International, Impartial and الآليّـة الــدوليّة
Independent Mechanism المحــايدة والمســتقلة
to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious
Crimes under International Law Committed in the Syrian Arab Republic since March 2011   Bulletin N°5 – February 2021

MESSAGE FROM THE HEAD OF IIIM

2021 brings with it the anniversary of the start of Syria's crisis. A decade of man-made devastation has wrought an unprecedented humanitarian crisis of displacement, international crimes, and human rights violations.

Those of us who work in the accountability field must reflect on what has been done in this period to offer hope for justice for the victims and survivors of these crimes.

Leading the IIIM's work, I can see that while we have a long way to go, there have been significant steps in the past few years.

- National war crimes units and specialised prosecutors in Europe and elsewhere, are conducting investigations and prosecutions.

- Several of these units are cooperating closely with each other, and in some cases creating joint investigative teams.

- Some of the cases have reached trial. The cases so far target individuals affiliated or formerly affiliated with various parties to the conflict; officials and former officials in the Syrian government, members of ISIL, members of other armed groups whether designated as terrorist groups or not.

- A few cases have also targeted European companies for their alleged involvement in the conflict or complicity in the commission of international crimes.

- Some states have also explored other paths to justice. Last September, The Netherlands notified Syria of its intention to hold that government accountable for torture under the UN's Convention against Torture. This step could eventually lead to proceedings before the International Court of Justice (ICJ).

At the IIIM we continue to support short term national justice efforts and to prepare for future regional or international justice avenues.

- The IIIM's central repository of evidence of crimes in Syria has grown significantly due to the cooperation of States, other UN entities, international organisations, Syrian civil society actors and individuals.
- The IIIM has supported the investigations of an increasing number of national jurisdictions from 11 states by sharing evidence, analytical work product and facilitating their contact with witnesses.

- Our structural investigation has been meaningfully advanced and new lines of inquiry opened to support on-going and future justice efforts.

These collective efforts towards justice include in large part the work of Syrian NGOs and associations. Many are themselves either survivors of crimes or count relatives amongst the victims of the conflict. Many NGOs have shared their evidence collections, lobbied and advocated internationally as well as building coalitions that have kept accountability and justice for Syria a priority.

Despite all the violations and crimes that have been reported, there is still no comprehensive accountability framework in sight. To reach this goal, all our efforts are needed. We must continue working together to make comprehensive justice a reality.

CATHERINE MARCHI-UHEL

NAVIGATING THROUGH EVIDENCE

At one point in time gathering evidence meant collecting hard copies of documents and photographs. However, since the arrival of computers and our evolution to a digital society, digital evidence has become a key part of criminal investigations, growing exponentially in importance as technology has evolved.

Today, and specifically in relation to the material collected from Syria's conflict, evidence includes not only traditional hard copies, but an overwhelming array of digital records, in a range of formats of varying quality, in multiple languages. Material includes; documents, photographs, videos, satellite imagery, victim and witness statements and open source materials.

Using state of the art technology was a requirement included in the Mechanism's mandate, to ensure it had the capabilities and infrastructure to accommodate the volume and variety of material

it expected to collect and that whatever form it came in, the data within could be fully utilised.

Information in digital form allows for its easy processing, reducing to hours what would normally take weeks and considerable resources.

Automation and artificial intelligence are used to identify patterns, find relevant material, detect anomalies, reveal gaps, and draw up analytical results. The complexity of digital information calls for a team of specialist information and evidence officers to handle the data due to its innate volatility, as well as keep across the constant and rapid development of new technologies. This all requires innovation in procedure and use of existing tools to forensically handle and interpret the data.

The crucial role that Syria's civil society actors have played in documenting the violations in the Syrian context, is undeniable given they were the first to gather evidence often risking their lives to collect and share it. The Mechanism recognises the work that has been, and continues to be, done and aims to complement and build on the achievements of civil society. It continues to engage with Syrian and international NGOs working on similar issues of evidence archives and preservation to coordinate and enhance the effectiveness of the collective work being done.

The Mechanism provides a centralised repository where evidence related to the Syrian conflict is handled and stored according to the highest standards for evidence management. By centralising data, investigators, analysts and lawyers have a comprehensive review platform, enabling them to compare and contrast material from different sources and facilitate identifying both overlapping evidence as well as evidentiary gaps. In addition, centralising the data in one repository allows for removing duplicate material and non-relevant system and program files, preventing redundancy of analytical work.

Aside from centralisation, the Mechanism leverages cutting edge technology to support accountability by extracting underlying metadata from files such as geolocation, datetime, and devices on which files were created, as well as capturing and neutralizing malicious files.

Examples of advanced data analysis being performed by the Mechanism using innovative technology, machine learning and artificial intelligence (AI) are:

- **Automated machine translations:** Using artificial intelligence (AI) language translation engines to automate the translation of languages, as well as develop tangible metrics to grade the translation quality and assess whether manual translation is required.

- **Automated audio ile analysis:** Using algorithms such as language detection to classify languages of audio files, speech to text algorithms to automate the transcription of audio files into text, and audio search engines to be able to index and search through audio files.

- **Geospatial analysis:** Performing advanced analysis on geolocation data to draw up patterns and links as well as visualise different events on spaciotemporal dashboards.

- **Conceptual analytics:** Running analytics on text content to identify texts that are conceptually and semantically similar but that do not necessarily share the same literal language

- **Video deduplication:** Performing deduplication and segmentation of videos to identify not only copies of the same video file, but also videos which constitute segments of larger videos contained within our collected population.

Dealing with an extensively large dataset of media files with non-textual content (i.e. photographs and videos) presents the challenge of how to automate the review and analysis of this material. The Mechanism has gone some way towards overcoming this hurdle by using AI to train computers to interpret those media files visually.

By using visual analysis and computer vision to train deep learning models to identify logos, objects and scenes within media files and classify them based on their visual similarity, the Mechanism has been able to automate this complex task all the while saving time and resources.

The below diagram serves as an example to illustrate **how AI can be deployed to classify images based on their look and feel.**

The second image shows how the computer can categorise images into two classes, vehicles and buildings, while in **the third,** the algorithm can be fine-tuned to identify similarities on a more detailed level.

The Mechanism is currently exploring how best to make use of the millions of hours of video material related to the conflict. How can machine learning and computer vision be applied most efficiently to accountability tasks? The Mechanism's team is currently working with private sector experts, international human rights organisations and relevant Syrian actors dealing with data archives to share expertise and identify ways forward.

While the Mechanism is breaking new ground in the use of technology tools and systems, no automation replaces human efforts. What AI and eDiscovery processes do, however, is make what was previously unusable, due to volume or complexity, accessible, searchable and organised to serve the needs of accountability actors.
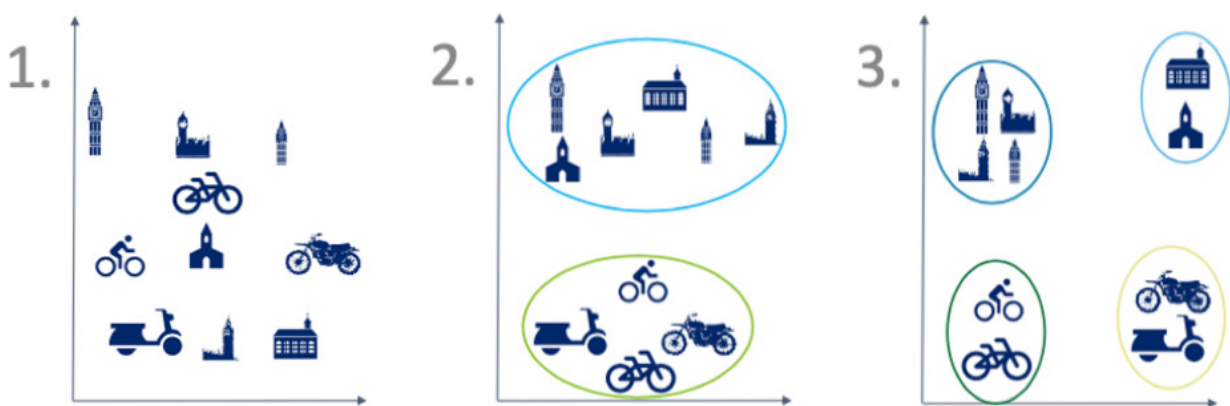
eDiscovery (Electronic Discovery):
The process of identifying, obtaining, analysing, and exchanging electronically stored information (ESI) that is evidence or has the potential of becoming evidence, in legal proceedings or in preparation for legal proceedings.

Computer Vision:
An interdisciplinary scientific field, which studies how computers can gain high-level understanding from digital images or videos. It seeks to understand and automate tasks that the human visual system can do, for example object recognition – one of the sub-domains of computer vision.

LATEST UPDATE ON IIIM SUPPORT TO ONGOING INVESTIGATIONS

2020 saw a steep increase in the number of requests submitted by national jurisdictions for support to ongoing investigations and prosecutions: while the Mechanism had received **40 requests for assistance (RFAs)** by the end of 2019, it received **52** in 2020 and **3 already in 2021,** resulting in a total of **95 RFAs** received by the Mechanism from **11 different competent jurisdictions**. These RFAs continue to vary greatly in nature and scope, with authorities asking for a variety of forms of assistance, ranging from the classic provision of information and evidence and identification of witnesses to the taking of witness statements and preparation of analytical products. The 95 requests received to date pertain to **82 concrete distinct investigations.** By 15 February 2021, the Mechanism had assisted **37 of these investigations**, some of which concerned cases where a suspect is in detention or have led, or are about to lead, to trials. The Mechanism did not have information to support 16 investigations, is currently working to **assist 9 additional investigations**, and has not yet started working on requests relating to 20 other investigations.

The capacity of the Mechanism to assist these ongoing criminal investigations and prosecutions was to a large extent enabled by the work done by Syrian civil society organisations: the material provided to the Mechanism has been and will continue to be critical to support national jurisdictions and lead to the opening of more criminal trials. Subject to the consent given, national investigators, prosecutors and judges receiving the benefit of this material are made aware of these key contributions. Within the confidentiality constraints imposed by national jurisdictions and its own limited resources, the Mechanism continues exploring ways to better notify information providers of when it is sharing the valuable material collected from them.

Beyond responding to RFAs, the Mechanism has also been proactively approaching relevant authorities which are investigating international crimes committed in Syria to deepen its understanding of domestic jurisdictions' needs with a view to informing its strategies and priorities. The Mechanism continues developing other analytical products to facilitate ongoing and future prosecutions.

LAUSANNE PLATFORM MEETING SUMMARY

The first online 'Lausanne Platform' meeting took place on the 11th and 12th of February. Convened, organised and hosted by The Netherlands and Switzerland, it enabled the Mechanism to update Syrian civil society representatives on developments in its work, listen to feedback and respond to questions. Impunity Watch moderated the sessions.

While aspects of the usual in-person interactions are impossible to replicate online, the virtual platform did mean that a greater number of participants were able to attend.

Given the range of attendees, the first day was designed specifically for NGOs and associations who had either previously not attended the 'Lausanne Platform' or had not had any prior engagement with the Mechanism.

Following a tour de table, Catherine Marchi-Uhel, the Head of the Mechanism and Michelle Jarvis, the Deputy Head, introduced the organisation's Mandate, the protocol of cooperation between the Mechanism and Syrian NGOs, the forms such engagement takes and the thematic strategies on gender, children, victim/survivor-centred approaches and support for broader transitional justice objectives being implemented in the Mechanism's work. Two Syrian NGOS then shared their experience of regularly engaging with the Mechanism as well as providing an overview of their own work and activities.

The second day was attended by over 60 organisations, representing the range of Syrian civil society focus areas. Catherine Marchi-Uhel gave a substantive overview of the Mechanism's progress since the last Lausanne meeting and was joined by other members of staff who gave further details on different tracks of the mandate.

Michelle Jarvis then provided insight into the thematic strategy consultations that had been held in the past year as well as an outline for their implementation in the Mechanism's work processes. She also emphasised that amongst the priorities for the year ahead is to increase targeted events and consultations and specifically to further engage with those from groups and communities that are often overlooked in the accountability process.

While the virtual format was a factor limiting discussion on the Mechanism's substantive work, there was lively engagement after all presentations, with opportunities for the Mechanism's team to both answer questions from attendees as well as further understand the key priorities for Syrian NGOs.

As it is still unclear whether the next Lausanne Platform meeting will be in-person or online, the Mechanism will a feedback form to all those who attended this first virtual event; this will help shape the agenda for the next event should it be online and the insights will also feed into other events that will be held throughout the year.

CONTACT

The Mechanism holds regular consultations throughout the year, as well as taking opportunities at events to enhance the understanding of its work and mandate in relation to the accountability landscape. We share details of all our activities and details of any upcoming events through our email distribution list. If you know of any groups, organisations or active individuals who have yet to engage with us please either let us know or share our contact details so we can keep them updated.

Comments and questions on all aspects of the Mechanism's mandate and activities are always welcome.

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GLOSSARY

Competent Jurisdictions: Term for the jurisdictions that the IIIM shares information with. Those that respect international human rights laws and standards and do not apply the death penalty to the offences being considered.

Cooperation Framework: The basis for establishing terms of cooperation between IIIM and external entities. Determines and reflects the clear parameters for structured and lasting working relationship.

Protocol of Cooperation: Signed by the IIIM and 28 Syrian NGOs in 2018 the protocol outlines a set of overarching principles to guide engagement between the Mechanism and signatory NGOs and ensure mutual understanding regarding opportunities for collaboration towards common goal of justice and accountability. The principles provide a general framework that can extend to other NGOs wishing to collaborate, with operational details can be addressed in individual memoranda of understanding.

RFA / Request for Assistance: Prosecutors and investigators from different jurisdictions and war-crimes units submit RFAs to the IIIM for support with investigations. (See Bulletin #3 for further details on RFA process).