Higher Regional Court of Stuttgart found four Syrian nationals who were former members of a combat unit guilty of membership in a foreign terrorist organization and breaches of the Military Weapons

Control Act. Abdul Jawad A. K., the founding member of the combat unit, was also found guilty for the charge of murder and committing war crimes. He received a life sentence, in consideration of the particular severity of guilt. Abdulrahman A. A., Abdoufatah A. and Abdalfatah H. A. had joined the unit at a later stage.

According to the judgment, Abdul Jawad A. K. in November 2012 founded the military unit Mohamed Ibn Abd Allah to overthrow the Syrian regime and reorganize the Syrian State according to Sharia law. All four defendants took part in hostilities during the capture of Raqqa. In March 2013, the accused, together with other members of their combat unit, executed 19 Syrian civil servants taken prisoner in Raqqa. Prior to the execution, the civil servants had been sentenced to capital punishment by a Sharia court. Abdul Jawad A. K. personally executed at least two persons.

Mohammed Rafea Yaseen Y.

Mohammed Rafea Yaseen Y. was an active member of the Islamic State (ISIS) between 2006 and 2008 in his Iraqi hometown of Al-Rutba. Jointly with other ISIS members, the accused constructed explosive devices and used them in attacks around Al-Rutba that resulted in human casualties. Among the victims were members of the United States armed forces and the Iraqi police, as well as local civilians. In 2014, Mohammed Rafea Yaseen Y. allegedly joined ISIS and was deployed as an armed security guard in Al-Rutba. As a part of his activities, he allegedly

ensured security during the public execution of children, women and men by ISIS members.

On 8 March 2019, the Higher Regional Court of Düsseldorf indicted Mohammed Rafea Yaseen Y. for aiding and abetting homicide and war crimes, as well as for membership in the terrorist organization ISIS.

On 3 June 2020, the Higher Regional Court of Düsseldorf found Mohammed Rafea Yaseen Y. guilty of membership in the terrorist organization ISIS but acquitted him of the other charges as no sufficient evidence could be established.

Fares A. B.

On 19 November 2020, the Higher Regional Court of Stuttgart found the Syrian national Fares A. B. guilty of war crimes, attempted homicide in one case and torture in two cases, as well as membership in a terrorist organization. The trial was based on the indictment of 12 June 2019.

The accused joined an armed resistance group fighting the al-Assad regime in 2011 or 2012. On 12 December 2012, the group took part in the attack against the military airport Deir ez-Zor. To take revenge for the death of his comrades who had died during this attack, he shot at a prisoner with the intent to kill him. However, the Court could not establish that his particular shot led to the death of the person as it could not rule out that other fighters also shot at the prisoner.

The accused joined ISIS in June 2014 after it took over power in the region. He was deployed in a prison where he tortured at least two prisoners. Furthermore, he conducted raids, brought newly arrested individuals to the prison and guarded checkpoints.

Khedr. A. K. and Sami A. S.

On 10 July 2020, the investigative judge of the Federal Court issued an arrest warrant against the Syrian nationals Khedr. A. K. and Sami A. S. They were subsequently arrested in Naumburg (Saale) and Essen (North Rhine-Westphalia) on 13 July 2020. They are suspected to have jointly killed a person protected under international humanitarian law. Khedr. A. K. is suspected to have been a member of a foreign terrorist organization, and Sami A. S. to have supported a foreign terrorist organization.

According to the arrest warrant, Khedr. A. K. joined the group *Ghurabaa Muhassan* when it was then already part of Jabhat al-Nusra. On 10 July 2012, he allegedly participated in the execution of a detained lieutenant colonel of the Syrian military forces by guarding him while he was chained and showing signs of mistreatment. Sami A. S. reportedly filmed the execution of the victim and commented on it in a glorifying manner.

Active personality

PROSECUTING THE ENSLAVEMENT OF YAZIDI COMMUNITY MEMBERS

Several trials are ongoing regarding the Yazidi genocide. These trials do not involve universal jurisdiction as the accused are German nationals returning from Syria or Iraq, falling under the category of active personality cases. However, they have been included here as they relate to the prosecution of atrocities committed abroad, namely the efforts of the German prosecutors to fight impunity for the Yazidi genocide.

Jennifer W. and Taha A. J.

Context

Ongoing proceedings for international crimes, including enslavement of a Yazidi child and her mother in Fallujah, Iraq

Suspects

Iraqi and German nationals

Country of residence of suspects

Germany

Charges

Jennifer W. is charged with membership in a terrorist organization and war crimes. Taha A. J. is charged with genocide, crimes against humanity, murder, human trafficking and membership in a terrorist organization

Current status

On trial

Developments in 2020

On 20 February 2020, the Higher Regional Court of Frankfurt opened the trial against Taha A. J. He is accused of having committed genocide, crimes against humanity, murder and human trafficking as a member of a terrorist organization.

The trial against Taha A. J. will continue at least until late March 2021. The trial against Jennifer W. will continue until at least April 2021.

Facts

According to the indictment, Taha A. J. joined the Islamic State (ISIS) in Iraq in March 2013. In August 2014, Jennifer W. left Germany for Iraq and joined ISIS there. In the period between June and September 2015, she conducted the so-called daily "moral patrols" in ISIS-occupied Fallujah and Mosul by inspecting whether women's behavior and clothing complied with the rules set by ISIS. While conducting such patrols, Jennifer W. carried various lethal weapons with her. For this, she received remuneration from ISIS.

Jennifer W. and Taha A. J. shared a household in Fallujah. In summer 2015, Taha A. J. allegedly purchased a Yazidi woman and her five-year old daughter. They were both from a group of Yazidis taken captive during an attack in the region of Sinjar, directed towards the oppression and extinction of the Yazidi religion. Taha A. J.

reportedly brought the woman and her daughter to his house in Fallujah. Taha A. J. and Jennifer W. are accused of having kept the Yazidi woman and her daughter as slaves and exposed them to inhumane living conditions. Taha A. J. allegedly prohibited them from exercising their religion, forced them to convert to Islam and severely and repeatedly beat them. To punish the five-year old, Taha A. J. reportedly chained her outdoors in scorching heat, which subsequently led to the child's death. Jennifer W. reportedly witnessed her husband's acts and did not undertake any steps to prevent the death of the child.

Procedure

In 2019, the investigation regarding the crimes committed by ISIS against the Yazidi community in Syria and Iraq led to arrests, formal indictments and trials against several former members of ISIS based on accusations of crimes against humanity, war crimes, genocide and other crimes.

On 9 April 2019, the trial of Jennifer W. started before the Higher Regional Court of Munich. The formal indictment of 13 December 2018 included only the charge of the membership in a terrorist organization. After a victim could be identified, the court added the charge of the killing of the child as a war crime.

On 18 April 2019, the German Federal Court of Justice issued an arrest warrant against Taha A. J. Following his arrest in May 2019 in Greece, he was extradited to

Germany on 9 October 2019. The arrest warrant was based on a strong suspicion that as a member of ISIS he committed crimes of genocide, crimes against humanity and war crimes against Yazidis.

Omaima A.

Context

Closed proceedings for international crimes, including the enslavement of a 13-year-old Yazidi in Syria

Suspect

German Tunisian national

Country of residence of suspect

Germany, Syria

Charges

Crimes against humanity, membership in a terrorist organization

Current status

Sentenced

Developments in 2020

On 2 October 2020, the Hanseatic Higher Regional Court in Hamburg found the German-Tunisian citizen Omaima A. guilty of membership in a foreign terrorist organization, crime against humanity by enslavement, breach of duty of care or upbringing, unlawful imprisonment and breaches of the Military Weapons Control Act. She was sentenced to three years and six months in prison.

Facts

According to the judgment, Omaima A. traveled January 2015 with her three underage children from Turkey to Syria to settle there. By taking care of the household and children, she enabled her husband to participate in the hostilities as a fighter. Between spring and summer 2015 Omaima A. held a 13-year-old Yazidi girl, who was entrusted to her by a friend, as a slave.

Nurten J.

Context

Ongoing proceedings for international crimes, including the enslavement of a Yazidi woman in Syria

Suspect

German national

Country of residence of suspect

Germany, Syria

Charges

Crimes against humanity, war crimes, membership in a terrorist organization

Current status

Pending trial

Developments in 2020

On 2 November 2020, the Federal Public Prosecutor indicted the German citizen Nurten J. on the charges of enslavement as a crime against humanity, war crimes, membership in a foreign terrorist organization and breach of the duty of care or upbringing.

Facts

According to the indictment, Nurten J. traveled to Syria with her three-year-old daughter in February 2015 to join ISIS. She married a high-ranking ISIS member and they lived in free apartments provided by ISIS after the owners had fled or were displaced. The accused regularly invited to the apartment a friend who enslaved a Yazidi woman and allegedly forced her to clean the house of the accused on at least 50 occasions.

ARGENTINIAN DEATH FLIGHTS UNDER PRELIMINARY INVESTIGATION

Luis Esteban Kyburg

Context

Ongoing preliminary investigation for enforced disappearance, torture and murder of civilians during the Argentinian dictatorship.

Suspect

Luis Esteban Kyburg, an Argentinian citizen and former Second Commander of a special unit at the Mar del Plata naval base.

Country of residence of suspect

Germany

Charges

As the case is in an investigation stage, Kyburg has not yet been formally charged for any crime. However, the investigation is focused on his involvement in the murder of at least 19 persons in 1976, enforced disappearance and torture.

Current status

Under preliminary investigation

Developments in 2020

In July 2020, a prosecutor in Berlin publicly confirmed that a person-specific investigation targeted Kyburg and that he was undertaking further investigatory steps to prosecute the crimes under German law.

Facts

Between 1976 and 1983, the dictatorship in Argentina headed by Jorge Rafael Videla developed a policy of state terrorism, resulting in scores of human rights violations and crimes against humanity. Among these, at least 30'000 persons were forcibly disappeared for opposing the regime. It is also known that, in many cases, state officials tortured captive pregnant women and forcibly gave their children up for adoption to supporters of the regime.

In parallel, the naval base in Mar del Plata (a city 400 km south of Buenos Aires) was being used as an illegal detention center. Detainees were held captive, tortured, possibly drugged and thrown into the ocean by military planes (a practice that is commonly known as death flights—or *vuelos de la muerte*). In 1976, Kyburg was appointed Second Commander of a special unit for tactical divers (*Agrupación Buzos Tácticos*) in the Mar del Plata naval base.

The complaint against Kyburg regards the case of a young man who was detained with his three-month pregnant partner in September 1976. The detention occurred after Argentinian state forces, dressed in civilian clothes, raided their home and took them to the naval base. Since then, their whereabouts are unknown.

At least 16 former members of the armed forces have been convicted for the crimes against humanity committed in Mar del Plata during this period. Among these, the first commander of Kyburg's unit and the person who followed him in his position have been convicted and imprisoned.

Procedure

In 2013, Argentinian authorities issued an arrest warrant against Kyburg in the context of criminal proceedings in which he, along with other former naval officers, were being investigated for the crimes against humanity of murder, forced disappearance, torture, and kidnapping of civilians in the Mar del Plata naval base.

Kyburg managed to flee Argentina before his arrest and has been living, since then, in Germany. German authorities denied an extradition request as he is a German citizen (Germany does not extradite its own nationals unless the extradition takes place within European Union countries).

German authorities have requested judicial assistance from Argentinian authorities and have obtained substantial amounts of evidence on the crimes occurring in the Mar del Plata naval base. Additionally, in 2017, the Berlin prosecutor traveled to Argentina in order to gather additional evidence and to meet Argentinian authorities.

In 2018, a criminal complaint against Kyburg was submitted—with the support of the European Center for Constitutional and Human Rights—by the sister of the young man who was forcibly disappeared in 1976. In 2019, German authorities took the testimony of the complainant. Testimonies from witnesses and survivors living in Europe will also be gathered by the authorities.

HOUSE SEARCHES TARGET FORMER GAMBIAN SECURITY FORCES SUSPECTED OF TORTURE

Names withheld

Context

Ongoing investigation against seven Gambian citizens for alleged crimes against humanity

Suspects

Seven Gambians, who reportedly previously served in the military forces under the former president, Yahya Jammeh

Country of residence of suspects

Germany

Charges

Crimes against humanity

Current status

Under investigation

Developments in 2020

In July 2020, upon the request of the German Federal Public Prosecutor, the Federal Criminal Police searched the apartments of seven Gambian citizens in Baden-Württemberg and Hessen.

The suspects reportedly entered Germany in 2017 and applied for asylum. During hearings at the Federal Office for Migration and Asylum, they declared they

were part of a military unit. This unit was allegedly responsible for the mistreatment, torture and murder of opposition members under the Jammeh regime. One of the suspects allegedly used electroshocks to torture detainees. Another suspect allegedly assisted in the murder of a detainee.

Facts

Jammeh came to power in The Gambia in 1994 as a result of a coup. He became president in 1996 and stayed in power until 2017. His regime was marked by widespread human rights abuses including torture, enforced disappearances, extrajudicial killings and arbitrary detention. Jammeh was defeated by Adama Barrow in the election of December 2016. Under the pressure of the international community, Jammeh accepted the election results in January 2017 and left the country for Equatorial Guinea. His crimes have gone unpunished until the present day. (For more information about the crimes of Yahya Jammeh, [see p. 58](#))

NO FUNCTIONAL IMMUNITY FOR STATE OFFICIALS REGARDING WAR CRIMES

Ahmad Zaheer D.

Context

Ongoing proceedings for war crimes committed in Afghanistan

Suspect

Afghan national; member of the Afghan armed forces

Country of residence of suspect

Germany

Charges

War crimes, torture

Current status

Convicted; new sentence expected

Developments in 2020

On 28 January 2021, the Federal Court of Germany found Ahmad Zaheer D. guilty of torture in violation of the German Code of Crimes against International Law regarding the mistreatment of three prisoners. This conviction comes in addition to his 26 July 2019 conviction.

The Federal Court also decided that Ahmad Zaheer D.'s prosecution was not hindered by the procedural impediment of immunity for state officials. It determined that

customary international law does not imply a general functional immunity for international crimes. A rule for functional immunity must be first explicitly established for it to apply.

Facts

Ahmad Zaheer D. was a member of the Afghan military forces and was responsible for the interrogation of captured enemy fighters on at least one occasion between late 2013 and early 2014. Together with two other military officials, he interrogated three prisoners of war and subjected them to cruel and inhumane treatment in violation of the Geneva Conventions, including by beating them severely and by threatening them with an electrical shock device.

Further, it was found that in March 2014 Ahmad Zaheer D. subjected the body of a high-ranking enemy combatant to degrading treatment. He paraded the body in front of the civilian population while kicking and insulting the deceased, simulating the mounting of the deceased's head on a meat hook and subsequently hanging the body by a rope around the neck, proclaiming to have murdered and killed him "like a donkey". Both instances were captured on video.

Procedure

On 25 October 2018, Ahmad Zaheer D. was arrested by German authorities.

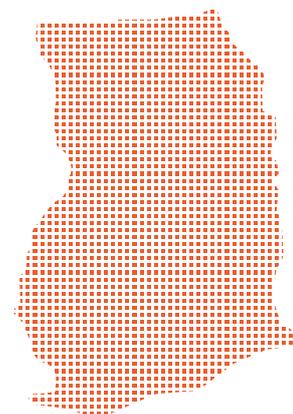
On 29 March 2019, he was indicted for cruel and inhumane treatment of three persons protected under international humanitarian law as well as gravely humiliating and degrading treatment of another person protected under international law.

On 26 July 2019, the Higher Regional Court in Munich found Ahmad Zaheer D. guilty of one count of war crimes as well as inflicting grievous bodily harm, coercion and attempted coercion. He was sentenced to two years' probation. In this decision, the Court did not find that the mistreatment of the prisoners during interrogation amounted to torture in violation of the German Code of Crimes against International Law, but rather amounted to infliction of grievous bodily harm, coercion and attempted coercion.

FOLLOW-UP ON OTHER CASES

- Israeli Defense Forces: the investigation is ongoing
- Gina Haspel: the investigation is ongoing
- Omaid N: awaiting trial

GHANA



VICTIMS CALL FOR JUSTICE FOR MASSACRE OF MIGRANTS

Yahya Jammeh

Context

Campaign to bring former Gambian President Yahya Jammeh and his accomplices to justice

Suspect

Yahya Jammeh, Gambian President from 1994 to 2016

Country of residence of suspect

Equatorial Guinea

Charges

The investigation focuses on his complicity in enforced disappearances and extrajudicial executions

Current status

Pending investigation

Developments in 2020

In July 2020, families of victims and 11 human rights organizations called for an international investigation into the massacre of West African migrants.

At the same time, in its interim report submitted to the Gambian government in April 2020, the Truth, Reconciliation and Reparations Commission (TRRC) announced that it would hold hearings on the migrants' case before the end of its mandate. Due to the impact of covid-19 on the

work of the Commission, the TRRC's mandate was extended until 30 June 2021.

Facts

An investigation conducted by the NGOs TRIAL International and Human Rights Watch alleged that a paramilitary unit controlled by then-Gambian President Jammeh summarily executed more than 50 West African migrants (including some 44 Ghanaians) in July 2005. The migrants were bound for Europe but were wrongly suspected of being mercenaries. They were murdered after having been detained by Jammeh's closest deputies in the army, navy and police forces. Members of a death squad called the Junglers are alleged to have carried out the killings.

Procedure

In May 2018, the families of the victims and a coalition of local and international NGOs asked Ghanaian authorities to open an investigation against Jammeh. The aforementioned report and a legal brief were transmitted to Ghanaian authorities by TRIAL International and Human Rights Watch.

The Ghanaian Inspector General of Police, and later the government through its Minister of Information, stated that "the government had

tasked the Ministry of Foreign Affairs and the Attorney-General's Department to study the request" and to "advise the government on the way forward."

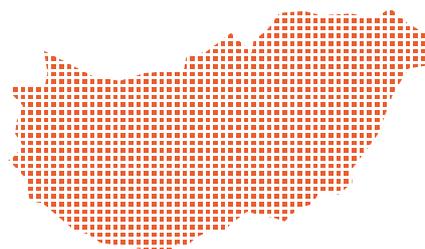
In January 2019, five United Nations human rights monitors urged the UN and the Economic Community of West African States to release their report on the 2005 massacre. According to this report, rogue elements in the Gambian security services "acting on their own" were responsible for the massacre.

In the summer of 2019, three former Junglers testified publicly before the TRRC that they and 12 other Junglers had carried out the killings on Jammeh's orders.

HUNGARY

LIFE SENTENCE FOR THE PUBLIC EXECUTIONS OF CIVILIANS IN SYRIA

Hassan Faroud



Context

Ongoing proceedings for terrorism and crimes against humanity committed between 2015 and 2016 in Syria

Suspect

Syrian national; alleged Islamic State (ISIS) fighter

Country of residence of suspect

Hungary

Charges

Terrorism and crimes against humanity

Current status

Sentenced to life imprisonment; under appeal

Developments in 2020

The Court found Hassan Faroud guilty of crimes against humanity committed as a part of a criminal organization and sentenced him to life imprisonment with the possibility of parole after 30 years.

The Prosecution appealed the judgment and sentence to include the offense of terrorism and for more serious punishment, namely life imprisonment without parole. The accused appealed seeking acquittal.

Facts

Faroud commanded a small unit of ISIS in the province of Homs. He ordered the occupation of the town of Al-Sukhnah and drawing up a "death list" of those who rejected the goals of ISIS and as a consequence should be executed. The executions included the public beheading of the local imam and at least 25 civilians, including women and children, in Al-Sukhnah.

Faroud personally participated in the execution of the imam as well as the murders of three other civilians in the area between 13 May and 15 May 2015. He also shot another person.

Procedure

Faroud left Syria in 2016 and illegally entered the island of Leros, Greece on 27 February 2016, where he was granted refugee status on 27 October 2017.

Faroud was a subject of investigation by the Greek Intelligence Service (EYP) from July 2018, when the Belgian intelligence services transmitted information concerning an unnamed individual allegedly involved in extremist activity as a member of ISIS. National investigations were coordinated by Eurojust, the European judicial cooperation agency. One month later, the EYP managed to identify this individual as Faroud, but no sufficient information was found to prove he belonged to ISIS.

In August 2018, Faroud was convicted in Malta for living there with forged identification documents. He was sentenced to six months of imprisonment, suspended for two years, and ordered to leave Malta. At that time, there was still no further information confirming his ties with ISIS.

On 30 December 2018, Faroud was caught using forged travel documents again in Budapest's Listzt Ferenc Airport. He subsequently received a suspended prison sentence and was set to be expelled from Hungary to Greece, where he had refugee status. He was detained in Budapest's Nyírbátor asylum detention facility, awaiting his deportation.

On 22 March 2019, based on information obtained by European national intelligence services, a Budapest court ordered Faroud's detention for alleged murders committed in Syria. He was subsequently arrested by the Hungarian Counterterrorism Center (TEK) at the Nyírbátor migrants' detention facility. Witnesses and civil parties were questioned in Malta and Belgium.

On 3 September 2019, Faroud was indicted by the Metropolitan Prosecutor's Office of Budapest for carrying out acts of terrorism and crimes against humanity.



THREE TORTURERS SENTENCED TO 20 YEARS' IMPRISONMENT

Mohammed Condè, Hameda
Ahmed and Mahmoud Ashuia

Context

Ongoing investigation for crimes committed in the Zawiya detention center in Libya since 2015

Suspects

Mohammed Condè and Hameda Ahmed, both Egyptian nationals; and Mahmoud Ashuia, a Guinean national

Country of residence of suspects

Italy

Charges

Kidnapping, torture and human trafficking

Current status

Sentenced

Developments in 2020

On 28 May 2020, Condè, Ahmed and Ashuia were sentenced to 20 years in prison for kidnapping, torture and human trafficking.

Facts

Hundreds of migrants on their way to Europe were held in the Zawiya detention center in Libya, where they faced systematic atrocities and physical and psychological torture. Condè, Ahmed and Ashuia

ran the center. They used the same procedure for their victims: photographs of the detainees were sent to their families along with a request for ransom. Those whose families paid were freed, whereas the others were killed or sold to human traffickers.

Condè, Ahmed and Ashuia were recognized in Messina, Sicily by migrants who passed through the detention center in July 2019.

Procedure

Condè, Ahmed and Ashuia were arrested in September 2019 in Messina, in the context of the ongoing investigations of the Office of the Prosecutor of Agrigento and the Anti-Mafia Division of Palermo, following a formal complaint filed by victims who arrived in Italy through the Mediterranean migration routes.

Active personality

NGOS OPPOSE DISMISSAL OF ARMS-TRADE CASE ON SAUDI ARABIA

RWM Italia S.p.A

Context

Ongoing investigation against directors of RWM Italia S.p.A., an Italian arms manufacturer, and against Italian government officials who authorized arms exports to Saudi Arabia and the United Arab Emirates, for complicity in murder and bodily injury, as well as abuse of power

Suspects

Current and former Directors of RWM Italia S.p.A. (a subsidiary of the German-based company Rheinmetall AG); officials from Italy's National Authority for the Export of Armament (UAMA). The suspects are German and Italian

Country of residence of suspects

Italy

Charges

The investigation focuses on complicity through gross negligence in murder and bodily injury, and abuse of power

Current status

Pending decision

Developments in 2020

Following the dismissal of the case by the Public Prosecutor in Rome and the subsequent appeal against the dismissal, the appeal hearing was scheduled for February 2020. However, due to the covid-19 pandemic, the hearing was postponed until 2021.

Facts

The complaint denounced an air strike launched on 8 October 2016 by the Saudi/UAE-led coalition in Deir Al-Hajari, Yemen, which allegedly killed six civilians. At the site of the airstrike, a suspension lug manufactured by RWM Italia S.p.A. was found. Further remnants indicate the use of a guided bomb. Testimonies of eye witnesses confirm that no military object was in the direct vicinity of the house that was targeted by the airstrike.

The complaint alleges the criminal liability of RWM Italia S.p.A.'s directors and officials from UAMA for the export of at least a part of the deadly weapons used in the strike to Saudi Arabia or another member state of the military coalition.

Despite major warnings that the Saudi/UAE-led coalition warfare in Yemen causes significant loss of civilian life and breaches of international humanitarian law, exports of bombs, planes and other weapons to the coalition member states are still taking place. In Italy, the UAMA is competent to authorize these exports of armaments manufactured in Italy.

Procedure

On 17 April 2018, a joint criminal complaint by the NGOs European Center for Constitutional and Human Rights, Mwatana for Human Rights (a Yemen-based organization) and *Rete Italiana Pace e Disarmo* (an Italian-based organization, in cooperation with *Osservatorio Permanente sulle Armi Leggere e le Politiche di Sicurezza e Difesa*) was filed before the Public Prosecutor in Rome. The Prosecutor opened an investigation into the allegations.

In October 2019 the Prosecutor requested a dismissal of the case. The NGOs who had filed the complaint opposed the decision in front of the Judge for Preliminary Investigations.

LITHUANIA

Passive personality

BELARUS OFFICIALS INVESTIGATED FOR TORTURE

Names withheld



Context

Ongoing pre-trial investigation for alleged acts of torture committed against an activist during the protests against the re-election of Belarus President Alexander Lukashenko

Facts

Maksim Kharoshyn claims that on 13 October 2020, after attending pro-democracy protests in Minsk, he was attacked and tortured by officers loyal to Lukashenko's regime.

Suspects

Belarusian security officers, including Belarusian Deputy Minister of Interior Nikolai Karpenkov

Country of residence of suspects

Belarus

Charges

The investigation focuses on torture

Current status

Under investigation

Developments in 2020

On 30 November 2020, Maksim Kharoshyn, a Belarusian citizen, filed a petition with Lithuanian authorities for the acts of torture he suffered while in custody in Minsk, Belarus. Lithuania's General Prosecutor opened a pre-trial investigation against Belarusian regime officials over alleged torture of pro-democracy activists.

SENEGAL

CONGOLESE POLICE OFFICER FLEES TO BELGIUM

Paul Mwilambwe and others



Context

Ongoing proceedings for the alleged murder of Floribert Chebeya on 2 June 2010 in Kinshasa, Democratic Republic of the Congo and the disappearance of his associate Fidèle Bazana

Suspects

Paul Mwilambwe, a Rwandan national, and other officers of the Congo National Police (*Police Nationale Congolaise* or PNC)

Country of residence of suspects

Belgium and potentially other countries

Charges

Enforced disappearances and murder of Chebeya and Bazana

Current status

Under investigation

Developments in 2020

Mwilambwe flew to Belgium in 2020, where he requested asylum.

Facts

Human rights defender Chebeya was found dead in his car in Kinshasa on 2 June 2010. His associate, Bazana, was reported missing. The night before, they had both gone to the PNC headquarters. It was the last time they were both seen alive.

Procedure

On 2 June 2014, the International Federation of Human Rights (FIDH) and families of the victims filed a criminal complaint as civil parties before Senegalese courts (Mwilambwe was at that time residing in Senegal). The plaintiffs testified before the judge investigating the case in August 2014. Mwilambwe was indicted on 8 January 2015 and placed under judicial supervision.

In June 2015, Guylain Bazana, the son of Fidèle Bazana, was questioned by the investigative judge as a civil party. Proceedings were launched in DRC at the time of the events. On 23 June 2011, five PNC officers were convicted, four of whom were sentenced to death and the fifth to life imprisonment. In 2015, the Kinshasa Military High Court acquitted on appeal the four defendants sentenced to death and reduced the life sentence of the fifth defendant to 15 years in prison. High-level suspects including Mwilambwe were not targeted by these proceedings.

In April 2017, lawyers representing the civil parties in the Senegalese investigation filed a brief with the investigative judge in Senegal requesting that several pieces of evidence from the DRC proceedings be added to the case file. The case has not progressed since then.

SPAIN



Passive personality

SALVADORAN COLONEL SENTENCED TO 133 YEARS' IMPRISONMENT

Inocente Orlando Montano Morales

Context

Closed proceedings for international crimes committed in El Salvador during the internal armed conflict

Suspect

Salvadoran citizen; military officer and Vice Minister of Public Security (from 1989 to 1992) in El Salvador

Country of residence of suspect

United States of America

Charges

Murder and terrorism

Current status

Sentenced

Developments in 2020

On 11 September 2020, the Spanish National Court convicted Inocente Orlando Montano Morales and sentenced him to 133 years of prison for the murder of five Spanish Jesuit priests. He was not convicted for the murder of Salvadoran victims (a priest, a housekeeper and her daughter) because Spain lacked jurisdiction over these cases. Yet the Spanish national court recognized, as proven facts, that the High Command of the Salvadoran Armed Forces, of which Montano was a member, ordered the killing

of Ignacio Ellacuría, the Salvadoran Jesuit priest, without leaving any witnesses.

Facts

From 1980 to 1992, El Salvador was divided by an internal armed conflict between the rebel Farabundo Martí National Liberation Front and the government, led by the Nationalist Republican Alliance. In this context, on 16 November 1989, six Jesuit priests (five Spaniards and one Salvadoran), 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 23 August 2011, United States authorities arrested 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 pleaded 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 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 Montano from the US to Spain to face trial for the murder of the six Jesuits, their housekeeper and her daughter.

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

On 21 August 2017, the US Eastern District Court of North Carolina dismissed 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 Montano's last request to halt his extradition to Spain. On

29 November 2017, Montano was extradited to Spain and placed in police custody.

On 12 July 2018, the Criminal Chamber of the Spanish National Court partially upheld the appeal filed by Montano, eliminating from the indictment the alleged crime against humanity that the investigative judge had excluded from the procedure in 2014. The indictment only referred to the eight murders committed with a terrorist intent. Montano was detained in pre-trial detention before his trial.

SWEDEN



KARAJ PRISON MASSACRE SUSPECT REMAINS IN DETENTION

Hamid Noury

Context

Ongoing proceedings for alleged war crimes committed in Iran in 1988

Suspect

Iranian lawyer; alleged former assistant prosecutor in Iran

Country of residence of suspect

Iran, traveled to Sweden

Charges

War crimes of abetting the execution of political prisoners

Current status

Under investigation; pretrial detention

Developments in 2020

The investigation is ongoing. Hamid Noury's detention was renewed several times in 2020. His trial is scheduled to start in 2021.

Facts

During the war between Iraq and Iran, Iran's leader Rouhollah Khomeini issued an order to execute all prisoners who were supporting the People's Mojahedin Organization of Iran, an outlawed opposition group, as well as leftist prisoners.

Prisoners at the Karaj prison, close to Tehran, were brought before so-called "death commissions" that ordered their arbitrary execution. The number of victims is unknown but estimated to be over 5'000. Many of those killed were subjected to torture and other cruel, inhumane and degrading treatment or punishment. Noury is alleged to have participated in the murder and torture of prisoners.

Procedure

Noury was arrested on 9 November 2019 while traveling for personal reasons in Sweden.

On 13 November 2019, the Court allowed his pre-trial detention for a month while the investigation was ongoing. On 11 December 2019, his detention was renewed until 20 January 2020.

NINE SURVIVORS TESTIFY AGAINST SYRIAN INTELLIGENCE OFFICIALS

Members of the Syrian intelligence services

Context

Ongoing proceedings for war crimes, crimes against humanity and torture allegedly committed in Syria

Suspects

Syrian nationals; 25 known and several other unknown high-level officials of the Syrian security services

Country of residence of suspects

Syria

Charges

The investigation focuses on war crimes, crimes against humanity, torture and degrading treatment, rape, severe bodily injury and illegal abduction

Current status

Under preliminary investigation

Developments in 2020

In 2020, the prosecutorial authorities took testimonies of all nine survivors who filed the complaint in 2019.

Facts

Since the beginning of the Syrian civil war in 2011, Syrian military and intelligence services have reportedly been systematically arresting, torturing and killing opposition activists. The complaint details instances of murder, severe torture, detention in inhumane conditions, sexual violence and other inhumane treatment, which the complainants suffered or witnessed while imprisoned by government authorities between February 2011 and June 2015.

After being arrested for activities such as attending peaceful anti-government protests or providing humanitarian aid, the victims were imprisoned in 17 different detention facilities of the Syrian intelligence services, as well as in Saydnaya Military Prison and a detention facility of the Fourth Division of the Syrian Armed Forces.

During their detention, survivors were severely tortured, including being subjected to beatings with sticks, cables and plastic pipes, kicks to head and genitals, electric shocks, sleep deprivation and sexual abuse. They also witnessed the torture and killings of other detainees.

Procedure

On 20 February 2019, nine Syrian torture survivors filed a criminal complaint with the War Crimes Unit of the Swedish Police. The complaint details crimes allegedly committed by 25 known and other unknown high-level Syrian security officials, including heads of the four Syrian intelligence services (Military Intelligence, Air Force Intelligence, General Intelligence Services and Political Security). The complaint was filed in cooperation with the European Center for Constitutional and Human Rights, Syrian lawyers Anwar al-Bunni and Mazen Darwish, the Caesar Files Group and the Swedish organization Civil Rights Defenders.

FOLLOW-UP ON OTHER CASES

- Lundin Petroleum–Alex Schneiter and others: the investigation is ongoing

SWITZERLAND

PREVENTIVE DETENTION MAINTAINED FOR GAMBIAN FORMER MINISTER OF INTERIOR

Ousman Sonko



Context

Ongoing proceedings against former Gambian Minister of Interior for alleged international crimes under Yahya Jammeh's regime

Suspect

Former Inspector General of the Police (2005 to 2006) then Minister of Interior (2006 to 2016)

Country of residence of suspect

Switzerland

Charges

Crimes against humanity and torture

Current status

Under investigation; detained

Developments in 2020

Ousman Sonko's detention was renewed twice, in January 2020 and in July 2020, until 25 January 2021. His application for conditional release was denied. Throughout the year, several witnesses were heard by the Office of the Attorney General (OAG) of Switzerland.

Facts

The Gambia was under the control of Jammeh from 1994 to 2016. For more than two decades, all opposition was repressed: torture, extrajudicial executions and enforced disappearances were widespread.

After Jammeh's re-election in September 2006, Sonko was appointed Minister of Interior. He held this position until September 2016, when he was dismissed from office and left The Gambia.

Procedure

Alerted of Sonko's presence on Swiss territory, TRIAL International lodged a criminal complaint before the prosecuting authorities in Bern 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 applied for asylum. He was charged with crimes against humanity and the case was transferred to the OAG.

On 9 October 2017, the Swiss Federal Supreme Court confirmed the seizure of Sonko's assets, worth approximately 15'000 USD. His detention was extended several times in 2017, 2018 and 2019 to allow the OAG to conduct the investigation.

Nine Gambian victims filed additional complaints. Many of them, along with several witnesses, including the United Nations Special Rapporteur on Torture, were heard by the OAG.

Since 2019 and the beginning of hearings before the Gambia's Truth, Reconciliation and Reparations Commission, Sonko's name has been mentioned several times in relation to human rights violations committed during the Jammeh regime.

SWITZERLAND LAGGING BEHIND OTHER COUNTRIES IN PROSECUTION OF SYRIAN LEADER

Rifaat al-Assad

Context

Ongoing proceedings against the former Vice President and head of the Defense Brigades in Syria for alleged war crimes in Hama in February 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 Brigades (*Saraya al-Difa*), Syria's elite commando troops, from 1971 to 1984

Country of residence of suspect

Various

Charges

War crimes allegedly committed in Hama in February 1982

Current status

Under investigation by the Office of the Attorney General (OAG) for war crimes and by the Spanish criminal authorities for financial offenses; sentenced to four years in prison in France for financial crimes (under appeal)

Developments in 2020

The investigation is ongoing.

In June 2020, Rifaat al-Assad was convicted in France and sentenced to four years in jail, notably for money laundering and embezzlement of Syrian public funds. French authorities also confiscated several properties worth millions. Al-Assad appealed the decision. A second instance trial should take place in 2021.

Facts

Rifaat al-Assad, as the commander of the Defense Brigades, is suspected of having participated in the massacre of several thousand people in Hama in 1982 during the civil war in Syria. In February 1982, opponents of the regime took up arms in Hama. As retaliation, the Syrian armed forces, including the Defense Brigades, attacked the city. The civilian population was trapped and cut off from supply, food and electricity for almost a month.

The estimated number of civilian casualties ranges from 10'000 to 40'000, depending on the source. Apart from the high number of casualties, whole areas of the city were destroyed.

Procedure

In December 2013, after being informed that Rifaat al-Assad was present on Swiss territory, TRIAL International filed a criminal complaint with the OAG accusing him of having committed war crimes during the Hama massacre in 1982.

A criminal investigation was opened a few days later against al-Assad for the same charges. In August 2014, a plaintiff joined the proceedings.

In 2015, Rifaat al-Assad returned to Geneva. TRIAL International and the plaintiff asked the Swiss authorities to arrest him, notably in order to proceed to his hearing. After the OAG refused to proceed with his arrest, the plaintiff filed a motion for provisional measures before the Federal Criminal Court. Two days later, the OAG was ordered by the Court to hear al-Assad without delay. In 2016, three other plaintiffs joined the criminal proceedings.

In 2017, TRIAL International filed an additional complaint, with various offers of proof, regarding the Tadmor massacre. It was dismissed by the OAG.

On September 2017, four years after the official opening of the investigation, one of the private plaintiffs filed a petition alleging a denial of justice. The Federal Criminal Court dismissed it, considering that the extensive delay could notably be explained by the complexity of the case.

In August 2018, a letter to Switzerland signed by the United Nations Special Rapporteurs on torture and on the independence of judges and lawyers was published by the UN. It heavily criticized Switzerland for an alleged lack of independence and political interference notably concerning the case against al-Assad. In five years of proceedings, only four witnesses and two plaintiffs have been heard.

Another procedure is ongoing in France but on different grounds. On 9 December 2019, the trial opened in Paris. Al-Assad was sentenced for having embezzled Syrian public money, which was then laundered via numerous front companies before being invested in stone.

In Spain, an indictment has been issued by a judge on similar grounds.

ALGERIAN FORMER MINISTER: AN ENDLESS INVESTIGATION

Khaled Nezzar

Context

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

Suspect

Former Chief of Staff of the *Armée nationale populaire* (National Popular Army) from 1988 to 1990; Minister of Defense in Algeria from 1990 to 1993; Member of the High Council of State (HCS) from 1992 to 1994

Country of residence of suspect

Algeria

Charges

War crimes, notably acts of torture, killings and enforced disappearances

Current status

Under investigation

Developments in 2020

The investigation is ongoing and several procedural acts were undertaken throughout the year.

Facts

From 14 January 1992 to 31 January 1994, as Minister of Defense and member of the HCS, Khaled Nezzar allegedly incited, authorized and 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", which ended in 2000, caused the death of approximately 200'000 persons and the disappearance of some 20'000 others.

Procedure

In October 2011, after having been informed of the presence of the suspect on Swiss territory, TRIAL International filed a criminal complaint against Nezzar for war crimes committed during the civil war in Algeria. Two victims of torture joined the procedure in 2011 by filing a criminal complaint before the Office of the Attorney General (OAG). In 2012, 2014 and 2016, three other victims filed their own criminal complaint and became plaintiffs.

Nezzar was arrested in October 2011 and interviewed by the OAG. Before being allowed to leave the country, his lawyers challenged the jurisdiction of the OAG, in particular on the grounds that Nezzar would benefit from jurisdictional immunity. In a 25 July 2012 decision, Nezzar's appeal was rejected: the Federal Criminal Court notably considered that functional immunities cannot

be invoked for international crimes. In early January 2017, the OAG dismissed the case, considering that the alleged acts committed by the former Minister of Defense could not be considered as war crimes, on the grounds that there was no war in Algeria when the acts allegedly occurred. On 16 January 2017, some of the plaintiffs appealed the decision before the Federal Criminal Court.

On 30 May 2018, the Federal Criminal Court overturned the decision of the OAG. The Court recognized the existence of a non-international armed conflict in Algeria in the early 1990s and found that there was no doubt that Nezzar was aware of the acts committed under his order. Therefore, the court concluded that the OAG should complete its investigation on war crimes, and determine whether Nezzar could also be charged with crimes against humanity, torture and murder.

In August 2018, a letter to Switzerland by the United Nations Special Rapporteurs on torture and on the independence of judges and lawyers was made public. It heavily criticized Switzerland for an alleged lack of independence and political interference, mentioning explicitly the case against Nezzar.

In Algeria, Nezzar was tried *in absentia* along with other former regime members and sentenced to 20 years of imprisonment for acts of conspiracy against the authority of the State.

FIRST TRIAL OVER LIBERIAN CIVIL WAR OPENS AFTER MULTIPLE DELAYS

Alieu Kosiah

Context

Ongoing trial for international crimes allegedly committed during the first Liberian civil war (1989-1996)

Suspect

Former rebel commander of the United Liberation Movement of Liberia for Democracy (ULIMO)

Country of residence of suspect

Switzerland

Charges

War crimes, including murder, rape, inhumane treatment, looting and the recruitment and use of child soldiers

Current status

Ongoing trial

Developments in 2020

The trial was due to start in April 2020 but was postponed four times because of covid-19. In December 2020, the first hearing of the accused took place. The rest of the trial is expected to start in February 2021. Seven plaintiffs as well as nine witnesses are expected to be heard in court.

Facts

During the first Liberian civil war (1989-1996), Alieu Kosiah joined the ULIMO, which gathered supporters of former President Samuel Doe. The ULIMO carried out attacks against former Liberian Preseident Charles Taylor's National Patriotic Front of Liberia.

Kosiah is accused of having: ordered or participated in the murder of civilians and soldiers *hors de combat*, desecrated the corpse of a civilian, raped a civilian, ordered the cruel treatment of civilians, recruited and employed a child soldier, ordered several pillages and ordered and/or participated in forced transports of goods and ammunition by civilians. He allegedly committed these crimes between March 1993 and the end of 1995 as commander of the ULIMO.

Procedure

In July and August 2014, seven Liberian victims, assisted by the NGO Civitas Maxima, filed a complaint in Switzerland against Kosiah for his alleged participation in war crimes and systematic killings committed between 1993 and 1995 in Lofa County (northwestern Liberia). An investigation for war crimes was opened in August 2014.

On 10 November 2014, Kosiah was arrested in Switzerland. On 13 November 2014, a Swiss judge decided to hold him in pre-trial detention.

On 22 March 2019, the Office of the Attorney General of Switzerland presented an indictment against Kosiah to the Federal Criminal Court. Kosiah is accused of violations of the laws of war as a member of a military faction in the 1989-1996 Liberian war, including acts of sexual violence, recruitment of child soldiers, lootings, ordering and participating in the forced movement of looted goods and ammunitions, forcing civilians to work in cruel conditions, ordering and committing murders and carrying out acts of cannibalism.

GUATEMALAN HEAD OF POLICE APPEALS TO EUROPEAN COURT OF HUMAN RIGHTS

Erwin Sperisen

Context

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

Suspect

Dual Swiss and Guatemalan citizen; head of the National Civilian Police (NCP) of Guatemala from 2004 to 2007

Country of residence of suspect

Switzerland

Charges

Extrajudicial executions of seven inmates at the Pavón prison in Guatemala in 2006

Current status

Sentenced confirmed at the national level; appealed before the European Court of Human Rights (ECtHR)

Developments in 2020

Erwin Sperisen requested the review of the Swiss Federal Court's judgment. His appeal was dismissed by the Court on 27 April 2020.

On 27 May 2020, Sperisen brought a case to the ECtHR alleging violations of Articles 3, 5, 6 and 13 of the European Convention on Human Rights, including alleged partiality of the judges and a breach of his presumption of innocence

Facts

In September 2006, 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 extrajudicial execution of seven prisoners.

Procedure

In 2008, TRIAL International and several Swiss organizations filed a criminal complaint against Sperisen with the Office of the Attorney General 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 joined the criminal proceedings.

Sperisen's 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 other charges.

Sperisen appealed the conviction and his appeal trial 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 extrajudicial executions for which Sperisen was found guilty in the first instance, he was condemned as jointly responsible for the murder of three fugitives from the Infiernito prison, though not as a direct perpetrator. Sperisen lodged an appeal against the conviction.

On 29 June 2017, the Swiss Federal Court overturned the judgment of the Criminal Chamber of the Geneva Court of Appeal and ordered Sperisen's retrial.

On 20 September 2017, the Swiss Federal Court allowed Sperisen's release pending his retrial.

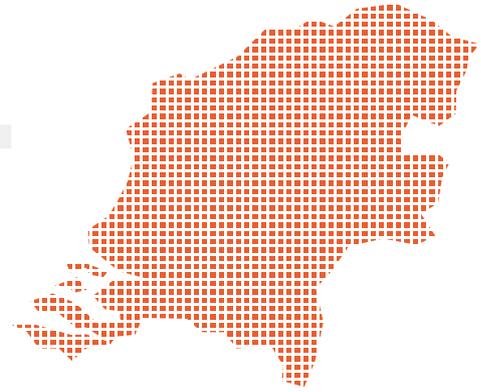
Sperisen's new trial took place in April 2018 in Geneva. On 27 April 2018, Sperisen was sentenced to a 15-year sentence for his complicity in the murders. He appealed the judgment to the Swiss Federal Court.

On 28 November 2019, the Swiss Federal Court confirmed the conviction of Sperisen and his sentence to 15 years in prison. The Court confirmed his participation in the killing of seven detainees during the repression of a mutiny at the Pavón prison in September 2006.

FOLLOW-UP ON OTHER CASES

- Huber: the investigation is ongoing

THE NETHERLANDS



JABHAT AL-NUSRA COMMANDER REMAINS IN DETENTION

Abu Khuder

Context

Ongoing proceedings for war crimes allegedly committed in Syria in 2012. This is the first case of a foreign national being charged for crimes committed during the Syrian civil war under Dutch universal jurisdiction laws

Suspect

Syrian national; alleged former member of Jabhat al-Nusra

Country of residence of suspect

The Netherlands

Charges

War crimes and membership in a terrorist organization

Current status

Under investigation; detained

Developments in 2020

Ahmad al Khedr, also known as Abu Khuder, remained in detention, his request to be released due to the illness of his daughter was rejected. He was, however, allowed to visit his family every three to four weeks, accompanied by prison guards.

Facts

According to an interview he gave to the newspaper The Guardian in 2012, Khuder was an officer in

a Syrian border force known as the Camel Corps when the Syrian conflict erupted in 2011, prompting him to join the Free Syrian Army (FSA) in its fight against the al-Assad regime. The same article states that Khuder subsequently became disillusioned with the FSA's disorganization and lack of success.

He allegedly radicalized and joined Jabhat al-Nusra, a group previously linked to al-Qaeda, after members of that organization helped them attack an army base in the eastern city of Mohassan, driving out the government forces. He then reportedly rose to command a Jabhat al-Nusra battalion known as *Ghuraba'a Mohassan* (Strangers of Mohassan). In this capacity, Khuder allegedly participated in the execution of a captured Syrian lieutenant colonel in July 2012. Khuder denies the charges, maintaining that he lied to the Guardian journalist regarding his membership in Jabhat al-Nusra and that he, while present at the site of the killing, was not involved in the officer's execution.

Procedure

Khuder has been living in the Netherlands since 2014, where he was granted temporary asylum. On 21 May 2019, he was arrested by Dutch police on suspicion of war crimes and terrorism offenses. According to the Dutch National Public Prosecutor, the arrest was

based on witness testimonies obtained following a raid against six suspected former Jabhat al-Nusra members in Germany.

On 24 May 2019, an investigative judge in The Hague ordered the prolongation of Khuder's detention during the judicial investigation. In hearings on 2 September and 18 November 2019, the lawyers of the accused denied the charges.

Active personality

WITNESSES AND VICTIMS TESTIFY IN THE INVESTIGATION AGAINST AFGHAN PRISON COMMANDER

Abdul Razaq Arif

Context

Ongoing proceedings for war crimes allegedly committed in Afghanistan in the 1980s

Suspect

Dual Afghan and Dutch citizen; alleged former commander of the Pul-e-Charki prison in Kabul

Country of residence of suspect

The Netherlands

Charges

War crimes

Current status

Pending trial; detained

Developments in 2020

In 2020, the prosecutors have reportedly gathered witness statements from victims and former employees in the Afghan communist government, demonstrating that the suspect worked in three different positions at the Pul-e-Charki prison. The trial should start in late 2021 before the District Court of The Hague.

Facts

The suspect is alleged to have been the commander and the head of the Department of Political Affairs of the Pul-e-Charki prison in Kabul in the 1980s. The prison was reportedly notorious for its inhumane regimen during the Soviet-Afghan war, with detainees being illegally imprisoned, tortured and subjected to inhumane and degrading treatment, as well as executed. According to the Dutch Public Prosecutor, investigators of the International Crimes Team have received dozens of witness statements testifying to Abdul Razaq Arif's involvement in the crimes.

Procedure

On 12 November 2019, the Dutch police arrested Arif on suspicion of war crimes. He reportedly arrived in the Netherlands in 2001 and later obtained Dutch nationality.

YOUTUBE VIDEO PRESENTED TO PROVE WAR CRIME

Name withheld

Context

Ongoing proceedings for war crimes allegedly committed in Syria in 2015 by a commander of the Salafist militant group Ahrar al-Sham. That group was designated as a terrorist organization by a Dutch court in 2019

Suspect

Syrian national; alleged former commander of Ahrar al-Sham

Country of residence of suspect

The Netherlands

Charges

War crimes and membership in a terrorist organization

Current status

Detained; under investigation

Developments in 2020

On 15 January 2020, the suspect was heard before the High Secure Court in Amsterdam. Two witnesses stated that the suspect was with Ahrar al-Sham. The Public Prosecutor found a YouTube video showing the suspect celebrating the death of government soldiers. The suspect's lawyer rejected this evidence and argued it would not be possible to ascertain that his client could be identified on the video.

Facts

According to the prosecution, the suspect commanded Ahrar al-Sham fighters and took part in an offensive in the city of Hama in April 2015. During this time, he allegedly subjected persons who were *hors de combat* to humiliating and degrading treatment by posing with the corpse of an enemy fighter and kicking the body of another. In addition, he allegedly appears in a video, posted on YouTube, "singing to celebrate the deaths of fighters and referring to them as dogs".

Procedure

On 22 October 2019, Dutch police arrested the suspect in an asylum center in Ter Apel, on suspicions of outrages upon personal dignity constituting a war crime. According to the Dutch Public Prosecutor, the suspect was flagged by German authorities in 2015 when he spent a short time seeking asylum there before returning to Syria due to personal circumstances.

APPEAL TRIAL ONGOING IN THE RED TERROR CASE

Eshetu Alemu

Context

Ongoing proceedings for war crimes committed in Ethiopia during the Red Terror

Suspect

Dutch national originally from Ethiopia; former member of the Provisional Military Administrative Council, also known as the Dergue, during the Mengistu Haile Mariam regime

Country of residence of suspect

The Netherlands

Charges

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

Current status

Sentenced to life in prison; appeal ongoing

Developments in 2020

The appeal is ongoing.

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 the next 17 years. In February 1977, the Red Terror was officially declared, which led to mass killings, arrests, torture and enforced disappearances against suspected political opponents. Eshetu Alemu is accused of ordering the execution of 75 people, of torturing nine people and of controlling the illegal detention of more than 300 people in cruel and inhumane conditions in the Gojjam province during the Red Terror.

In 1990, Alemu fled to the Netherlands as an asylum seeker and acquired Dutch citizenship in 1998.

Procedure in Ethiopia

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

Procedure in the Netherlands

Alemu was arrested in the Netherlands in September 2015. In September 2016, 15 Ethiopian witnesses residing in the United States and Canada were questioned by a Dutch judge and a prosecutor. Alemu pleaded not guilty to all charges.

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

Alemu appealed his conviction on 3 January 2018. On 23 April 2018, a first pre-trial hearing took place before The Hague Court of Appeal. At the defense's request, on 19 November 2018, the Court agreed to hear a dozen witnesses in Ethiopia. An investigative judge traveled to Ethiopia, together with the defense counsel and prosecutors, to hear those witnesses.

"BLOOD TIMBER" BUSINESSMAN DECLARED *PERSONA NON GRATA* IN SOUTH AFRICA

Guus Kouwenhoven

Context

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

Suspect

Dutch national, Director of Operations at the Oriental Timber Company and owner of the Royal Timber Company, both operating in Liberia

Country of residence of suspect

The Netherlands

Charges

Complicity in war crimes; supplying arms and ammunition in violation of embargoes

Current status

Sentenced; extradition denied

Developments in 2020

On 21 February 2020, the Cape Town Magistrate's Court denied the extradition request of Guus Kouwenhoven to the Netherlands, as South Africa's Extradition Act limits extraditions to those regarding offenses committed within the applicant state.

On 5 November 2020, the South African Department of Home Affairs canceled Kouwenhoven's visitor's visa and declared him undesirable. He was given 10 working days (until 20 November) to appeal the decision.

According to Kouwenhoven's attorney, a challenge to the conviction in the Netherlands is currently pending before the European Court of Human Rights.

Facts

Whilst managing the largest timber operation in Liberia, Kouwenhoven facilitated the importation of weapons for then-Liberian President Charles Taylor, thereby contravening United Nations Security Council embargoes. These weapons were supplied to militias and used to carry out numerous massacres during the second Liberian civil war.

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

Procedure

On 18 March 2005, 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 UN on Liberia.

His trial began on 24 April 2006 in The Hague. On 7 June 2006, the Dutch Court acquitted Kouwenhoven of war crimes due to a lack of evidence. He was, however, sentenced to an

eight-year prison term for breaking the UN arms embargo. Both sides filed an appeal.

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

On 20 April 2010, the Supreme Court of the Netherlands overturned the decision of the Court of Appeal. The Supreme Court considered that the appeal judges wrongly rejected a prosecution request to hear the testimonies of two new witnesses, and ordered a retrial.

In December 2016, Kouwenhoven fled to South Africa. Kouwenhoven's appeal hearings nevertheless began on 6 February 2017 before the Court of Appeal of Den Bosch. On 10 February 2017, the prosecution requested a 20-year prison sentence.

On 21 April 2017, the Court of Appeal of Den Bosch sentenced Kouwenhoven *in absentia* to 19 years' imprisonment for complicity in war crimes committed in Liberia and for his involvement in arms trafficking. The Court of Appeal considered that by providing weapons, personnel and equipment to the armed conflict, Kouwenhoven consciously accepted the probability that war crimes and/or crimes against humanity would be committed.

On 8 December 2017, Kouwenhoven was arrested in South Africa on a Dutch warrant. The Netherlands requested his extradition.

Kouwenhoven's extradition hearings in South Africa were postponed several times in 2018 for medical

reasons. The last hearing took place in October 2018.

On 26 June 2018, the Advocate General advised the Dutch Supreme Court to uphold the appeal judgment and confirm his conviction for complicity in war crimes. On 18 December 2018, the Supreme Court upheld his conviction for aiding and abetting war crimes. The judgment is now final.

Kouwenhoven challenged the legality of the arrest warrant issued by the Magistrate's Court in Pretoria, South Africa, arguing that it was unlawful and invalid. On 19 September 2019, the Court confirmed that the warrant itself, the applicant's arrest on 8 December 2017 and the proceedings to date were all lawful.

UNITED KINGDOM



GENOCIDE SUSPECTS QUESTIONED BY THE METROPOLITAN POLICE

Vincent Bajinya, Célestin Ugirashebuja, Charles Munyaneza, Emmanuel Nteziryayo and Célestin Mutabaruka

Context

Ongoing investigations against five suspects for crimes committed during the 1994 genocide in Rwanda

Suspects

Five Rwandan nationals: Vincent Bajinya (also known as Vincent Brown), allegedly a close associate of former Rwandan President Juvénal Habyarimana; Célestin Ugirashebuja, allegedly mayor of Kigoma in the Gitamara province, and a longstanding member of the National Revolutionary Movement for Democracy and Development; Charles Munyaneza, allegedly mayor of Kinyamakara in the Gikongoro province; Emmanuel Nteziryayo, allegedly mayor of Mudasmowa in the Gikongoro province; and Célestin Mutabaruka, allegedly a local politician in the Gikongoro province

Country of residence of suspects

United Kingdom

Charges

Genocide, complicity in genocide, crimes against humanity and conspiracy to murder

Current status

Under investigation

Developments in 2020

In September 2020, the suspects (except Munyaneza, who suffered a stroke) were voluntarily questioned by police. None were arrested.

Facts

Bajinya is alleged to have established and supervised checkpoints in Kigali and near Kibihekane School in northwest Rwanda, where killings took place. Munyaneza is alleged to have encouraged others to kill Tutsis, organized roadblocks and led several attacks in Ruhashya, which killed thousands. Nteziryayo and Ugirashebuja are alleged to have ordered the killing of Tutsis and to have provided weapons to do so. Mutabaruka is alleged to have led attacks in Gatere and on Muyira Hill in Biseseero, which are reported to have killed tens of thousands.

Procedure

On 29 May 2013, following extradition requests by the Rwandan authorities, the UK police arrested the five suspects. Four of the suspects had already been arrested in 2006 following an earlier extradition

request by Rwanda. They were later released following the UK's refusal to extradite due to concerns about their right to a fair trial in Rwanda.

On 22 December 2015, a British court declined to order extradition in response to a new request. The decision regarding the first four suspects was founded on the conclusion that there was a real risk of an unfair trial if they were extradited, such that there would be a breach of Article 6 of the European Convention on Human Rights. The decision regarding Mutabaruka was that his extradition was barred by the rule against double jeopardy.

An appeal took place before the High Court. On 28 July 2017, the Court upheld the first instance decision. It ruled that if extradited, the suspects would be at risk of a flagrant denial of the right to a fair trial. It also found that the extraditions of Mutabaruka and Nteziryayo were barred by the rule against double jeopardy.

In January 2018, Rwandan General Prosecutor Jean Bosco Mutangana and Prosecutor Jean Bosco Siboyintore, Head of the Genocide Suspects Tracking Unit, traveled to London to request the UK to open an investigation against the five

suspects. They recalled the obligation of the UK, if it was unwilling to extradite the suspects, to try them in its own courts. The Metropolitan Police has since commenced an investigation.

The five suspects are being investigated for their alleged involvement in the 1994 genocide. On 9 April 2019, British police forces announced that the allegations against the suspects were being actively investigated. The UK Minister of State for Security and Economic Crime announced that officers had been sent to Rwanda to investigate on the ground.

45-YEAR-OLD LONDONER SUSPECTED OF WAR CRIMES

Name withheld

Context

Arrest and ongoing inquiries into a suspect of war crimes committed during the first and second Liberian civil wars (1989-1996 and 1999-2003 respectively)

Suspect

45-year-old Liberian national

Country of residence of suspect

United Kingdom

Charges

War crimes

Current status

Under investigation

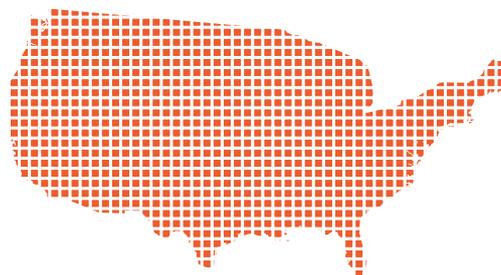
Developments in 2020

On 27 August 2020, officers from the Metropolitan Police's War Crimes Team arrested a 45-year-old man on suspicion of war crimes contrary to Section 51 of the International Criminal Court Act 2001, as confirmed by Scotland Yard. The man was held in custody while officers searched an address in southeast London. He was questioned at a central London police station and was then released under investigation on 28 August 2020.

UNITED STATES OF AMERICA

FIRST PROSECUTION OF A MEMBER OF YAHYA JAMMEH'S DEATH SQUAD

Michael Sang Correa



Context

Ongoing proceedings against an alleged former member of the Junglers, a paramilitary unit in The Gambia, for crimes of torture committed in March and April 2006. The Junglers are believed to be responsible for carrying out widespread human rights abuses on behalf of former Gambian President Yahya Jammeh

Suspect

Alleged former member of the Junglers death squad unit

Country of residence of suspect

United States of America

Charges

Torture and conspiracy to commit torture

Current status

Detained; pending trial

Developments in 2020

Michael Sang Correa applied for asylum in the US, but his application was denied in January 2020. He appealed this denial in February 2020.

On 11 June 2020, the US Department of Justice charged Correa with six counts of torture and one count of conspiracy to commit torture under the US' extraterritorial torture statute. Correa pleaded not guilty to the charges against him and is currently in detention awaiting trial. Correa's indictment marks the first prosecution of a member of Jammeh's death squad anywhere in the world, and is only the third time the US has laid charges pursuant to its extraterritorial torture statute.

Facts

The Gambia was under the control of Yahya Jammeh from 1994 to 2016. For more than two decades, human rights violations, including enforced disappearances, torture, extrajudicial killing, sexual violence and arbitrary detention were widespread.

The Junglers were an armed unit of the presidential guard that reported directly to Jammeh. In the aftermath of a failed coup in 2006, the regime announced that it would crush all opposition. A wave of arrests took place in The Gambia. Correa and other Junglers allegedly tortured the detainees. In 2015, the United Nations Special Rapporteur on Torture found that the Junglers carried out the regime's most repressive abuses: arbitrary detention, torture, enforced disappearance and extrajudicial killing.

Procedure

On 17 September 2019, the US Department of Homeland Security arrested Correa in Denver, Colorado for overstaying his visa. Correa was placed in immigration detention and removal proceedings.

Following news of his detention, a coalition of human rights organizations and Correa's victims, including the Center for Justice and Accountability, the African Network Against Extrajudicial Killings and Enforced Disappearances, the Gambia Center for Victims of Human Rights Violations, the Guernica Centre for International Justice, Human Rights Watch, the Solo Sandeng Foundation and TRIAL International called on the US to investigate the credible allegations of grave international crimes committed by Correa in The Gambia.

HISTORICAL SENTENCE UPHELD IN IMMIGRATION FRAUD CASE

Mohammed Jabbateh

Context

Closed trial and appeal proceedings in Philadelphia, Pennsylvania for immigration fraud and perjury. Jabbateh 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 former Liberian President Charles Taylor's National Patriotic Front of Liberia

Country of residence of suspect

United States of America

Charges

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

Current status

Convicted to 30 years in prison; sentence upheld on appeal

Developments in 2020

On 8 September 2020, the United States Court of Appeals for the Third Circuit rejected Mohammed Jabbateh's appeal, upholding his conviction and 30-year prison sentence in full.

Facts

During the first Liberian civil war, Jabbateh was a high-ranking officer in the rebel group ULIMO.

In this capacity, 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 captured fighters and the desecration and mutilation of corpses.

Procedure

Jabbateh was arrested on 13 April 2016 in Philadelphia. He was placed under house arrest on 18 April 2016. The NGO Civitas Maxima and its Liberian sister organization, the Global Justice and Research Project, collaborated with the US Department of Homeland Security on the investigation since 2014.

The trial began on 2 October 2017 in

Philadelphia. Over 20 victims came from Liberia to testify regarding crimes committed by 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 Jabbateh among his ULIMO fighters.

Jabbateh 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 US. On 18 October 2017, he was found guilty by a jury on all four counts. He appealed his conviction and sentence.

CONVICTED NPFL SPOKESMAN DIES OF COVID-19

Juontee Thomas Smith Woewiyu

Context

Concluded trial in Philadelphia, Pennsylvania for immigration fraud and perjury. Juontee Thomas Smith Woewiyu lied to the immigration authorities regarding his involvement in the first Liberian civil war

Suspect

Co-founder and co-leader of the National Patriotic Front of Liberia (NPFL); he served as the faction's Spokesman and Defense Minister in former President Charles Taylor's government.

Country of residence of suspect

United States of America

Charges

Immigration fraud, perjury

Current status

Convicted; deceased from covid-19 while awaiting sentencing

Developments in 2020

On 12 April 2020, after repeated postponements of his sentencing hearing in 2018 and 2019, Woewiyu died of covid-19 after a week of treatment at the Bryn Mawr Hospital in Philadelphia.

Facts

Woewiyu was one of the co-founders and leaders of the NPFL, a military organization led by Taylor aiming to overthrow the Doe government. On 24 December 1989, the NPFL entered Liberia through the Côte d'Ivoire. By April 1990, it controlled 90 percent of the country.

The NPFL is accused of many international crimes, including sexual slavery, mass murders and the recruitment and use of child soldiers. Woewiyu was involved in the planning of attacks on civilians, including Operation Octopus in 1992. The operation led to the violent attempted seizure of the capital Monrovia, and resulted in the murder of thousands of soldiers/fighters and civilians, including the executions of five American nuns.

Since January 1972, Woewiyu had legal permanent residence in the US. He had applied for citizenship in January 2006.

Procedure

On 30 January 2014, Woewiyu was indicted on seven counts of perjury, six counts of immigration fraud and three counts of false statements related to his naturalization. Woewiyu was accused of having lied on his citizenship application; failing to disclose his association with the NPFL. He was also accused of having been connected to crimes committed by the NPFL.

On 12 May 2014, Woewiyu was arrested in Newark Airport in New Jersey as he was returning from Liberia. In October 2014, bail was paid, and a federal judge from Philadelphia granted him temporary release before his trial, under the condition that he stayed under house arrest. On 11 June 2018, his trial commenced in Philadelphia. Over 35 witnesses testified to his direct and indirect involvement with war crimes during the civil war. On 3 July 2018, the jury found him guilty on 11 of 16 counts. The maximum sentence he faced was 75 years in prison.

CIVIL UNIVERSAL JURISDICTION CASES

In the United States, suspects of international crimes who are found in the country can be subject to civil suit for violations of international law committed outside of the US, based on several different federal statutes:

The Alien Tort Statute (ATS) gives US federal courts jurisdiction to hear lawsuits filed by non-US citizens for torts committed in violation of international law where the claims sufficiently touch and concern the territory of the US. Over the past 30 years, the ATS has been used successfully in cases involving torture, State-sponsored sexual violence, extrajudicial killings, crimes against humanity, war crimes and arbitrary detention.

The Torture Victim Protection Act (TVPA) allows US citizens and non-citizens alike to bring civil claims for torture and extrajudicial killing committed by foreign State actors.

The Foreign Sovereign Immunities Act and the Anti-Terrorism Act also permit civil claims against perpetrators of mass atrocity under limited circumstances.

These civil cases not only offer survivors an opportunity to face their abusers in a court of law, but can also pave the way for criminal proceedings. Hereafter are some cases with notable developments from this past year.

Mamani et al. v. Sánchez de Lozada and Sánchez Berzaín

In 2007, the Center for Constitutional Rights filed a lawsuit on behalf of nine Aymara indigenous Bolivians in a federal court in Florida under the ATS and TVPA against the former President of Bolivia, Gonzalo Sánchez de Lozada, and the former Minister of Defense, Carlos Sánchez Berzaín.

The claims arose from a brutal crackdown by the Bolivian military during a period of civil unrest in September and October 2003, during which over 50 civilians were killed and hundreds more were injured. The Aymara plaintiffs sought to hold these two officials responsible for their alleged role in planning and organizing the mass killings that resulted in the death of their family members.

In April 2018, a federal jury found Sánchez de Lozada and Sánchez Berzaín responsible for their roles in planning and ordering the crackdown that led to the extrajudicial killings. This was the first time a former head of State was found guilty in a US court for human rights abuses. In May 2018, the trial court judge overturned the unanimous jury verdict, a decision which was appealed by the plaintiffs.

In August 2020, the court of appeals reversed the lower court's ruling. The case was remanded back to the trial court for further proceedings, which are currently underway.

Camps v. Bravo

In 2020, the Center for Justice and Accountability brought a lawsuit in a federal court in Florida under the TVPA against Roberto Guillermo Bravo for his alleged role in the 1972 massacre of 19 political prisoners held at the Almirante Zar naval base in Trelew, Argentina.

In 1972, political prisoners were detained far from their relatives and lawyers in Rawson prison, in the southern province of Chubut, Argentina. A group of these political prisoners attempted to escape on 16 August 1972. Of the 25 individuals who fled the detention center, 19 were recaptured at the nearby airport. This group of young men and women were transported to Almirante Zar naval base, where they were interrogated and allegedly tortured.

A week later, on 22 August 1972, a group of Argentinian naval officers, including Bravo, entered the holding cell area in the middle of the night. They reportedly ordered the prisoners to exit their cells and lined them up against a wall. The officers then allegedly opened fire on the group, shooting indiscriminately. Many of the prisoners were killed or injured in the initial round of gunfire. Others attempted to hide but were allegedly tracked by the officers and shot at close range.

Argentinian courts found the Trelew Massacre was a crime against humanity, committed in the context of widespread and systematic persecution of the political opponents of the so-called Argentinian Revolution, a military dictatorship that

began in 1968, and which appointed General Alejandro Lanusse as *de facto* president in 1971.

Bravo was arrested by US authorities in 2019 and released on bail pending the certification of his extradition to Argentina where an arrest warrant was issued against him.

Boniface v. Viliena

This case seeks to hold Mayor Jean Morose Viliena accountable for a 2007 to 2009 campaign of killing, torture and mass arson that took place in Haiti. Viliena is a United States legal permanent resident.

In 2017, the Center for Justice and Accountability filed a lawsuit before a federal court in Massachusetts setting out claims under the ATS and TVPA against Viliena on behalf of three media activists and human rights defenders who spoke out against government corruption and brutality.

In August 2018, the court ruled that claims related to torture, murder and mass arson were permitted to proceed. The defendant sought an interlocutory appeal, which was ultimately denied by the First Circuit Court of Appeals in February 2020. The case is currently in civil discovery, with trial scheduled for 2021.



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Aung San Suu Kyi and others	Argentina	Myanmar		•	•			Under investigation	19
Khaled H. and others	Austria	Syria			•	•		Under investigation	20
Fabien Neretsé	Belgium	Rwanda		•		•		Sentenced to 25 years' imprisonment; confirmed on appeal	21
Ernest Gakwaya and Emmanuel Nkunduwimye	Belgium	Rwanda		•		•		Pending trial	22
Alexis Thambwe Mwamba	Belgium	Democratic Republic of the Congo			•	•		Case closed	23
Pierre Basabose, Séraphin Twahirwa and Christophe Ndangali	Belgium	Rwanda				•		Under investigation; detained and under judicial surveillance	24
Martina Johnson	Belgium	Liberia			•	•		Under investigation; under house arrest, indicted	25
Gibril Massaquoi	Finland	Sierra Leone			•	•		Under investigation; detained	26
Iraqi twin brothers	Finland	Iraq				•	•	Acquittal confirmed on appeal; case definitively closed	27
Roger Lumbala	France	Democratic Republic of the Congo			•			Under investigation; detained	28
Abdulhamid A.	France	Syria			•			Under investigation	29
Ali Mamluk, Jamil Hassan and Abdel Salam Mahmoud	France	Syria	•		•	•	•	Under investigation	30
The Rémi Ochlik, Marie Colvin and Edith Bouvier investigation	France	Syria				•		Under investigation	31
Sabri Essid and Nabil Greseque	France	Syria		•	•			Under investigation; arrest warrant issued	32

CASE	COUNTRY OF PROSECUTION	COUNTRY OF COMMISSION	CHARGES					CURRENT STATUS	PAGE
			Torture	Genocide	Crimes against humanity	War crimes	Other charges		
Active personality Lafarge SA–Eric Olsen and others	France	Syria			•		•	Under investigation	33
Active personality BNP Paribas	France	Sudan	•	•	•		•	Under investigation	35
Amesys	France	Libya	•					Under investigation	36
Ahmed Hamdane El Aswadi	France	Iraq				•	•	Under investigation; under extradition proceeding	37
Mahamat Nouri	France	Chad, Sudan			•			Under investigation	38
Eric Danboy Bagale	France	Central African Republic	•		•	•	•	Under investigation; detained	39
Kunti K.	France	Liberia	•				•	Under investigation; detained	40
Islam Alloush	France	Syria	•			•	•	Under investigation; indicted; detained	41
Active personality Philippe Hategekimana	France	Rwanda		•				Under investigation; detained	42
Eugène Rwamucyo	France	Rwanda		•	•			Pending trial	43
Laurent Bucyibaruta	France	Rwanda		•	•			Referred to the criminal court; referral under appeal	43
Active personality Claude Muhayimana	France	Rwanda		•	•			Pending trial	44
Structural investigation into crimes committed by the Syrian regime	Germany	Syria			•	•	•	Under investigation	46
Anwar R. and Eyad A.	Germany	Syria	•		•		•	On trial	48

CASE	COUNTRY OF PROSECUTION	COUNTRY OF COMMISSION	CHARGES					CURRENT STATUS	PAGE
			Torture	Genocide	Crimes against humanity	War crimes	Other charges		
Alaa M.	Germany	Syria	•		•			Under investigation; detained	50
Kassim A.	Germany	Syria				•		Sentenced to 1.5 years' imprisonment	51
Carla-Josephine S.	Germany	Syria				•	•	Convicted for war crime	51
Abdalfatah H. A., Abdul Jawad A. K., Abdulrahman A. A. and Abdoufatah A.	Germany	Syria				•	•	Sentenced	51
Mohammed Rafea Yaseen Y.	Germany	Syria				•	•	Sentenced	52
Fares A. B.	Germany	Syria				•	•	Sentenced	52
Khedr. A. K. and Sami A. S.	Germany	Syria				•	•	Arrested; under investigation	52
Active personality Jennifer W.	Germany	Iraq				•	•	On trial	53
Active personality Taha A. J.	Germany	Iraq		•	•		•	On trial	53
Active personality Omaima A.	Germany	Syria			•		•	Sentenced to 3.5 years' imprisonment	54
Active personality Nurten J.	Germany	Syria			•	•	•	Pending trial	54
Active personality Luis Esteban Kyburg	Germany	Argentina	•		•		•	Under preliminary investigation	55
Seven Gambian nationals	Germany	The Gambia			•			Under investigation	56
Ahmad Zaheer D.	Germany	Afghanistan				•		Convicted; new sentence expected	57
Yahya Jammeh	Ghana	The Gambia			•		•	Pending investigation	58

CASE	COUNTRY OF PROSECUTION	COUNTRY OF COMMISSION	CHARGES					CURRENT STATUS	PAGE
			Torture	Genocide	Crimes against humanity	War crimes	Other charges		
Hassan Faroud	Hungary	Syria			•		•	Sentenced to life imprisonment; under appeal	59
Mohammed Condè, Hameda Ahmed and Mahmoud Ashuia	Italy	Libya					•	Sentenced	60
Active personality RWM Italia S.p.A	Italy	Saudi Arabia					•	Case dismissed; under appeal	61
Passive personality Belarus officials	Lithuania	Belarus	•					Under investigation	62
Paul Mwilambwe	Senegal	Democratic Republic of the Congo					•	Under investigation	63
Passive personality Inocente Orlando Montano Morales	Spain	El Salvador					•	Sentenced to 133 years' imprisonment	64
Hamid Noury	Sweden	Iran				•		Under investigation; detained	66
Members of the Syrian intelligence services	Sweden	Syria	•		•	•	•	Under investigation	67
Ousman Sonko	Switzerland	The Gambia	•		•			Under investigation; detained	68
Rifaat al-Assad	Switzerland	Syria				•		Under investigation; sentenced to 4 years' imprisonment in France	69
Khaled Nezzar	Switzerland	Algeria	•			•		Under investigation	71
Alieu Kosiah	Switzerland	Liberia				•		On trial	72
Active personality Erwin Sperisen	Switzerland	Guatemala					•	Sentenced to 15 years' imprisonment; confirmed on appeal; case before the European Court of Human Rights	73

CASE	COUNTRY OF PROSECUTION	COUNTRY OF COMMISSION	CHARGES					CURRENT STATUS	PAGE
			Torture	Genocide	Crimes against humanity	War crimes	Other charges		
Abu Khuder	The Netherlands	Syria				•	•	Under investigation; detained	74
Active personality Abdul Razaq Arif	The Netherlands	Afghanistan				•		Pending trial; detained	75
Ahrar al-Sham commander	The Netherlands	Syria				•	•	Under investigation; detained	76
Active personality Eshetu Alemu	The Netherlands	Ethiopia				•		Sentenced to life imprisonment; re-trial ongoing	77
Active personality Guus Kouwenhoven	The Netherlands	Liberia				•	•	Sentenced to 19 years' imprisonment; extradition denied	78
Vincent Bajinya, Célestin Ugirashebuja, Charles Munyaneza, Emmanuel Nteziryayo and Célestin Mutabaruka	United Kingdom	Rwanda		•	•		•	Under investigation	80
Liberian suspect	United Kingdom	Liberia				•		Under investigation; detained	82
Michael Sang Correa	United States of America	The Gambia	•					Pending trial; detained	83
Mohammed Jabbateh	United States of America	Liberia					•	Conviction and 30-year prison sentence upheld on appeal	84
Juontee Thomas Smith Woewiyu	United States of America	Liberia					•	Convicted; deceased from covid-19 while awaiting sentencing	85
Civil universal jurisdiction cases	United States of America						•	Under investigation	86

WHO WE ARE

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.

www.trialinternational.org

THE EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

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.

www.ecchr.eu

REDRESS

REDRESS is a non-governmental organization that pursues legal claims on behalf of survivors of torture in the UK and around the world to obtain justice and reparation for the violation of their human rights. It empowers survivors to access justice through cases against governments, civil cases against individuals and cases where it advocates for law enforcement bodies to prosecute perpetrators under the principle of universal jurisdiction. REDRESS's approach is strategic, so that as well as representing an individual it targets the policy reasons that enabled the torture to take place, by building a campaign that uses advocacy, community engagement and communications to influence change.

www.redress.org

THE CENTER FOR JUSTICE AND ACCOUNTABILITY

The Center for Justice and Accountability (CJA) is a United States-based human rights legal organization dedicated to accountability for torture, war crimes, crimes against humanity and other grave abuses. Using innovative litigation and transitional justice strategies, CJA partners with survivors and their communities to seek truth, justice and redress for atrocity.

www.cja.org

CIVITAS MAXIMA

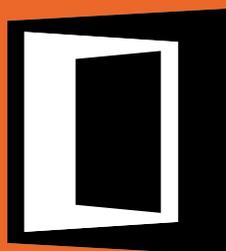
Civitas Maxima, based in Geneva (Switzerland), ensures the coordination of a network of international lawyers and investigators who work for the interest of those who have been victims of international crimes, particularly war crimes and crimes against humanity.

www.civitas-maxima.org

THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS

The International Federation of Human Rights (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 192 member organisations from 117 countries around the world. An independent organization: FIDH is not linked to any party or religion, and is independent of all governments.

www.fidh.org



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