

TRIAL
International

2023 Activity Report



"POWERFUL OR NOT, THE LAW SHOULD APPLY EQUALLY TO ALL"

Dear friends,

Although impunity has been the norm for too long, there is an increasing awareness as to how some economic actors benefit from conflicts. As expressed long ago by La Fontaine, *"Depending on whether you are powerful or miserable, court judgments will make you white or black."* Nonetheless, the need to bring these economic actors to justice is fundamental: international justice can no longer continue to be perceived as applying double standards in the prosecution of international crimes, with lower-ranking perpetrators held responsible while their leaders and others who benefit from the crimes continue their activities with complete impunity. Powerful or not, the law should apply equally to all.

With this in mind, TRIAL International reinforced last year its commitment to identifying and prosecuting companies and individuals whose activities fuel, exacerbate or profit from conflicts. Through our in-depth investigations and rigorous case-building, we aim to challenge the impunity that has protected these actors for too long. We will not be deterred by legal reprisals or other risks to our organization.

Innovative legal proceedings are currently underway in several countries, including Switzerland, France and Sweden, for acts of complicity in international crimes committed in Syria, Sudan and the Democratic Republic of the Congo (DRC) and Casamance, targeting the responsibility of economic actors in conflict settings. These cases are necessary in that they open a new and crucial field of opportunities in which TRIAL International will continue to actively invest, including regarding extractive industries and even private military companies.

The year 2023 was also marked by our active involvement in two important universal jurisdiction trials in Germany and Switzerland for serious crimes committed in The Gambia and Belarus as well as by the indictment of three ex-ministers for crimes against humanity in three cases we brought forward. We also relentlessly continued our work in the DRC and Bosnia and Herzegovina, where we support victims of past and, unfortunately, current violations. Additionally, we laid the final stones for the launch of a new Ukraine program in January 2024 in parallel with the closure of our Burundi program after 13 years of legal activism.

Your unwavering support allows us to persevere in this quest for justice, leading the way toward an era where economic responsibility in times of conflict is not only recognized but actively pursued, and an era where victims of international crimes remain at the heart of the quest for justice. Together, we move toward a future where justice and accountability become the norm for all.

We thank you from the bottom of our hearts for your continued commitment to our mission and your invaluable support.

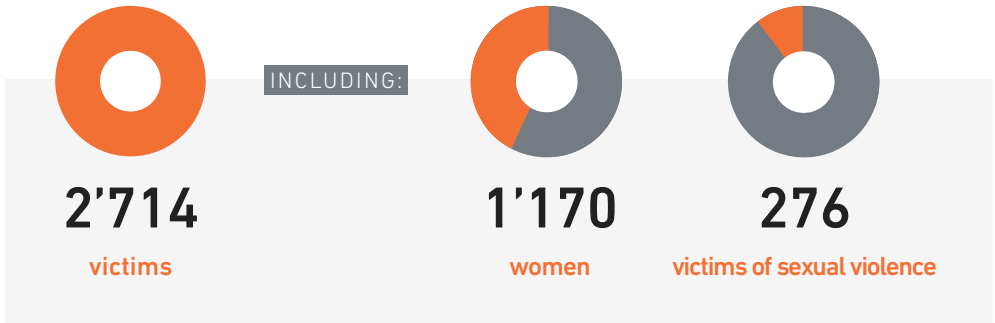
Leslie Haskell
President

Philip Grant
Executive Director

TRIAL INTERNATIONAL'S IMPACT IN 2023

TRIAL International carried out investigations relating to crimes committed in eight countries. Meanwhile, we continued our field activities from our offices in the Democratic Republic of the Congo and Bosnia and Herzegovina, and laid out the foundation of our new program on crimes being committed in Ukraine. After 13 years, we have closed our program in Burundi.

In 2023, we represented:



We brought forward **10** new cases, alone or in partnership, before:



173

victims
obtained
favorable
decisions



7

perpetrators
of crimes
convicted



88

ongoing
proceedings
(including 83 at
national level and 5
at international level)



4

favorable
verdicts at
national
level



3

reparation
decisions

CUMULATIVE IMPACT SINCE 2002:

10'835 victims represented, including
1'816 survivors of sexual violence

5'491 individuals
trained

469 cases
supported



Although sometimes resource intensive, investigating and documenting international crimes is the first key step to building a strong case. In 2023, 25 new cases were examined by TRIAL International. This initial phase is where we assess the strategic relevance of the case and its potential to create legal precedents. The security and safety risks for victims and survivors, the type of crime, the likelihood of gathering strong evidence as well as securing access to a competent court are also key case selection criteria. We investigate international crimes, whether committed by state actors or armed groups, by individuals or corporations. Four out of the selected cases relate to international crimes allegedly committed or facilitated by economic actors.

To carry out its investigations, TRIAL International often works in collaboration with local partners. In 2023, we conducted or supported 36 investigation and documentation missions, in different countries, through which we were able to collect the testimonies of several hundred victims and witnesses.

ZOOM

The testimonies of hundreds of victims and witnesses collected on violations in South Kivu

After the 2022 arrest of Major Donat Kengwa Omari, who led various Congolese and foreign armed groups since 2012, TRIAL International, along with its partners, supported the documentation of crimes perpetrated by these groups in South Kivu province during 2019-2020. We collected the testimonies of hundreds of victims and witnesses who spoke of abuses committed by these groups during incursions into villages. Based on this evidence, a criminal complaint was filed and an official investigation by the authorities for crimes against humanity was initiated. TRIAL International also formed a collective of lawyers who will assist victims during the investigation hearings, then throughout the legal procedure and the trial, which is expected to take place in 2024.

KEY FIGURES

25 CASES
EXAMINED

36 INVESTIGATION AND DOCUMENTATION
MISSIONS UNDERTAKEN

8 CONTEXTS ON WHICH INVESTIGATIONS
WERE CARRIED OUT



Strategic litigation is at the heart of our mission to fight impunity. Whenever possible, we first use national mechanisms so that justice is served as close as possible to the affected communities. When the context does not allow it, we then resort to international and extraterritorial justice mechanisms, including the principle of universal jurisdiction, in order to facilitate access to justice for victims and survivors. In doing so, we most often collaborate closely with local and international NGOs.

In 2023, we worked on 88 cases, including 41 in the Democratic Republic of the Congo (DRC), 28 in Bosnia and Herzegovina (BiH) and 19 filed on the basis of universal jurisdiction covering various contexts, including crimes committed in The Gambia, Belarus, Syria and Algeria. Among these 88 cases, 10 were newly submitted to national prosecuting authorities or international mechanisms. They mainly relate to acts constituting international crimes, including conflict-related sexual violence.

In 2023, TRIAL International and its partners supported or represented more than 2'700 victims. Of these, 173 victims obtained a favorable decision thanks to the conviction of seven perpetrators during six trials held in the DRC, and one held in Germany (for crimes committed in The Gambia). Another trial in Switzerland for enforced disappearances in Belarus in 1999 ended with the acquittal of the defendant; nevertheless, the Court recognized the responsibility of the regime in these crimes.

ZOOM

First universal jurisdiction conviction for crimes committed under the presidency of Yahya Jammeh in The Gambia

Bai Lowe, a former member of the paramilitary unit known as the “Junglers”, created by former Gambian dictator Yahya Jammeh, was sentenced in November 2023 to life in prison by a German court for two murders and an attempted murder constituting crimes against humanity. This historic trial lasted more than 18 months and illustrated for the first time how the Yahya Jammeh regime used the Junglers as a particularly effective tool to suppress any opposition. *“The recognition of Bai Lowe’s responsibility in these crimes against humanity committed on the orders of the presidency has finally shed light on this murderous system of repression,”* declared Babaka Mputu, legal advisor at TRIAL International.

KEY FIGURES

2'714 VICTIMS REPRESENTED, INCLUDING
1'170 WOMEN AND 13 CHILDREN

10 NEW CASES
SUBMITTED

7 TRIALS

4 FAVORABLE
VERDICTS



CAPACITY BUILDING

In 2023, 257 people benefited from TRIAL International's training program. An exceptional training for 2'500 magistrates newly recruited by the Congolese government also took place at the end of 2023.

In the Democratic Republic of the Congo (DRC), 184 people participated in our trainings in South Kivu and Kasai, including lawyers and magistrates, local civil society members and representatives of victims' associations. The trainings mainly focused on the documentation of serious crimes and supporting victims in accessing justice as well as strengthening investigations and prosecutions for international crimes. In the Kasai-Central province, given the establishment of a Truth Commission, the training sessions addressed the operationalization stages of a truth and reconciliation mechanism thanks to a partnership between the Commission, civil society, judicial authorities and victim communities.

In Bosnia and Herzegovina (BiH), we trained 60 individuals during the year, including 46 legal practitioners and 14 journalists. The training for legal practitioners mainly addressed the theme of reparations to victims, a practice rarely implemented in BiH. In 2023, we also worked to raise journalists' awareness of conflict-related sexual violence crimes, and in particular of the risks of stigmatization and re-traumatization of victims.

In order to support the sustainability of our activity and truly contribute to improving the services offered to survivors, we offer longer-term mentoring support for lawyers and NGOs who engage in strategic documentation and litigation. Thus, we continued our mentoring with 20 lawyers and ten NGOs in the DRC throughout 2023.

ZOOM

Large-scale training of newly recruited magistrates in the DRC

In collaboration with the High Council of the Judiciary and the National Institute of Judicial Training, TRIAL International participated in the initial training of 2'500 civil and military magistrates recruited to address staff shortages within the Congolese justice system. Participants were able to acquire basic skills to investigate and prosecute perpetrators of international crimes. Analysis of Congolese legislation and the most recent national and international jurisprudence allowed participants to better understand what legally constitutes a war crime, a crime against humanity and a genocide. Guy Mushiata, national coordinator of TRIAL International's DRC program, declared: *"In the coming year, it will be essential to give these new recruits more in-depth training and adequate resources so they can provide quality work for the benefit of the Congolese population."*

KEY FIGURES

55 LAWYERS
TRAINED

85 MEMBERS OF CIVIL
SOCIETY TRAINED

34 REPRESENTATIVES OF
VICTIMS' GROUPS TRAINED

2'569 LEGAL PRACTITIONERS
TRAINED



Advocacy is an important pillar of our Bosnia and Herzegovina (BiH) program. Our team closely works with other civil society actors to push forward the processing of crimes committed during the 1992-1995 war, and also to improve victims' status and care. In 2022, we reported a major breakthrough with the legal recognition of the status of children born from conflict-related sexual violence by the Brčko District. In 2023 we made further progress with the adoption of a similar bill with improved reparative measures for survivors of conflict-related sexual violence in the Federation of BiH.

In the Democratic Republic of the Congo, the government created a National Fund for Reparations for Victims (FONAREV) of some international crimes. Throughout 2023, as this new institution was being launched, TRIAL International carried out technical advocacy, in collaboration with Congolese civil society, to ensure that FONAREV adopts a normative and operational framework focused on victims that is inclusive and aligned with international standards in transitional justice.

Since 2014, we publish the Universal Jurisdiction Annual Review (UJAR) which compiles all the investigations and trials relating to universal jurisdiction. It has now become a reference tool for practitioners of international law. In 2023, we also launched an interactive map of universal jurisdiction cases. The map is available on our website and provides access to quantitative data on cases of universal jurisdiction and is able to identify trends and key developments in its practice.

ZOOM

An important step towards the fight against impunity with the adoption of the Ljubljana-Hague Convention

TRIAL International actively participated in the negotiations which led to the adoption in May 2023 of the Ljubljana-Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes. Once in force, this treaty with universal vocation could strengthen the international justice system and fill a significant gap in mutual legal assistance and extradition for the most serious crimes.

KEY FIGURES

97 BRIEFINGS TO INTERNATIONAL AND NATIONAL STAKEHOLDERS

48 MEDIA EVENTS

THANK YOU FOR YOUR CONTINUED TRUST AND SUPPORT!

TRIAL International works **with numerous local and international partners, 34 institutional donors and 274 individual donors** to fight impunity.

We thank you very much for your trust, your collaboration and your support which, once again this year, allowed us to support multiple victims in their quest for justice. **THANK YOU!**

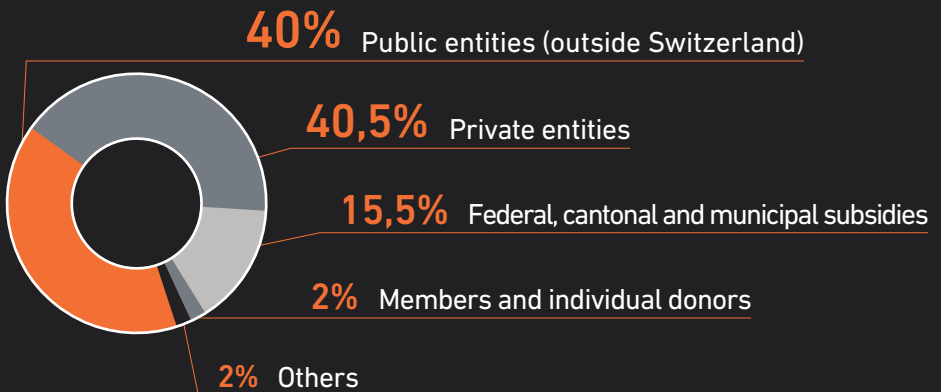
CHF 3'523'210

TOTAL REVENUE

CHF 3'519'604

TOTAL EXPENSES

DONOR CONTRIBUTIONS (as percentage of revenue)



SUPPORT OUR WORK! DONATE!

IBAN: CH85 0900 0000 1716 2954 3

STAY INFORMED

trialinternational.org

info@trialinternational.org



SUPPORT US NOW!



Scan the QR code with your phone camera



Make a secure donation on our website

