



TRIAL
International

**PROCEEDINGS
FOR WAR CRIMES
AGAINST RIFAAT AL-ASSAD
Massacres of Tadmor & Hama**

MEDIA KIT

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Table of contents

- 1. The case at a glance 3
- 2. Who is Rifaat Al-Assad? 4
- 3. Allegations against Rifaat Al-Assad 5
 - Mass executions at Tadmor (1980)..... 5
 - Massacre of civilians in Hama (1982) 5
 - Alleged crimes..... 6
- 4. Complaint and proceedings 7
 - Chronology of the case 7
 - What is the evidence? 7
 - Who are the victims and the witnesses? 9
- 5. The denouncing NGO..... 11
 - TRIAL International 11
 - What is the NGO’s agenda? 11
- 6. Legal framework of the case 12
 - The principle of universal jurisdiction 12
 - Why were proceedings initiated in Switzerland? 12
 - Switzerland’s position in the fight against impunity 12
- 7. Contacts and practical information 14
 - Media contacts 14

1. The case at a glance

In November 2013, TRIAL International was made aware of the presence of Rifaat Al-Assad on Swiss soil. The troops of Syrian President Bashar Al-Assad' uncle are suspected of participating to the massacre of tens of thousands of people in Tadmor (1980) and Hama (1982).

In accordance with its mandate to fight impunity, TRIAL International conducted an investigation and filed a first complaint before the Office of the Attorney General of Switzerland (OAG) for the massacre of Hama (1982). The OAG opened a criminal investigation for war crimes in December 2013.

For three years, TRIAL International carried out its investigations and filed in 2016 an additional complaint for the crimes committed at Tadmor prison, where almost a thousand prisoners were brutally murdered (1980). Compelling documentary evidence and a list of key witnesses were presented to the OAG on the same occasion.

As the procedure unfolded, several victims – some of them direct witnesses of the massacres – joined the case. Additional evidence includes testimonies, NGOs and government reports, press articles and archives from various countries. All point to the central role the troops of Rifaat Al-Assad in the war crimes committed in Hama and Tadmor.

2. Who is Rifaat Al-Assad?



Born on 22 August 1937, **Rifaat Al-Assad** is a career Army officer and a politician in Syria. He occupied the position of Vice-President and Commander of the “Defense Brigades” – the elite defense troops of the Syrian regime.

He is the younger brother of former Syrian President Hafez Al-Assad and the uncle of current President Bashar Al-Assad.

He has played a key role in his brother’s access to power in 1970. Perceived by many as the probable successor to his older brother, he was later suspected of preparing a coup against the latter and forced into exile in 1984.

Rifaat A-Assad is a regular visitor of European cities. He has lived for a while in Geneva and regularly travelled to London, Paris and Marbella. In June 2016, he was charged in France for embezzlement of public funds and the undeclared labor of several unreported workers. Some of his assets, worth several million euros, were seized in France, and later in Spain and the United Kingdom. Rifaat Al-Assad is prohibited from leaving the French territory.

3. Allegations against Rifaat Al-Assad

The troops of Rifaat Al-Assad, called “the Defense Brigades” (“*Saraya al-Difaa*”) are accused of having executed almost 1’000 prisoners in Tadmor on 27 June 1980. The same troops are also suspected of participating in the massacre of Hama (10’000 to 40’000 casualties depending on the sources) and the partial destruction of the city in February 1982. Rifaat Al-Assad was directly involved in both operations as the regime’s number two, as a member of Central Commandment of the Baath party, as the Head of the Defense Brigades and as a partisan of the “strong-arm” approach.

Mass executions at Tadmor (1980)

The massacre of Tadmor prison (or Palmyra prison) has allegedly been perpetrated by the Defense Brigades, probably in retaliation of the attempted murder of President Hafez Al-Assad the previous day.

In the early morning on 27 June 1980, **the Defense Brigades led by Rifaat Al-Assad leave Damascus for Tadmor prison**, some 200km North East of the capital. As soon as they arrive, the troops barge into each cell and kill almost all prisoners. **That morning, as many as 1’000 alleged members of the opposition could have been brutally murdered.**

Massacre of civilians in Hama (1982)

In February 1982, following the takeover by the Fighting Vanguard of the city of Hama, the government sends in thousands of men, including the **Defense Brigades**.

Government forces surround and shell the city with heavy artillery and tanks. The Vanguard and many individuals who had spontaneously taken arms try to resist, in vain.

Very quickly, the civilian population is trapped in its own city, cut off from supply, food and electricity for almost 4 weeks.

Crimes against civilians are numerous and continue throughout the month of February 1982. Depending on the sources, **10’00 to 40’000 people – mainly civilians – have died. Whole areas of the city were destroyed, including the shelling to the ground of a part of the old town.**



The city of Hama in 1982

Alleged crimes

At Tadmor and in Hama, testimonies and historical sources concur on the implication of the Defense Brigades in the crimes committed. **Several sources point directly at Rifaat Al-Assad in the planning and carrying out of these massacres.**

The crimes committed in Hama and Tadmor are directly linked to the non-international armed conflict going on since 1979 in the country, opposing government troops to the Fighting Vanguard of the Muslim Brotherhood. **As such, the following acts must be qualified as war crimes:**

At Tadmor:

- Murder
- collective punishments

In Hama:

- bombardment of civilians
- collective executions
- acts of torture
- rape
- looting
- destructions of religious buildings and hospitals

4. Complaint and proceedings

In November 2013, TRIAL International was made aware of the presence in Switzerland of Rifaat al-Assad. After conducting a research, the NGO filed a complaint before the Office of the Attorney General of Switzerland (OAG), asking it to determine the responsibility of Rifaat Al-Assad in the massacre of Hama. The OAG opened a criminal investigation for war crimes. Few steps have been taken since then, outside of additional complaints filed by TRIAL International and complainants.

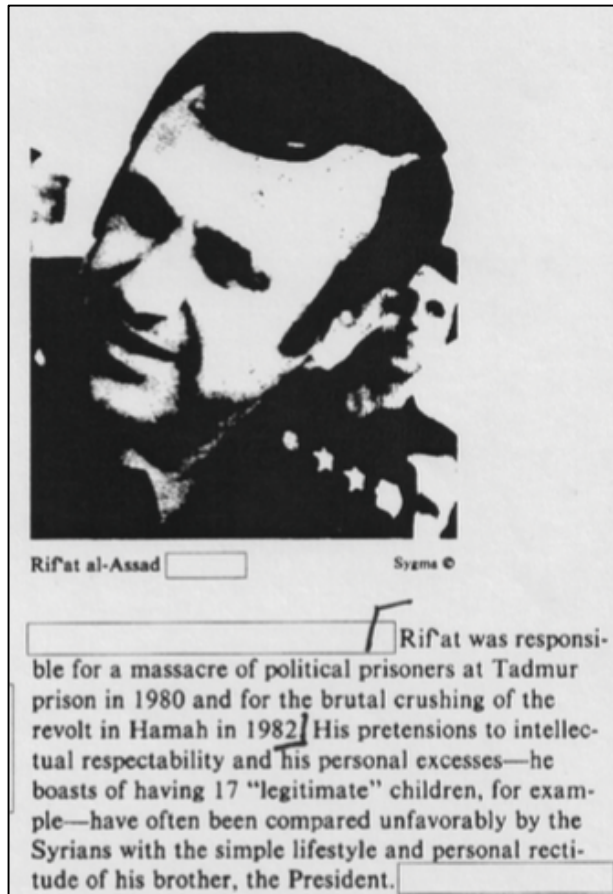
Chronology of the case

November 2013	TRIAL International is informed of Rifaat Al-Assad's presence in Switzerland.
13 December 2013	TRIAL International files a criminal complaint for the crimes committed in Hama.
19 December 2013	The OAG opens a criminal investigation.
11 August 2014	After learning proceedings were ongoing, a first victim files a complaint against Rifaat Al-Assad.
12 September 2015	The OAG hears and charges Rifaat Al-Assad.
19 & 24 October 2016	Three other victims file a complaint.
Dec. 2016 – Jan. 2017	TRIAL International files two additional complaints – this time including Tadmor too – with ample evidence and a list of witnesses willing to testify.
May 2017	Two other victims file a complaint.
September 2017	One of the complainants files an action for denial of justice. The case is made public.

What is the evidence?

- Direct and indirect testimonies describing the massacre at Tadmor prison by the Defense Brigades, as well as the role de Rifaat Al-Assad and his troops in the crimes in Hama.
- Archives from secret services, Embassy communications and files from several countries' Ministries of Foreign Affairs, describing the position and role of Rifaat Al-Assad; his ambitions to root out opposition; the implication of the Defense Brigades in the events; and the magnitude of the massacres.
- NGO reports, including from Amnesty International and Human Rights Watch, describing the government's repression, the crimes committed at Tadmor and Hama, and the implication of Rifaat Al-Assad's troops.

- Historical articles, academic papers and press cuttings describing the context of the events, the massacres of Tadmor and Hama and the role of Rifaat Al-Assad and his troops in their planning and execution.



- A CIA archive (1984) explicitly mentioning the responsibility of Rifaat Al-Assad at Tadmor and in Hama

Tadmur (Palmyra) Prison

It is reported that, on the morning of 27 June 1980, 12 helicopters from Hama, carrying 350 Saraya al-Difa' commandos, and 10 helicopters from Damascus, with 100 members of the 40th Army Corps and 100 members of the 138th Security Brigade, landed at Tadmur military airport. Eighty men were instructed to move towards the prison, 20 were to guard the helicopters and the rest were to remain on standby. The group of 80 were divided into units of 10 and, once inside the prison, were ordered to kill the prisoners in their cells and dormitories. Some 600 to 1,000 prisoners are reported to have been killed. This extrajudicial execution of these prisoners, most of whom, it seems, were thought to have been suspected of belonging to the Muslim Brotherhood, was allegedly an act of revenge for an unsuccessful attempt on the life of President Assad the day before.

- An Amnesty International report (1983) describing the executions at Tadmor by the

The government responded by sealing off the city. Some 6,000 to 8,000 soldiers, including units from the 21st Mechanised Brigade of the 3rd Armoured Division, the 47th Independent Armoured Brigade, the Saraya al-Difa' and al-Wahdat al-Khassa, were reportedly despatched to the city. On 11 February Syrian television showed a film of what it claimed was a cache of arms found in Hama, comprising 500 United States M16 rifles, 40 shoulder-fired rocket launchers, with armour-piercing rockets, and a huge arsenal of ammunition and small firearms.

According to some observers, old parts of the city were bombarded from the air and shelled in order to facilitate the entry of troops and tanks along the narrow streets. The ancient quarter of Hadra was apparently bombarded and razed to the ground by tanks during the first four days of fighting. On 15 February, after several days of heavy bombardment, Major-General Mustapha Tlas, the Syrian Defence Minister, stated that the uprising in Hama had been suppressed. However the city remained surrounded and cut off. Two weeks of house-to-house searches and mass arrests followed, with conflicting reports of atrocities and collective killings of unarmed, innocent inhabitants by the security forces. It is difficult to establish for certain what happened, but Amnesty International has heard that there was, among other things, a collective execution of 70 people outside the municipal hospital on 19 February; that Hadra quarter residents were executed by Saraya al-Difa' troops the same day; that cyanide gas containers were alleged to have been brought into the city, connected by rubber pipes to the entrances of buildings believed to house insurgents and turned on, killing all the buildings' occupants; that people were assembled at the military airfield, at the sports stadium and at the military barracks and left out in the open for days without food or shelter.

On 22 February the Syrian authorities broadcast a telegram of support addressed to President Assad from the Hama branch of the Ba'th Party. The message referred to Muslim Brotherhood fighters killing party activists and their families and leaving their mutilated bodies in the streets. It said the security forces had taken fierce reprisals against the Brotherhood and their sympathisers "which stopped them breathing for ever".

3. An extract from the same Amnesty International report (1983) describing the destruction of Hama by (among others) the Defense Brigades

Who are the victims and the witnesses?

Victims have tried to initiate criminal proceedings against Rifaat Al-Assad in the past, to no avail. In spite of these setbacks, several victims have had the courage to file a complaint. For their own security and that of their families, most of them wish to remain anonymous. Other individuals could still be called to testify in the case.

One of the victims was a direct witness of the 1982 events and has lost many of his

loved ones in Hama. This man has filed a complaint against Rifaat Al-Assad. Through the intermediary of his Genevan – the only person authorized to answer for him – he stated: *“Until now, no one has been judged for the atrocities committed in Hama, and those responsible are still roaming free. I wish to contribute to putting an end to the circle of violence and impunity prevailing in Syria until today.”*

Another victim of Hama recollects: *“The soldiers came and shouted at us. They told us to come out, that they were going to kill us, to slaughter us. They said: ‘We have destroyed Hama, you will be unable to build it back even after 20 years’”*

5. The denouncing NGO

TRIAL International

TRIAL International is a non-governmental, non-political and non-confessional organization fighting impunity for authors of international crimes and supporting victims in their quest for justice.

The international NGO, based in Geneva, has filed the initial complaint before the Office of the Attorney General of Switzerland (OAG), which then led to the investigation and charging of the suspect for war crimes. TRIAL International then filed additional complaints as well as ample evidence, thereby broadening the inquiry and asking the authorities to examine the role of Rifaat Al-Assad not only in the Hama massacre, but also for the crimes of Tadmor.

TRIAL International has investigated for this case in several countries, met with numerous victims and witnesses and gathered a multitude of documentary evidence proving the responsibility of the suspects for the crimes of Hama and Tadmor.

What is the NGO's agenda?

For TRIAL International, the main purpose of a legal action against Rifaat Al-Assad is to bring justice to victims of the Hama and Tadmor massacres. Until today, these victims and their close ones have never been able to uphold their rights in a fair procedure, be it in Syria or abroad.

In the context of the ongoing armed conflict in Syria, these proceedings are a reminder to today's belligerent that war crimes are punishable under international law. The authors of such crimes must know they are not beyond the reach of justice. The gravest crimes, regardless of when they were and when committed, can and must be prosecuted.

6. Legal framework of the case

The principle of universal jurisdiction

The authors of international crimes all too often escape the reach of justice by taking refuge in a third country. Universal jurisdiction was developed in international law precisely to fight this phenomenon. Under this principle, the judicial authorities of a State have the possibility, or even the obligation, to prosecute the authors of “international” crimes present on their territory – regardless of where the crimes were committed and the nationality of the criminals or the victims. Those crimes are genocide, crimes against humanity, war crimes, torture and enforced disappearances. A powerful tool at the service of international justice, universal jurisdiction is based on the idea that the fight against impunity knows no frontiers.

Why were proceedings initiated in Switzerland?

In one decade, both law and practice have evolved rapidly in various European countries. Switzerland, notably, has ratified the Rome Statute of the International Criminal Court (ICC), which is based on complementarity – meaning that national States are the primary actors to fight international crimes.

The country has therefore adopted new legal bases on war crimes (1968), torture (1987), genocide (2000) and crimes against humanity (2007). It has amended its Criminal Code accordingly in 2011. Switzerland is therefore equipped with solid laws on universal jurisdiction and its Criminal Code guarantees that the aforementioned crimes are imprescriptible. Switzerland therefore has the international obligation – as well as all the legal tools – to deal with the present case (See also [“The fight against impunity in Switzerland – in French only](#))

Switzerland’s position in the fight against impunity

Switzerland’s will to fight impunity has been reiterated on several occasions by its authorities:

- In 2012, on the 10th anniversary of Switzerland’s accession to the United Nations, Didier Burkhalter, then Head of the Federal Department of Foreign Affairs, asserted that “Switzerland must fight impunity”.
- The General Prosecutor of the Swiss Confederation Michael Lauber emphasized the same principles in a 2013 interview to the Swiss broadsheet La Liberté: “We have, since 1st January 2011, a legal base clearly setting out our competence to fight genocide, crimes against humanity and war crimes, which are all

imprescriptible. This compels us to prosecute the suspects present on Swiss soil, even if they are just passing through.”

- The spokesperson of the Swiss mission to the United Nations, Adrian Sollberger, has also spoken unequivocally of Switzerland’s commitment in the fight against impunity, particularly in Syria: “The fight against impunity do not go against the negotiation efforts Switzerland supports. To build a lasting peace, both paths have to be followed in parallel.”

7. Contacts and practical information

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TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice.

TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

trialinternational.org
