

Message from the Head



My appointment to head the IIM earlier this year was a profound honor. I accepted the position with a deep understanding of the significant responsibility it carries, especially at a time when international law frameworks are being globally discussed and tested.

Assuming a leadership role in a process meant to help bring a measure of justice to mass atrocities victims is a sobering experience. It demands confidence that one's skills and long experience in domestic and international courts will provide firm footing to face new contexts, and that there is a clear vision of the ultimate goal, a vision that you are confident can be conveyed clearly to stakeholders.

I come to the IIM with a commitment to its values and mission, and with my team will continue to uphold and further enhance the reputation that it has earned amongst our stakeholders. However, there are challenging times ahead for the Mechanism.

“Concrete justice outcomes”

In 2017 my predecessor became the first Head of an entirely new model for international accountability. The role was a blank canvas. The previous year, the IIM had been established in a landmark decision by the General Assembly in response to escalating violations in Syria. At the time there were no likely avenues for accountability, so the team developed, innovated and built what was needed to become the IIM, a new model. The focus was on justice and centering the rights of victims and survivors.

Then there was little visible data to show the work being done. Today, the IIM is a trusted accountability partner, supporting multiple jurisdictions, and working closely with Syria's civil society representatives. In 2018 when the IIM became operational there were zero cooperation agreements and just 13 Requests for Assistance (RFAs) from jurisdictions

Today we have **98** agreements and to date **395** Requests for Assistance with **288** already supported.

More and more it has become possible to refer publicly to the support we provide to jurisdictions, enabling us to make our contributions to investigations and prosecutions visible. From the map below you'll see some of those concrete justice outcomes that have benefited from IIM assistance, including the recent Dabbagh trial in France, where my predecessor testified as a context witness and the Court relied on IIM evidence and analytical products. We also supported the investigations that led to recent trials in Sweden and ongoing trials in Frankfurt, Koblenz and Dusseldorf in Germany.

“Competing priorities”

Amidst these achievements, the IIIM of 2024 faces new challenges, some ironically due to its success. The innovative model it pioneered has proven its worth, inspiring the creation of new bodies, mechanisms, and institutions dedicated to various contexts, not just Syria. There are competing priorities for the international community, each requiring support and funding.

For the IIIM, despite the increasing number of requests for our assistance and the greater utilization of our products and services, our budget has not kept pace with demands and we face a funding shortfall. Inevitably this means that our capacity is reduced and we may not be able to maintain the current scale of services, analytical products and expertise that directly support the investigations and prosecutions conducted by competent jurisdictions. We are grateful for the essential support we still receive from our Donors, Member States which have remained steadfast in ensuring we are able to keep delivering on our mandate.

Additionally, the international community which made the historic decision in 2016 to stand firm against violations of international law remains committed to the mechanism they established. Over the past few months, in meetings with Member States, their message has been consistent: on Syria, accountability remains a priority. Justice for Syria’s countless victims and survivors will be pursued. It is only then can there be a sustainable peace for Syria be built.

“Maximising the assistance available”

Looking ahead, the IIIM will continue to support competent jurisdictions and look for opportunities where it can maximise the assistance available for important justice opportunities. We have finalised our Detention Report, a comprehensive litigation document, ready to share in support of relevant justice processes, such as the case filed with the International Court of Justice by the Netherlands and Canada regarding the alleged violation of the Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment by Syria. We are exploring options for making a version of this report public. We believe there is value in making the report more available for a range of upcoming justice processes. Victims/survivors coming from communities affected by the crimes in Syria have also repeatedly called for the IIIM to make its work public to the extent possible. Many have contributed to our work and have an interest in seeing how it is reflected in our work products.

Since I joined the IIIM, I have also had the opportunity to meet some of the representatives of Syria’s civil society, including some from victim/survivor associations (VSAs) and networks, and to hear about your own challenges and priorities. This is a part of my role that I look forward to continuing in different settings, including at our third annual consultation with VSAs later this year. This year the consultation will focus on the work of our unlawful attack line of inquiry. There, I hope to hear from many of those directly impacted by these violations and better understand the obstacles to accessing justice for different groups and communities.

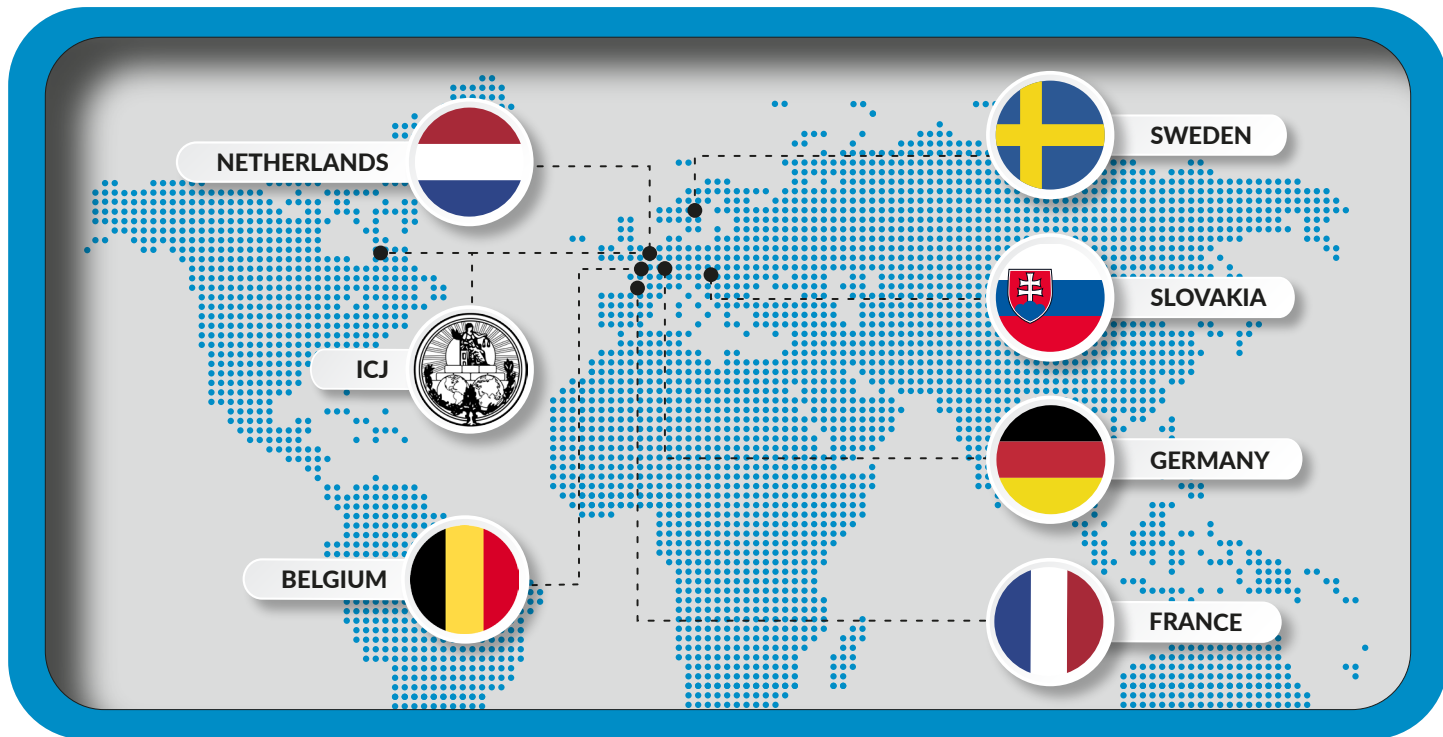
“Cooperation based on the visible proof”

It is undeniable that each of our activities, products and contributions are only made possible through the efforts and trust of Syria’s civil society. They have shared not only information and evidence, but often their personal experiences and perspectives. Many took a leap of faith in the IIIM when it was as yet untested, and that support, engagement and expertise has made the IIIM and its work possible. As I begin my tenure, I invite everyone to continue their cooperation with us, based not on faith but on the visible proof of our work. The IIIM is only one actor but with all of our collective efforts, there have been tangible justice developments that once were not even imagined. Accountability will remain our goal so that justice can be an integral part of rebuilding a peaceful and just Syria.

Robert Petit

Publicly Disclosable IIIM Contributions to Justice Developments

Since the last bulletin these are some of the justice developments that jurisdictions have given us permission to disclose how we have contributed to their work. For a full list of IIIM support see the justice development map [here](#).



France

Paris Assize Court - Dabbagh Case – 24 May 2024 (Convictions – Trial held in absentia)

Conviction of three senior Syrian officials – Ali Mamlouk, Jamil Hassan and Abdel Salam Mahmoud – by the Paris Assize Court for complicity in crimes against humanity and war crimes for their responsibility in the disappearance, torture and death of two Franco-Syrian nationals, Patrick and Mazen Dabbagh, and the confiscation of their house.

The trial took place in absentia from 21 to 24 May 2024.

The IIIM provided substantive support to the proceedings by sharing information and evidence as well as a brief concerning the start date of the non-international armed conflict in Syria and analytical reports on Air Force Intelligence which were relied upon in court. The IIIM also provided expertise through in-court context testimony. The three accused were sentenced in absentia to life imprisonment.

Paris Judicial Court – 2013 Douma and Eastern Ghouta Chemical Weapons Attacks Case - 13 November 2023 (Arrest warrants)

On November 2023, arrest warrants were issued against Syrian President Bashar al-Assad, his brother Maher al-Assad, General Ghassan Abbas and General Bassam al-Hassan on charges of complicity in crimes against humanity and in war crimes for their responsibility in chemical weapons attacks conducted against civilians in Douma and the district of Eastern Ghouta in August 2013. In May 2024, a request was made by the Prosecution for the arrest warrant issued against Bashar al-Assad to be quashed based on his immunity as Head of State. On 26 June 2024, the Paris Court of Appeal rejected the submission, ruling that the arrest warrant should be upheld.

The French Prosecution Office is now challenging the Court of Appeal's decision before the Court de Cassation, France's highest court, for it to make a final ruling on the validity of the arrest warrant against Bashar al-Assad.

The IIIM is supporting the investigation by providing information and evidence.

Paris Judicial Court - Sonia M. Case - 14 March 2024 (Indictment)

Sonia M., former spouse of an ISIL official, was indicted for crimes against humanity and genocide for her responsibility in the enslavement and mistreatment of a Eizidi minor girl in Syria on the basis of facts that took place between September 2014 and March 2019. Sonia M. had previously been indicted for membership into a terrorist organization and this case might be the first prosecution in France for joint terrorism and core international crimes charges.

The IIIM supported the investigation by sharing information and evidence, it also provided legal analysis, which concluded that ISIL had conducted systematic attacks against the civilian population in Syria.

This analysis highlighted ISIL's ideology on treating groups based on religion, ethnicity, gender, sexual orientation and age. It showed how this ideology led to systematic attacks on civilians, relevant to meeting the criteria for a crimes against humanity legal case.

Germany

Dusseldorf Higher Regional Court - Mohammad A. & Asmael K. Case - Ongoing (Trial)

The trial of Mohammad A. and Asmael K. for war crimes committed in South Damascus in 2013 is currently taking place before the Dusseldorf Higher Regional Court. They are prosecuted for membership in a terrorist organization (ISIL) and taking hostages resulting in death, as well as - for Asmael K. - killing of persons protected under international humanitarian law and murder.

The IIIM has supported the investigation by providing information and critical evidence that allowed the addition of war crimes charges and continues supporting the ongoing trial proceedings.

Koblenz Higher Regional Court - Moustafa M. Case - Ongoing (Trial)

The trial of Moustafa M. for membership in a terrorist organization (ISIL), war crimes against persons and property, and murder started in April 2024 before the Koblenz Higher Regional Court. Moustafa M. is accused, as an ISIL member, of having participated in the arrest and captivity of civilians and taking part in the execution of Free Syrian Army fighters in al-Sawana in 2015. Among other charges, he is being prosecuted for killings, attempted killing, hostage taking, cruel and inhumane treatment, sentencing without due process and illegal appropriation of property as war crimes.

The IIIM has been considerably involved in supporting the investigation through providing critical witness evidence, analytical work and background research. The IIIM continues supporting the trial proceedings and has also started providing testimonial evidence at trial.

Slovakia

Banská Bystrica Specialized Criminal Court - Renáta Dibdiaková case - 20 December 2023 (Trial and conviction)

The IIIM supported the investigation against Renáta Dibdiaková, a Slovak national who was convicted to two-year imprisonment (suspended sentence for three years) for the crime of endangering the moral education of youth. Renáta Dibdiaková was prosecuted for travelling to Syria with her two minor children to join her husband to support ISIL, where she stayed from January 2015 to February 2019, educating her children by ISIL rules. This is the first criminal case in Slovakia to date of a Slovak citizen repatriated from Syria and Iraq. The Supreme Court is currently reviewing an appeal filed by the Prosecution.

Sweden saw two high profile cases which recently resulted in acquittals. Each case was supported by the IIIM in different ways and are a sign of due process and rule of law being upheld.

These two cases highlight the challenges for domestic jurisdictions to prosecute crimes committed in a territory to which they do not access and to bring the evidence to the courtroom in circumstances where the security of witnesses and their family is at serious risk.

Stockholm District Court – Mohammed Hamo Case – April-June 2024 (Trial and acquittal)

Mohammed Hamo, former Head of the Armaments Branch of the 3rd Corps of the 11th Division in the Syria Armed Forces was prosecuted for aiding and abetting war crimes by carrying out extensive indiscriminate attacks with air and ground forces.

The IIIM supported the Swedish Prosecution's investigation by producing an evidentiary module on the commencement of the initial non-international armed conflict in Syria, which proved critical to charge Mohammed Hamo for war crimes. The IIIM also went on to provide information and evidence relevant to the case.

The Stockholm District Court relied on the IIIM evidentiary module to conclude that it was proven that, at least since 1 January 2012, a non-international armed conflict existed in Syria.

On 20 June 2024, the accused was acquitted of all charges by the Stockholm District Court. The court found that the Prosecutor had not proven that Mohammed Hamo, through his position and function, had been an important prerequisite for the functioning of the armament within the 11th Division, or that he contributed to the 11th Division's participation in the Syrian army's attacks in the way alleged by the Prosecutor.

Blekinge District Court – Walid Al-Zaytoun Case – April-May 2024 (Trial and acquittal)

Walid al-Zaytoun, a Syrian national, was prosecuted for the killing of protected persons and for humiliating and degrading treatment as war crimes committed in al-Sawana in 2015 when he was a member of ISIL. The Blekinge District Court concluded that the facts were not sufficiently proven and acquitted the accused on all counts.

The Prosecution's appeal against the acquittal is pending before the Court of Appeal.

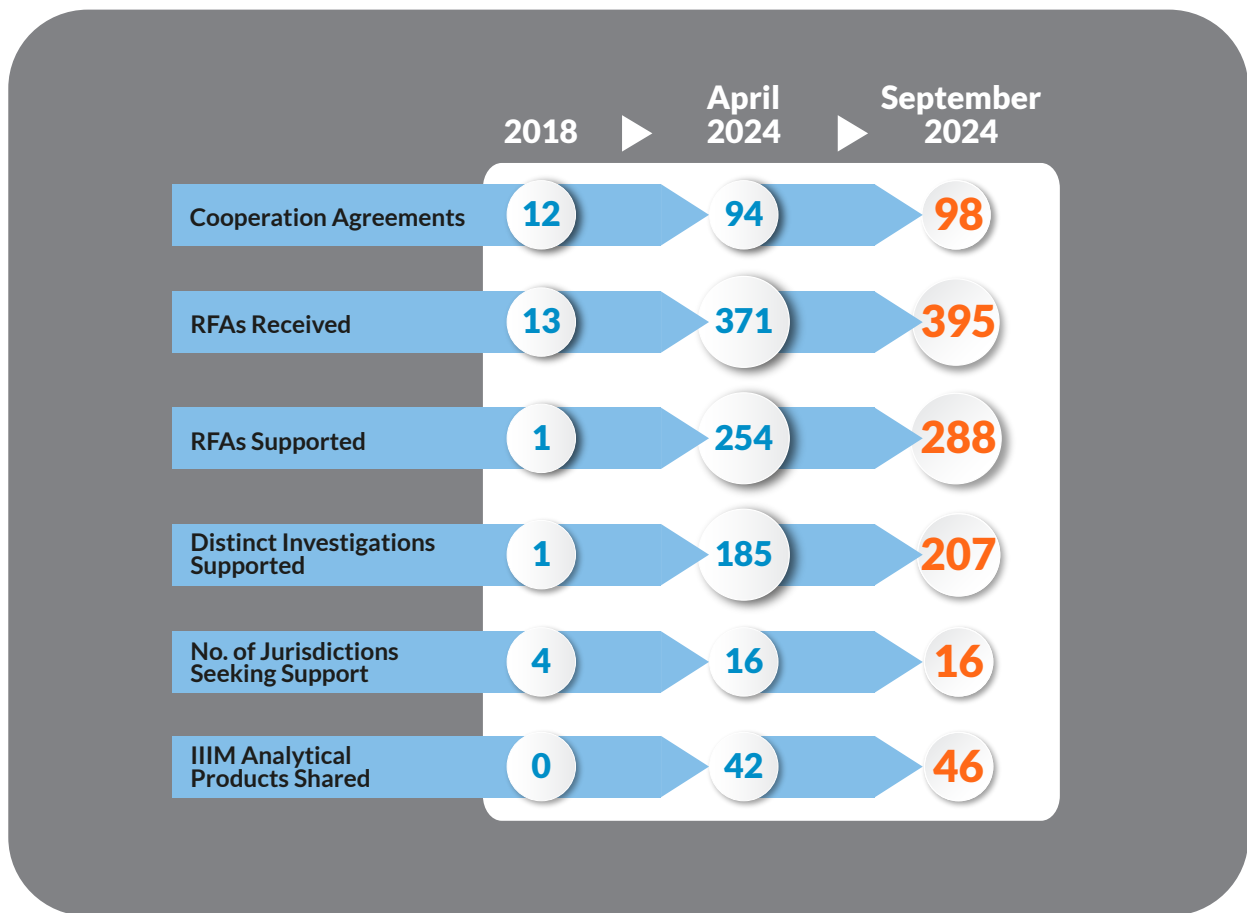
The IIIM supported the investigation by providing information and evidence and will continue supporting the appeal proceedings.

Swedish Prosecution Authority – Al Yarmouk Case – 3 July 2024 (Arrests)

Three individuals suspected, as members of the "Free Palestinian Movement", of having committed international crimes in 2012 in Al Yarmouk, Damascus, including the shooting of civilian protesters on 13 July 2012 were arrested in Sweden and are currently in custody. These arrests were coordinated with the German authorities, which arrested five other individuals the same day in Germany on suspicion of killing and attempted killing of civilians as crimes against humanity and war crimes, torture and deprivation of liberty as crimes against humanity, and war crimes against property. The German investigation focuses on the crackdown of the 13 July 2012 protest as well as on acts of torture and arrests conducted by the FPM at checkpoints in Al Yarmouk between 2012 and 2014, supported by members of Military Intelligence Branches 227 and 235.

The IIIM is providing investigative support to the Swedish investigation as well as information and evidence.

IIIM Support in Numbers



Inclusive Justice: IIIM Gender Analysis of the Syrian Government Detention System

In 2022, the IIIM published its Gender Strategy and Implementation Plan for 2021-2023 underscoring its commitment to gender equality and gender analysis across all aspects of its work. The strategy included its objectives, guiding principles and highlighted the gender issues within the scope of the IIIM mandate. The implementation plan further provided detailed information and guidance on how gender analysis is incorporated into various IIIM functions, including:

- Collecting and organising information and evidence,
- Analysing information and evidence,
- Support for broader justice objectives,
- Engagement with other actors.

This document and the work it represents are integral to the IIIM's victim/survivor centred approach and its inclusive justice commitment. As a living document we have continually refined our approach and our efforts to integrate an intersectional gender analysis since its publication. This can be seen in the IIIM's line of inquiry on Syrian Government Detention within our structural investigation. In all of our evidence gathering and analysis for the line of inquiry on Syrian Government Detention, the IIIM team seeks to ask:

- What is happening to women and girls (and all others who are marginalized due to gender considerations) during the events under consideration and why?
- In what way do gender and other intersectional factors impact the harms experienced?
- How can we accurately reflect this in the analytical work we are preparing?

To equip our team with a foundational understanding of how gender impacts the detention experience, the IIIM conducted a preliminary gender analysis of the Syrian government detention system. This has helped us to define specific questions that we need to ask in our detention work to make the results more inclusive.

Historically, any consideration of gender in the context of detention has typically been limited to asking how many men and women respectively were detained. However, the issue of gender is relevant in many different ways that extend far beyond statistics of how many detainees fall within specific gender categories

These include:

- Did gender play a role in the reasons for arrest and detention of individuals?
- Did the type of harm inflicted on detainees in detention facilities differ based on gender?
- Did the perpetrators display gendered intentions when inflicting harm on detainees?
- Are there gendered gaps in previous documentation work? E.g. what do we know about the violation of sexual and reproductive health rights in detention? Do we have a clear picture about gendered patterns of killing in detention?
- Did gender play a role in the way that detainees were moved through the detention system?
- How do gender factors help us to better understand the structure and functioning of detention facilities?
- In what ways does gender impact on the experience individuals have upon release from detention and return to their families and communities?

Fundamentally, a gender analysis is relevant to our efforts to establish accountability for detention-related crimes because it helps us to:

- Describe patterns of detention more accurately and comprehensively,
- Address the full range of harms inflicted on individuals,
- Identify discriminatory intentions behind the crimes committed that are relevant to identifying the most appropriate legal classifications for the conduct,
- Bring forward evidence from the full range of relevant witnesses, regardless of their gender, and
- Best convey the gravity of the harms inflicted.

It is encouraging to see more civil society actors integrating a gender analysis into their work on Syrian government detention. We also hope that the IIIM's experience in integrating an intersectional gender analysis into its work will provide additional insight. We welcome further engagement with you on this and intend to make this a focus of future civil society consultations.

Contact Us

Thank you for your continued engagement with our bulletin, we appreciate all the feedback we receive. Please keep sending in questions and suggestions for future features and we'll make sure to include these in the next editions.

Our website is a great resource to explore more about the work of the IIIM and our recent activities. You can also browse previous bulletins for a full picture of our structural investigation and thematic strategies.

If you have any comments, questions, or if you were forwarded this bulletin and would like to be added to our mailing list, drop us a line at iiimsyria@un.org.

Thank you again for your continued support and cooperation.