



# International, Impartial, Independent Mechanism (Syria)

## Spotlight: Requests for Assistance

### Message from Head of the IIIM:



Our third bulletin reaches you at a time of great uncertainty due to the impact of the COVID-19 pandemic on our lives. This is affecting all of us, but it places additional pressure on many who are already facing hardships. Some Syrian communities have been hit harder than others. Those living in areas of conflict, the displaced, refugees and those detained and missing are amongst the most vulnerable to the dangers of this virus.

All of us working on issues of accountability and justice, are aware of the critical importance of the UN Secretary General's call for a ceasefire and the Special Envoy's plea for the large-scale release of detainees and abductees.

With the world focused on this health crisis, perpetrators of crimes may believe that their actions go unobserved and perhaps unpunished. That is not the case.

The accountability work continues, assisted by the tireless efforts of Syrian civil society actors who continue to document crimes, search for the missing and track perpetrators.

The results of some of these efforts have been in the news recently.

In April, a regional court in Germany, began the trial of two Syrian former General Intelligence Officers for crimes against humanity, and in France earlier in the year, a former Jayesh Al-Islam spokesman was arrested for war crimes.

The IIIM seeks to provide support to similar efforts by competent jurisdictions investigating core international crimes committed in Syria. This support is offered in response to requests for assistance or on the Mechanism's own initiative.

While we cannot comment on specific cases or details of any requests for assistance, in this edition of our bulletin, we outline in broader terms what the process entails and how we engage with these requests as well as share proactively.

I hope the following feature sheds light on this important aspect of the Mechanism's mandate and gives some insight into the work that goes into taking the material we collect and preparing it to be used as evidence in court.

On a final note, on the occasion of Eid-al-Fitr, I wish you and your families an Eid Mubarak.

**Catherine Marchi-Uhel**

## Spotlight: Requests for Assistance

“ *The Mechanism shall share information with national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law, in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards.* <sup>1</sup> ”

At the Mechanism we engage with a large number of partners in order to continue building and growing our evidence collection, referred to as the “central repository”. How that material might then be used may be less obvious, but we can shed some light by looking at the requests for assistance (RFAs) the IIIM receives from prosecutors and judges.

Several countries are taking steps to prosecute suspected perpetrators of crimes committed in Syria. During their investigations, they can use RFAs to cast a wide net for information and evidence that may be relevant to their case.

In this feature, we breakdown the process these RFAs trigger when received by the IIIM. We also examine the way the aggregated information and evidence the IIIM holds is used to support ongoing and future investigations and prosecutions.

Throughout, each step is guided by the Mechanism’s mandate, which defines the basic framework of our RFA process.

“ *...the Mechanism shall prepare files focusing on the criminal conduct of the persons responsible. These shall include the persons most responsible for the crimes, without any distinction based on their affiliation or official capacity. The files shall include relevant information, documentation and evidence in the Mechanism’s possession, both inculpatory and exculpatory, pertaining to the imputable crimes and to the mode or modes of criminal liability recognized under international law, including command or superior responsibility.* ”

The Mechanism can also pro-actively reach out to judicial authorities and offer assistance in support of investigations and prosecutions of core international crimes.

### Process

Investigators, prosecutors or judges from national jurisdictions approach the IIIM with an RFA for an investigation or case they are pursuing.

Usually they would need to send separate RFAs to multiple recipients in order to access material from multiple collections and a broad range of sources. The IIIM’s central repository enables requesting authorities to channel their requests through one body instead of making requests to multiple different actors. They can also receive information from the IIIM in accordance with criminal law standards. (e.g. in compliance with chain of custody requirements and proper verification collection methods).

Initially, there will be a legal determination on whether this request for assistance falls within the IIIM's ToR, which make clear that:

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<sup>1</sup> Full Terms of Reference can be found at: <https://iiim.un.org/terms-of-reference-of-iiim/>

“ *The Mechanism shall share its information only with those jurisdictions that respect international human rights law and standards, including the right to a fair trial, and where the application of the death penalty would not apply for the offences under consideration.* ”

If the jurisdiction meets these standards, the decision is made to process the RFA. The requesting authority is consulted to further define the scope of assistance required; from time or geographical scale to specific areas or types of evidence of interest.

The IIIM's central repository continues to grow. Substantial time and resources are spent on ensuring information is organised and tagged to maximise its searchability and accessibility for specific cases.

A team made up of staff from both the information and evidence section, and the analytical and legal section will begin to comb through the repository.

Although the central repository is already very large, it is still possible that a search may yield no relevant information, given the scope of the issues arising in investigations and litigation concerning crimes in Syria. The RFA is then either closed or a determination made to reach out to our networks to try to collect relevant information. As the central repository continues to grow, the prospects of the IIIM locating relevant evidence in its searches also grows.

If information is available, the team begins the work of summarising and organising

this material for review.

The team will also prepare, as needed, analytical products for the requesting authority.

The IIIM's role is not only to gather collections and preserve them but also to prepare related analysis to assess the reliability of the material collected and identify gaps in information. Once there is a broad picture of the material that is relevant to the RFA, further information may be added through engagement with our wider network; from Syrian NGOs and international organisations, to State entities and individual sources.

In the course of this analysis, parts of the repository are comprehensively tested and fleshed out with testimonies, images and linkage to other data.

The Mechanism's team working on sharing activities, liaises with the requesting authorities throughout to keep refining the scope of their inquiry and to determine what further assistance the IIIM can offer.

The goal is to ensure that the IIIM's work in response to RFAs best supports and facilitates the efforts of the national judicial authorities.

## Sources, Permissions, Witnesses & Evidence

As the process reaches the final stage, legal officers begin to review all the relevant material, to assess whether it can be shared with the requesting authority.

This assessment relies on a number of factors. Some material has been shared with the IIIM with an agreement that permission must be sought from the source of the material if it is to be shared further.

Any material the IIIM does not have permission to share cannot be included in the response to the RFA.

Security, confidentiality and the protection of sources and material are interwoven into our terms of reference and working methods, as is consideration of victims and survivors.

In addition to complying with restriction in agreements reached with sources, we consider the protective measures available for the material and witnesses within relevant national laws and jurisdictions.

Our approach determines whether material may be shared as it is, or whether it should be redacted (i.e. confidential details obscured) and the scope of redactions, based on the vulnerability and will of witnesses and the sensitivity of the material.

Only then, after all analyses, redactions and permissions have been reviewed, is the material securely transmitted to the

requesting authority for use in their investigations or proceedings.

The Mechanism's central repository builds on material that others, primarily Syrians have gathered. This work, often at great personal risk, was carried out so that information and evidence of crimes and their perpetrators would not be lost.

At the Mechanism, we are acutely aware of the responsibility entrusted to us by victims and survivors of crimes in the Syrian Arab Republic. Responses to RFAs are one meaningful step towards delivering what the IIIM has been entrusted to do.

## IIIM RFAs in Numbers



**52 Co-operation Agreements**



**62 RFAs From Jurisdictions in 11 States**



**37 RFAs Responded to**

## General Updates

- COVID-19 restrictions postponed the UN General Assembly debate. The Head and Deputy Head of the IIIM, gave a virtual briefing to a group of supportive States. Representatives were updated on the latest project developments and the success of the transition to remote work for IIIM staff with little impact on workflow.
- The [OPCW issued its first report by the Investigation and Identification Team](#), which concluded that units of the Syrian Arab Air Force used Chemical Weapons in 2017.
- The UN HQ Board of Inquiry reported back its findings and a [summary of the report was released](#).

## Communications & Outreach



*A two-way dialogue is the only way to develop better and more legitimate approaches to justice.*



**Michelle Jarvis – Deputy Head of IIIM**

The IIIM has been operational for two years and, as we grow, we continue to evolve as an organisation. We have recently hired an External Relations Officer, Huda Abuzeid, who will be responsible for developing our communications and outreach efforts, including creating further opportunities for broader engagement with Syrian civil society and strengthening channels for two-way discussions.

Within the limits of our mandate, we will continue sharing our progress, frameworks and methodologies as an important part of bolstering our working relationships and providing you with greater understanding of what we do.

We hope to continue this conversation and welcome any comments or feedback regarding the Mechanism or topics that you would like us to feature in our bulletins. Please as always get in touch.



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