

CEHRI's and the JUSTICE INITIATIVE's battle for accountability for grave human rights violations committed in Syria

Fact Sheet (Last updated 7 August 2020)

The abhorrent human rights situation and violence that we continue to witness in Syria has earned the Syrian War against its citizens the title of the deadliest conflict of the early 21st century.

The *Centre for the Enforcement of Human Rights International* (CEHRI) seeks to contribute to the access to justice for survivors of grave human rights violations, like systematic torture, and supports by its activities the fight against impunity by representing survivors of human rights violations in Syria since 2017.

In its fight against impunity CEHRI cooperates with the *European Center of Constitutional Rights* and the *Open Society Justice Initiative*. Over the course of multiple years, the Justice Initiative has organized and worked with Syrian, Austrian, and international partners to provide evidence, research, and victim and witness testimony in support of the Vienna Public Prosecutor's investigations.

From 2019 CEHRI and the Justice Initiative jointly represent survivors of torture and arbitrary detention by the Syrian government. Our clients, many of whom are now in Europe seek justice for the crimes committed against them and hundreds of thousands of Syrian civilians. They place their hope in the role of national law enforcement bodies in European states, including Austria, exercising the legal principle of universal jurisdiction.

The universal jurisdiction principle gives Austria and many states the authority to prosecute violations of international criminal law even if the alleged violation did not occur on that country's territory or was not committed by or against its citizens. The principle is a recognition that certain crimes are so heinous that they pose a threat to the international community and should be prosecuted in any country. It is an important legal instrument in the fight against impunity.

The Syrian government's systematic use of torture in detention is an international crime subject to prosecution, *inter alia*, under universal jurisdiction in Austria. Currently, national courts such as those in Austria are essentially the only courts able to exercise jurisdiction over crimes committed in Syria.

The International Criminal Court lacks jurisdiction because it only has jurisdiction when international crimes are committed in the territory of a state party or when the situation is

referred by the UN Security Council.¹ Syria is not a state party to the ICC, and the UN Security Council has failed to refer the situation to the ICC for investigation as a result of Russia's and China's veto of a Security Council a resolution.

Working together with Syrian activists and investigators, CEHRI and the Justice Initiative has brought forward to the Vienna prosecutor seven Syrian victims of crimes to be interviewed as part of his investigations.

More specifically, the common work of CEHRI and the Justice Initiative consists in submitting the required evidence to the Public Prosecutor's office, while safeguarding all procedural rights of victims and representing said victims during investigative interviews and hearings. Furthermore, the work consists in preparing elaborate background information to support criminal allegations and providing evidence in fulfilment of the legal duty of burden of proof.

As already known, CEHRI has also partnered with the *European Center for Constitutional and Human Rights* (ECCHR), the Syrian lawyer Anwar al-Bunni of the *Syrian Center for Legal Research and Studies* and Mazen Darwish of the *Syrian Center for Media and Freedom of Expression* to file a criminal complaint in Austria for torture, crimes against humanity and war crimes on behalf of 16 Syrian torture survivors against 24 senior secret service officials in the Assad government. CEHRI's initiative represents the first criminal complaint of its kind in Austria and refers - *inter alia* - on the above-mentioned legal principle of universal jurisdiction.

CEHRI and the Justice Initiative aim for their collaboration to support the Vienna Public Prosecutor's Office investigation of cases so that the investigations can result in arrest and prosecution of former Syrian government officials. CEHRI and the Justice Initiative are working closely with Syrian activists and investigators to identify former detainees of the Syrian intelligence services, who are now ready to testify in the Austrian proceedings. CEHRI and the Justice Initiative represent these survivors, who have joined the prosecutor's investigations as private parties. The Justice Initiative and CEHRI have been able to secure and analyze compelling evidence of the crimes allegedly committed and stand ready to represent its clients in trials before the Austrian courts.

The only path to justice for survivors of war crimes and torture committed in Syria leads through the legal systems of Austria and other European countries. The International Community needs to speak up for the innocent victims and act decisively with regards to the absolute prohibition of serious international crimes, such as torture.

¹ Except in very limited circumstances of transborder crimes involving the territory of a state party, or when a national or a state party commits an international crime, both of which the ICC prosecutor has said could apply to Syria.