

The IIIM's Contribution to International Justice

This year we are commemorating the 25th anniversary of the adoption of the Rome Statute. The Day of International Criminal Justice on 17 July marked this important event and allows us to reflect on the developments of the past 25 years. While the global justice landscape has faced many challenges, there have also been many achievements which have laid a solid foundation for us to collectively build on.

In the context of Syria, one significant step was the establishment of the IIIM. This historic decision taken by the General Assembly resulted in the first ever dedicated UN mechanism focused entirely on facilitating the justice efforts of other actors concerning core international crimes. Our mandate remains unwavering. We continue the work of supporting jurisdictions with their investigations and prosecutions, as well as pursuing all avenues for meaningful inclusive justice wherever they presently exist and planning for those that may emerge in the future.

Cooperation and coordination with civil society organisations (CSOs) and victim/survivor associations (VSAs) is central to our work. Around two thirds of our existing cooperation frameworks are with CSOs, acting not only as sources for the trove of information in our Central Repository, but providing input that guides us in prioritising justice opportunities given the limits on our resources.

The plight of Syria's missing loved ones surfaced as a paramount concern during our many meetings with CSOs. Drawing from our staff's extensive experience in supporting accountability for crimes committed during previous conflicts, the IIIM team began designing a strategy to assist the entities mandated to search for the missing over two years ago. With the recent news of a new UN institution to clarify the fate and whereabouts of the missing, we stand ready to cooperate with this new entity and to share the relevant information we have identified.

As reflected in our updates below, the IIIM continues to receive an increasing number of requests for assistance as jurisdictions rely on our material and expertise.



Along with responding to these requests from jurisdictions, dedicated line of inquiry teams conduct investigations and analysis to produce a range of analytical products. These products anticipate the needs of existing jurisdictions as well as those that may be active in the future and can be tailored to the specific needs of requesting jurisdictions. Notably, we anticipate that analysis prepared in the context of one of these, the Detention Related Crimes line of inquiry, will be of relevance to the International Court of Justice's (ICJ) determination of the joint application filed by The Netherlands and Canada alleging violations by Syria of the Convention against Torture.

Our innovative mandate, processes, and frameworks have not only benefited justice and accountability in the Syria context but also provided a model to guide others, most recently in Ukraine. While the IIIM's approach, including engagement with victims/survivors, has become a standard for many justice actors, we cannot be complacent about the work that needs to be done.

The increased demand for our services necessitates ongoing funding support, crucial to prepare for and seize new justice opportunities as they emerge. Maintaining this support will serve as a tangible signal to victims/survivors that the international community remains as committed to accountability as it was when it made the decision to establish the IIIM.

Catherine Marchi-Uhel

Support to Jurisdictions

REQUESTS FOR ASSISTANCE (RFAs)

The IIIM shares information and evidence with jurisdictions either upon receiving a request for assistance (RFA) or proactively if it is aware of investigations or prosecutions for which it has relevant data or analytical products.

The type of assistance requested varies. Jurisdictions can receive material from the IIIM's Central Repository when sources have given consent to share. Jurisdictions can also benefit from the range of analytical products that the IIIM has developed, and the cooperation frameworks that the IIIM has negotiated, enabling it to conduct its work in multiple territories.

Prosecutors and investigators from national jurisdictions are able to bolster their work and capacity with the dedicated work and expertise of the IIIM.

Assistance in response to RFAs includes:

- Analytical reports
- Legal briefs
- Institutional (formal & informal) structure charts/diagrams
- Witness interviews
- Geolocation analysis

The IIIM has also shared **43** analytical products related to its strategic lines of inquiry or developed to support specific investigations.

As the figures show, the RFAs have continued to grow since the IIIM became operational in 2018, with each of these requests reflecting the assurance of national jurisdictions to uphold their commitment to international law and holding perpetrators accountable.

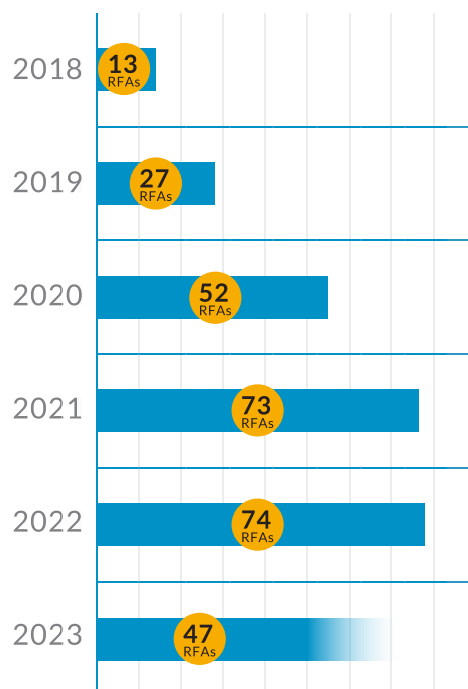
286 Requests for Assistance (RFAs) from **15** competent jurisdictions.

Relating to **216** distinct investigations.

193 supported through sharing of information, evidence and/or analytical products.

47 new RFAs since the start of 2023.

RFAs PER YEAR TO DATE



IIIM Contributions to Justice Developments that can be shared Publicly

NETHERLANDS



The Hague District Court - 21 April 2021 – Appeal pending

Conviction of Syrian national Ahmad al-Y for membership in a terrorist organization and committing outrages upon personal dignity as a war crime. He was sentenced to 6-years imprisonment. He was acquitted on appeal in December 2022.

The Prosecution's appeal before the Supreme Court is pending.

The IIIM supported the investigation by providing information and evidence.

NETHERLANDS & CANADA



ICJ - Ongoing

- Another justice opportunity is the proceedings commenced by the Netherlands and Canada against Syria under the Convention against Torture.
- The IIIM is preparing to provide support regarding these proceedings.

SWEDEN



Göteborg District Court - 29 March 2023

Conviction of Swedish national Fatoush Ibrahim for war crime for posting photos of severed heads in Raqqa, Syria, with disparaging comments and sentenced to 3-month imprisonment (under appeal).

The IIIM supported the investigation by providing information and producing an analytical product on ISIL's public display of violence in the context of ISIL's broader propaganda strategy.

Solna District Court - 9 January 2023

Conviction of two Swedish nationals who had joined ISIL for their respective roles in taking children to a war zone and the girls' forced marriage and rape.

The man who married one of the girls, Abdirahman Shukri Mohamed, was sentenced to 8 years and 10 months imprisonment for aggravated rape against a child.

The mother of the two girls, Camilla Olofsson, was sentenced to 6 years and 10 months imprisonment for human trafficking and aiding and abetting rape against children.

The IIIM supported the prosecution by developing analytical work relating to the situation of girls and women in ISIL-controlled areas in Syria, providing legal analysis concluding to the existence of a systematic attack by DAESH against the civilian population and having a staff member testify in court about the IIIM's findings.

Stockholm District Court - 4 March 2022

Conviction of Swedish national Lina Naina Ishaq as an accomplice for serious crimes under international law and war crimes and sentenced to six years imprisonment for her omission as a legal guardian to protect her 12-year old son from being recruited and used as child soldier by ISIL in Syria, where he died.

The IIIM supported the prosecution by providing information on Syrian law.

GERMANY



Frankfurt Higher Regional Court - Ongoing

The IIIM supported the prosecution of Alaa M., a Syrian doctor currently being tried for charges of sexual violence, torture and killing of Syrian civilians as crimes against humanity.

The IIIM provided information and evidence and conducted a key witness interview.

Berlin Higher Regional Court - 23 February 2023

Conviction of Palestinian-Syrian Moafak D. for war crime (use of a prohibited method of warfare) and murder for launching a grenade into a crowd of civilians waiting for food parcels to be distributed in Damascus in March 2014. He was sentenced to life imprisonment.

The IIIM supported the investigation by providing information and evidence.

Koblenz Higher Regional Court - 13 January 2022

Conviction of Syrian national Anwar R. – former Syrian intelligence officer – for torture, severe deprivation of liberty, murders and sexual violence as crimes against humanity. He was sentenced to life imprisonment.

The IIIM supported the investigation by providing information and evidence and will translate the judgment in English and Arabic for wider dissemination once definitive

Koblenz Higher Regional Court - 24 February 2021

Conviction of Syrian national Eyad A. for complicity in crimes against humanity for his responsibility in the torture of detainees in State detention facilities. He was sentenced to 4-and-a-half years imprisonment.

The IIIM supported the investigation by providing information and evidence and translated the milestone judgment into English and Arabic for wider dissemination.

FRANCE



Paris Judicial Court - 29 March 2023 – Trial expected in 2024

Indictment of three senior Syrian officials - Ali Mamlouk, Jamil Hassan and Abdel Salam Mahmoud – for complicity in crimes against humanity and war crimes for their responsibility in the disappearance and death of two Franco-Syrian nationals.

The trial is scheduled to be held in absentia in May 2024.

The IIIM supported the investigation by providing information, evidence and analytical products.

Paris Judicial Court - 18 January 2020 – Trial expected in 2024

Indictment of senior Jaysh al-Islam official and former spokesperson, Madji Nema aka Islam Alloush, for war crimes, torture, enforced disappearance, and complicity in these crimes.

The trial is expected to be held in 2024.

The IIIM supported the investigation by providing information and evidence.

Paris Judicial Court - Still under investigation

Indictment of French cement company Lafarge for aiding and abetting crimes against humanity in Syria. The company is accused of making arrangements with ISIL and several other armed groups in order to keep its Jalabiya cement factory plant open and running between 2012 and 2014 in Northeast Syria.

The IIIM supported the investigation by providing information, evidence and a legal analysis supporting the existence of a systematic attack by DAESH against the civilian population.

The above are a sample of the justice developments that the IIIM has contributed to. They are shared with permission of the jurisdictions where the work is conducted or where the IIIM's support is a matter of public record. Otherwise, the IIIM does not share details of the jurisdictions it assists or the cases it has contributed to.

Status of IIIM's Investigative & Analytical Work

We'd like to take a moment to briefly familiarise you with some of the key frameworks that guide our work at the IIIM. These are foundational to understanding not only how we operate but also how we conduct our activities to facilitate inclusive justice for core international crimes.

Key Concepts

The Structural Investigation

Instead of starting with investigations focused on the conduct of specific individuals, the way a traditional investigation would, a structural investigation aims to see the fuller picture of the violations that have happened in a conflict, zooming out to take in all the different pieces in proper context. It then takes a closer look at the structures that are driving the crimes, including, institutions, organisations, laws, policies and discriminatory factors. The purpose is to generate a comprehensive understanding of crime patterns and to fully understand the factors driving them that may also be allowing injustice to continue.

Generally, individuals are not named as suspects as part of a structural investigation. Rather, the structural investigation is used as a hub for evidence that will progressively reveal an accurate and orderly picture of the situation under examination. It provides an effective exploratory framework for investigating matters before opening a case file focusing on individual suspects.

Structural investigations are a useful methodology for dealing with some of the specific challenges of core international crimes cases. For example:

- Large-scale crimes and complex crime patterns;
- The coordinated involvement of many different institutional (official and informal) structures in the crimes;
- The targeting of individuals and communities based on demographic, cultural and/or social characteristics (such as nationality, ethnicity, race, religion, age, gender, political affiliation).

The use of structural investigations at both the national and international levels is a promising new approach to the challenging task of establishing accountability for mass atrocities, particularly in protracted conflict situations.

The IIIM's Strategic lines of Inquiry (SLINQs)

- Within the IIIM's structural investigation we have developed Strategic Lines of Inquiry (SLINQs) to guide IIIM investigators, analysts and lawyers through the voluminous and complex range of data and information collected and aid them in identifying the most important themes and topics for examination.

This approach allows the IIIM to consider:

- What crimes and violations may become the focus of justice efforts in multiple jurisdictions,
- What type of products could we develop that would support a range of different justice processes and
- How, to effectively implement our victim/survivor centred approach, including integration of our thematic strategies (on gender, children and youth and broader justice initiatives).

Opening Casefiles

A casefile represents work that is more focused on linking specific crimes to specific individuals. It refers to a comprehensive record of all the information, evidence, and documents related to specific incidents, individuals, and entities gathered and reviewed during investigations. From documents and testimonies to physical and digital evidence, everything is meticulously organized into these case files. They serve as the bedrock of potential prosecutions, presenting a clear and accessible account of our findings. A case files builds on the foundations laid by the initial work of the lines of inquiry.

Casefiles are dynamic and evolving, updated with new evidence as the investigation progresses.

Update on IIIM SLINQS

The IIIM's analytical work is increasingly being requested by investigators, prosecutors and judicial actors in national jurisdictions to support cases concerning core international crimes in Syria.

With its SLINQs, the IIIM seeks to address biases that can arise in the investigation and prosecution of core international crimes cases, undermining the objective of inclusive justice. This approach aims to ensure that the experiences of under-represented persons and groups and historically under-documented crimes, such as gender-based violence and crimes against children and youth, are sufficiently addressed. To date **43** analytical products related to its strategic lines of inquiry or developed to support specific investigations have been shared.

Within the IIIM's Structural Investigation we currently have three active strategic lines of inquiry and one active case file:

1. Detention related crimes

The IIIM is consolidating its existing analytical work on the Syrian government's system of detention and detention related crimes and conducting related investigative work. The IIIM anticipates that the results of its investigative and analytical work will be useful to competent national jurisdictions in criminal cases.

The IIIM has also expressed its readiness to provide information and analysis to assist the International Court of Justice's determination of the legal action brought by Canada and the Netherlands against the

Syrian Arab Republic under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 8 June 2023, [the Netherlands and Canada filed a joint application instituting proceedings before the International Court of Justice.](#)

A hearing on provisional measures requested by the Netherlands and Canada is scheduled for 10 and 11 October 2023.

2. Crimes by individuals associated with Islamic State in Iraq and the Levant (ISIL)

The IIIM is currently investigating ISIL's conscription and enlistment of children and the group's use of children in hostilities, including by establishing ISIL's methods of recruitment, the nature of its training, the operation of its training camps, the different ways in which children were used in hostilities by ISIL, and the impact of these experiences on children.

Intersectional factors such as gender and age have been comprehensively integrated as well as seeking to establish the differing experiences of children in recruitment, training and use in hostilities depending on elements of their identities such as their religion, ethnicity, nationality, gender, age group, and family or social status, where relevant.

3. Unlawful attacks against civilians and civilian objects

In 2021 the IIIM made the decision to open two casefiles related to unlawful attacks involving the use of chemical and conventional weapons, including attacks against medical facilities.

Having completed its independent review of all evidence gathered and stored in its Central Repository, the IIIM is currently focusing on one of its casefiles which includes a series of airstrikes involving both chemical and conventional weapons which took place during 2017.

The team is currently developing legal and factual aspects of the casefile through targeted investigations.

This line of inquiry in particular highlights the IIIM's proactive work to develop comprehensive analytical products in preparation for justice opportunities that may arise in the future.

Contact Us

Thank you to everyone who has sent in feedback and suggestions on what they would like to see in the bulletin. If you'd like to reach out with any comments, queries or if this bulletin was forwarded to you and you'd like to be added to our mailing list please contact us at iiimsyria@un.org.

You can read previous editions of the bulletin on our website [here](#) as well as more about the IIIM's work and recent activities.

Thank you for your continued support and cooperation.