

- PRESS STATEMENT -

**THE GUERNICA CENTRE FOR INTERNATIONAL JUSTICE FILES
ARTICLE 15 COMMUNICATION WITH THE ICC OFFICE OF THE
PROSECUTOR ON THE SITUATION IN THE SYRIAN ARAB
REPUBLIC**

THE HAGUE, 4 March 2019 – Investigative Report filed with the ICC Office of the Prosecutor by The Guernica Centre for International Justice (GCIJ) on the Situation in the Syrian Arab Republic and the Hashemite Kingdom of Jordan concerning the Forced Deportation of almost one million civilians.

The Syrian civil population has, for the past eight years, been subjected to widespread and systematic attacks including aerial bombardment deliberately targeting civilians and civilian neighbourhoods, including schools and hospitals, the use of prohibited weapons including chemical weapons, arbitrary arrest, torture and summary execution. Those responsible, including the Syrian President, Bashar al-Assad, must be brought to justice and held accountable; impunity has to end.

During the past eight years of conflict in Syria, the world has been a spectator to the mass human rights violations being committed with appalling frequency. During that time, more than half a million Syrians have been tortured and killed in the conflict and over 12 million people have been displaced, either internally, or externally in other countries. More than half the pre-war population have either been killed, disappeared or forced to leave their homes. Most of those who were forced to flee for circumstances outside of their control due to the brutal conduct of the Syrian State Security Forces, have not been able to return for the very same reasons that forced them to leave.

Tens of thousands have been imprisoned, tortured, and murdered, at the hands of the Syrian regime.

It is deeply regrettably that the ICC, by virtue of the fact that Syria is not a ‘State Party’ to the Rome Statute, does not have jurisdiction to investigate those crimes against humanity committed in Syria since the outbreak of hostilities, crimes that continue to be committed to this day.

It is recalled that the “*primary mission of the International Criminal Court, is to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes*”.

The legal submission by the Guernica Centre for International Justice filed today aims to ensure that the ICC as the first permanent international criminal court and the body with a clear mandate to adjudicate the gravest of crimes and to hold the most senior officials accountable, is given the basis for achieving such a noble aim.

Important efforts have been undertaken at the domestic level on behalf of the Syrian victims; cases have been brought in France, Sweden and Germany. The Guernica Group has itself sought to prosecute matters in Spain, with a decision on appeal regarding jurisdiction from the Supreme Court expected imminently.

However, it is not enough to seek to investigate and prosecute a small group of individuals as and when an opportunity may arise. The international community and its already developed mechanisms owe an obligation to the millions of Syrian victims.

Although the lack of jurisdiction on the international level and the overtly politicised nature of the UN Security Council, have frustrated all attempts, this position changed in 2018, following the ruling by the ICC Pre-Trial Chamber concerning jurisdiction over the situation involving the Rohingya. Although Myanmar was not a State Party to the Rome Statute, Bangladesh is, and therefore it was held that given that civilians were forcibly deported from Myanmar to Bangladesh,

jurisdiction was conferred. A select number of groups submitted *Amici Curiae* briefs, including Guernica.

The Guernica Centre for International Justice has today filed a submission with the ICC Prosecutor arguing that the situation concerning Syria, with reference to those civilians forcibly deported into Jordan, is akin to the situation considered in that ruling, in that although Syria is not a State Party, Jordan is, and therefore, jurisdiction is conferred. Any departure from such a ruling would be inconsistent and would represent a differential approach to the Syrian conflict.

Co-founder Toby Cadman stated:

For too long millions of victims have suffered from the actions of the Syrian regime, and further, live in fear that if they return to Syria they will be once again targeted by that regime on the basis that they will be viewed as disloyal. There is clear evidence to suggest that this is already happening. There is also the fear that forced conscription in the Syrian Army will require returning to join the murderous ranks of the military and intelligence branches or face detention, a fate that has fallen on tens of thousands of civilians and documented by the evidence contained in the 'Caesar Files' and reports of groups such as Human Rights Watch and Amnesty International.

Co-founder Almudena Bernabéu stated:

International justice and accountability for victims of such abhorrent crimes ought to be beyond the political posturing of nation states; human rights are universal, they are not dependent on diplomatic, trade, or military allegiance, and yet governments consistently allow such factors to blinker their policies to the detriment of victims and survivors, rather than discharge their obligation to humanity. We must now hope that with this filing that the journey to accountability has truly commenced and we can see some effective justice for so many victims.

Given the parallels to be drawn between the situation concerning the Rohingya in Bangladesh and Syrians in Jordan, we are hopeful the OTP will accept the argument that it has jurisdiction over certain crimes suffered by the Syrian civil population, including instances of Forced Deportation, Persecution, and Other Cruel and Inhumane Treatment, and thus commence an investigation accordingly, and in doing so, is free to fulfil its mandate.



The Guernica Centre for International Justice is a non-profit legal group registered in the United States and the United Kingdom. Our international team of lawyers specialize in International Criminal Law and strategic transnational litigation to obtain accountability for international crimes and human rights violations. The Guernica Centre for International Justice seeks to contribute to national processes of accountability by designing legal strategies in partnership with key actors in countries experiencing transitional processes after conflict or post-conflict situations.

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