



FORMER SYRIAN VICE PRESIDENT RIFAAT AL-ASSAD WILL STAND TRIAL IN SWITZERLAND ON CHARGES OF WAR CRIMES AND CRIMES AGAINST HUMANITY

Questions and answers

1. Who is Rifaat al-Assad?

Born on 22 August 1937, Rifaat al-Assad is the younger brother of former Syrian President Hafez al-Assad. He is the uncle of current President Bashar al-Assad.

Syrian politician of military career, he was seen by many as the likely successor to Hafez al-Assad, but was forced into exile in 1984, after being suspected of an attempted coup d'état against his brother. During decades, he consequently lived in several European countries and returned to Syria from France in October 2021, at the age of 84.

2. What are the criminal charges brought against him?

The Office of the Attorney General (OAG) in Switzerland is accusing Rifaat al-Assad of having participated in the massive war crimes and crimes against humanity under the form of homicides, acts of torture, cruel treatments and illegal detentions that were perpetrated in the Syrian city of Hama in February 1982, where (according to sources) between 10'000 and 40'000 people were killed, countless were tortured and/or disappeared.

According to the findings of the OAG, at the time of the massacre, Rifaat al-Assad was in command of the "Defense Brigades" (*Saraya al-Difaa*). Along with the regular Syrian army, the said Brigades besieged, assaulted and partially destroyed the city, trapping its inhabitants under constant artillery bombardments, without electricity nor access to supplies during almost a month.

3. Who are the plaintiffs?

Criminal proceedings initiated against perpetrators of the Syrian regime could not have taken place without the victims, whose participation constitutes examples of courage and perseverance.

In the present case, three persons, victims of torture and/or whose relatives were killed in Hama, filed individual complaints against Rifaat al-Assad in Switzerland. They are all represented by Swiss lawyers.

Their identities remain protected at this stage considering that the Assad regime is still in place and that the return of the accused in Syria poses serious security threats, especially to those whose relatives still live in Syria and are thus exposed to reprisals by the regime.

Two additional individual complaints were dismissed during the investigative phase, since the survivors, who were based in Syria and feared for their own security, could no longer be contacted.

4. How was the case initiated and what was TRIAL International's role?

TRIAL International filed a criminal denunciation against Rifaat al-Assad in November 2013 when the organization was made aware of his presence on the Swiss territory. A formal investigation was opened by the OAG on 19 December 2013.

In the following years, TRIAL International conducted investigative work in eight countries and provided the Swiss prosecuting authorities with lists of key witnesses and material evidence. In particular, by skimming through countless archives, the organization was able to discover

relevant documentation from foreign secret services and embassies supporting the case. The organization has also traced back former Syrian combatants who were willing to testify.

Throughout the investigation, TRIAL International additionally offered logistical support to the victims to facilitate their travel to Switzerland and their participation in hearings. The organization will continue to support them up to and during the trial.

5. How was the criminal investigation conducted?

While Rifaat al-Assad had left Switzerland shortly after the opening of the investigation in 2013, his statement was taken by the OAG in September 2015, as he was on Swiss territory again. During this only hearing, the suspect exercised his right to remain silent.

In 2020, the accused was convicted to four years in prison for financial offences (money laundering and embezzlement) in France, where he was living. His assets – worth hundreds of millions of euros – were seized in this country as well as [in Spain](#) and the UK.

On September 2021, the French conviction was confirmed in appeal but Rifaat al-Assad was however able to [covertly leave French territory and return to Damascus](#) one month later. He currently remains in this country, protected by the regime. On 7 September 2022, [his conviction was confirmed by the French Supreme Court](#).¹

Only a few weeks after al-Assad's escape to Syria, in November 2021, the Swiss OAG issued an international arrest warrant against him. However, in December 2021, the Federal Office of Justice (FOJ) refused to publish the warrant. In a ruling dated 19 July 2022 – kept confidential until August 2023 to ensure the effectiveness of the measure – the Swiss Federal Criminal Court (FCC) ordered the FOJ to [issue the international arrest warrant for Rifaat al-Assad](#), and hence requested his extradition to Switzerland.

Today's indictment in Switzerland marks the end of more than 10 years of a laborious criminal investigation and finally opens the path to a long-awaited trial.

6. Is Rifaat al-Assad also being indicted for his alleged role in the Tadmor massacre?

The Tadmor (or Palmyre) prison massacre was perpetrated by the Defense Brigades, presumably in retaliation for an assassination attempt on President Hafez on the previous day.

In the early hours of 27 June 1980, the Defense Brigades left Damascus for Tadmor prison, some 200 kilometers north-east of the capital. As soon as they arrived, they burst into the prison cells and killed almost all the prisoners. Around 1'000 people were brutally murdered that morning.

Aware of this as well as of Rifaat al-Assad's commanding role over the Brigades, TRIAL International filed an additional criminal complaint against him in March 2017. The complaint was supported with hundreds of compelling evidence material as well as with a list of key witnesses. A victim consecutively filed an individual complaint for the killing of his relative during the Tadmor events.

In September 2018, the Swiss OAG decided to dismiss this additional complaint based on the fact that the presence of Rifaat al-Assad in Switzerland in March 2017 could not be ascertained and that, as a result, the Swiss jurisdiction was lacking.

In a [ruling of 14 November 2018](#), the FCC confirmed the lack of Swiss jurisdiction to prosecute Rifaat al-Assad for the Tadmor massacre and the dismissal.

¹After his conviction in appeal in 2021, TRIAL International and the French organisation Sherpa had publicly called the French President Emmanuel Macron the *Légion d'honneur* – given to Rifaat al-Assad in 1986 – [to be taken back from him](#). The organisations received no answer from the French Government. However, after the *Cour de Cassation's* ruling in 2022, Rifaat al-Assad communicated through his lawyer that he was [disappointed by the French decision and hence was giving his honorary title back](#).

7. How long is Rifaat al-Assad's trial expected to last and what are the possible outcomes?

It will be up to the federal judges to organize the trial hearing session. Currently, length and dates of the trial are to be determined. Judgments rendered by the FCC can be appealed, first to the Appeal Court of the FCC, and, subsequently, to the Federal Supreme Court in Lausanne.

The presumption of innocence applies to Rifaat al-Assad until a final judgment has been delivered.

8. Will Rifaat al-Assad be present during his trial?

Throughout the 10 years of investigation, Rifaat al-Assad used numerous ruses and pretexts to avoid having to answer questions from the Swiss prosecutors. This, as well as his flight back to Syria while he was under judicial control in France, give rise to fears that he might not appear at his trial in Switzerland, considering also that the Syrian regime will not agree to extradite him.

This being said, the Swiss legislation allows for criminal trials to take place *in absentia* under certain conditions.

It is now up to Rifaat al-Assad to assume the responsibilities he has shirked for too long and to come and speak before the judges.

9. How accessible will the trial be to the public, journalists and affected communities in Syria?

In accordance with the right to a fair and public hearing, which plays a fundamental role in a democratic society by promoting transparency in the justice process and thus contributing to public confidence in the judicial system, the trial will be accessible to the public, within the limits of the available courtroom space. However, the trial will be conducted in French and a public translation will likely not be provided extensively, making it potentially less accessible for non-French speakers, in particular the Syrian public.

In this regard, TRIAL International would like to raise the awareness of the Swiss authorities on the tremendous importance of this trial for the Syrian people. An interpretation service made available in the courtroom during the full length of the trial shall contribute to making sure that justice is not only done but also seen to be done and that access to information by those directly affected is guaranteed.

10. What was the situation in Syria when the crimes were committed and has anything improved since then?

From 1979 to 1982, the al-Assad's clan confronted the fighting vanguard of the Muslim Brotherhood, which became the main opposition force to Hafez al-Assad after he came to power.

The Syrian regime implemented a policy of repression that turned into an open conflict with the Muslim Brotherhood at the end of the 1970s, that culminated in the destruction of the city of Hama in 1982.

When Hafez al-Assad died on 10 June 2000, his son Bashar was declared president in an election where he ran unopposed. His "election" saw the birth of the Damascus Spring and hopes of reform, but by autumn 2001 the authorities had suppressed the opposition movement, imprisoning its leaders and killing over 3500 people.

The human rights situation in Syria has long been of concern among independent organizations, such as [Human Rights Watch](#), who already in 2010 referred to the country's record as "among the worst in the world." The authorities are accused of arresting activists fighting for democracy and human rights, censoring websites, detaining bloggers, and imposing travel bans. Arbitrary detention, torture and disappearances are widespread.

The still ongoing Syrian Civil War was inspired by the Arab Spring revolutions. It began in 2011 as a chain of peaceful protests, which was suppressed through a deadly crackdown by the

Syrian security apparatus. In July 2011, Army defectors declared the creation of the Free Syrian Army and began forming fighting units. According to various sources, up to 100'000 people had been killed by June 2013. In August 2013, the government was suspected of using chemical weapons against its civilians (see Q.14). By 30 April 2014, the civil war had resulted in 191,369 deaths, war crimes being committed in total impunity by all sides of the conflict. To escape the violence, 4.9 million Syrian refugees had fled to neighboring countries. According to the United Nations, by October 2017, an estimated 400'000 people had been killed in the war. Years of civil war and foreign sanctions have destroyed the country's economy.

11. What does this case mean for the victims and for Syrians?

Criminal proceedings initiated on the basis of universal jurisdiction are highly important as they send a strong message to the perpetrators of the Syrian regime, that they can be held accountable. The trial of Rifaat al-Assad should contribute to shedding the light on the crimes committed by the Syrian regime against its own people.

Furthermore, beyond the individual criminal prosecution of Rifaat al-Assad, the case highlights the responsibility of his brother Hafez and of other high-level officials of the regime. In other words, the case also aims at highlighting the broader and long-term systemic violence set up by the Assad's clan in the country.

12. Why will the trial of Rifaat al-Assad take place in Switzerland?

The Swiss authorities have jurisdiction to prosecute Rifaat al-Assad on the basis of the principle of [universal jurisdiction](#) as the investigation was opened when the accused was present on the Swiss territory.

This was confirmed by the FCC in its ruling of July 2022, ordering the FOJ to [issue the international arrest warrant for the accused](#).

13. What is universal jurisdiction?

Universal jurisdiction (UJ) is a legal principle that allows states to investigate and prosecute individuals suspected of having committed international crimes (genocide, crimes against humanity, war crimes, torture and enforced disappearances), regardless of where the crimes were committed and of the nationality of the suspect(s) or victim(s).

UJ cases are playing an increasingly important role in international efforts to hold perpetrators of atrocities accountable and to bring justice to victims. Nevertheless, in a number of states that provide for UJ, including Switzerland, there are still major political obstacles to effective access to justice for victims of international crimes who wish to bring cases on the basis of this mechanism. These cases help to deter the commission of future crimes and send a powerful message that perpetrators of human rights abuses will not find a safe haven abroad.

TRIAL International, together with several partner organizations, publishes an annual [Universal Jurisdiction Annual Review](#) (UJAR), which highlights key developments in cases brought before national courts around the world on the basis of this principle. The 2023 edition of the UJAR includes more than 65 cases concerning international crimes. Indeed, many other countries are currently investigating and prosecuting international crimes committed in the Democratic Republic of Congo, Egypt, Iraq, Liberia, Libya, Rwanda, Syria, Ukraine, etc.

14. Are any other individuals being prosecuted under universal jurisdiction for the crimes committed in Syria?

The application of universal jurisdiction has already proven efficient regarding the crimes committed in Syria. Currently, 49 cases are ongoing or were already closed. In total, 19 people were convicted, of which 13 in Germany alone.²

² Figures extracted from TRIAL International's Universal Jurisdiction Interactive Map, available on: <http://ujim.trialinternational.org/> (last consulted in December 2023).

The first trial in the world to judge state torture in Syria was opened against [Anwar Raslan and Eyad al-Gharib](#), two former officers of the Syrian government's security apparatus, on 23 April 2020 at the Higher Regional Court in Koblenz, Germany. On 24 February 2021, the court sentenced Eyad al-Gharib to four and a half years in prison for complicity in crimes against humanity. [Anwar Raslan](#) was convicted to life in prison in January 2022 for numerous acts of torture, murders and sexual violence as crimes against humanity. This was the first time that a foreign court, in its exercise of universal jurisdiction, sentenced a member of the Syrian security apparatus—which is still in place—and found the Assad regime guilty of crimes against humanity.

The first trial in the Netherlands against a Syrian individual took place at the end of 2023 and led to the conviction of Mustafa A. – member of Liwa al Quds – to 12 years in prison for war crimes and crimes against humanity committed during the Syrian civil war.

Another high-level affair was announced on 15 November 2023, when French criminal investigative judges issued [arrest warrants for Syria's President Bashar al-Assad](#), his brother Maher al-Assad, and two other senior officials over the use of banned chemical weapons against civilians in the town of Douma and the district of Eastern Ghouta in August 2013, in attacks which killed more than 1'000 people. These arrest warrants refer to the legal qualifications of complicity in crimes against humanity and war crimes. The issuance of an arrest warrant against an acting head of state and his associates constitutes a historic judicial precedent.

On 21 November 2023, the Paris Court of Appeal has confirmed the [referral to trial of a former spokesperson for a Syrian rebel group for complicity in war crimes in Syria](#) between 2013 and 2016. Majdi Nema, a 35-year-old Syrian, will also be tried between 28 April and 23 May 2025 in Paris for complicity in the recruitment of minors into an armed group and participation in a criminal association with a view to preparing war crimes.

15. How many cases related to international crimes have been opened in Switzerland?

The 2022 Annual Report of the Swiss OAG reported 15 ongoing investigations regarding international crimes (genocide, crimes against humanity and war crimes). Since the entry into force of the provisions implementing the Rome statute into Swiss law in 2011, a first trial related to international crimes has been held before the FCC in 2020-2021, at the end of which [Alieu Kosiah](#) was convicted of war crimes committed during the Civil War in Liberia. During his appeal trial, whose verdict was handed down in June 2023, he was additionally found guilty of crimes against humanity.

In January and March 2024, the trial of the [former Gambian Interior Minister Ousman Sonko](#) for crimes against humanity committed during Yahya Jammeh's dictatorship took place before the FCC. The verdict is currently pending in this case.

Another [trial against former Algerian Minister of Defense Khaled Nezzar](#) was scheduled to open in June 2024 after 12 years of investigation, but the accused passed away at the end of 2023, leaving his victims without the answers they had been awaiting for decades. Khaled Nezzar had been [indicted](#) on 28 August 2023 in Switzerland for crimes against humanity as well as war crimes committed in the early 1990's in Algeria, during the course of the civil war.

Rifaat al-Assad will be amongst the highest-ranking officials ever to be tried on the basis of the principle of universal jurisdiction. His case will be the third of its kind to take place before the Swiss FCC with regards to the prosecution of international crimes in Switzerland.