

**The Arab Council is monitoring the trial sessions of three
senior security officials of the Syrian regime
Criminal Court in Paris.**

21-24 May 2024

War Crimes and Crimes Against Humanity in France:

This is the eighth trial at the first instance level in cases of crimes against humanity and torture in France and the sixth trial since the fall of 2021. It is conducted with the scheduling policy established by the National Counterterrorism Bureau and the Public Prosecutor's Office at the Paris Court of Appeal. It aims to prosecute two criminal cases each year at the first instance level related to crimes against humanity, war crimes, or torture.

As for the Unit for Crimes Against Humanity and War Crimes of the National Counterterrorism Prosecutor's Office, it has opened 26 cases related to violations committed by the Syrian regime against civilians (18 preliminary investigations and eight judicial investigations).

The victims are two French-Syrian citizens:

1. Mazen Dabbagh, born in 1959, worked as a senior education advisor at the French school in Damascus.
2. Patrick Abdelkader Dabbagh, born in 1993, studied psychology at the University of Damascus.

Parties Involved in the Lawsuit:

Personal Plaintiffs:

- "The victims' family" represented by Obaida Dabbagh and Hanan Dabbagh.

Civil Parties:

- Syrian Center for Media and Freedom of Expression.
- International Federation for Human Rights (FIDH).
- French League for Human Rights (LDH).

Prosecutors and Civil Party Lawyers:

- Lawyer Clémence Bectarte.
- Lawyer Patrick Baudouin.

Defendants:

- Ali Mamlouk, former Director of National Security.
- Jamil Hassan, former head of Air Force Intelligence.
- Abdul Salam Mahmoud, head of the Air Force Intelligence branch at Mezzeh Military Airport - Investigation Branch.

Historical Sequence of Events:

The Unit for War Crimes and Crimes Against Humanity at the Paris Prosecutor's Office was established on October 5, 2015, following reports of the arrest and disappearance of French-Syrian citizens Mazen Dabbagh and his son Patrick Abdelkader Dabbagh on November 3 and 4, 2013, at their home in Damascus, Syria by the Air Force Intelligence.

Article 113-7 of the French Penal Code states that "French criminal law applies to any crime or offence punishable by imprisonment committed by a French national or foreigner outside French territory when the victim is French at the time of the offence." A judicial investigation was opened on October 27, 2016.

According to gathered testimonies, Mazen and Patrick Abdelkader Dabbagh were transferred to Mezzeh Airport in Damascus, where thousands of opponents of the Syrian regime were detained, tortured, and killed. In August 2018, relatives received death certificates for Mazen and Patrick Abdelkader Dabbagh, indicating their deaths on November 25, 2017, and January 21, 2014, respectively. Their bodies were not returned to their families.

Simultaneously, in 2016, Mazen Dabbagh's wife and daughter were evicted from their home, an operation carried out in favour of the Air Force Intelligence, as investigations revealed extensive documentation and numerous testimonies regarding arbitrary arrests, torture, enforced disappearances, and deliberate violations of life by Syrian intelligence agencies, particularly Air Force Intelligence, notably at Mezzeh Airport.

The Court and Procedures:

The Criminal Court consists of three judges (one presiding and two advisors). There are no jurors since the defendants are not in court and are considered fugitives. The prosecution is represented by a public prosecutor from the National Counterterrorism Prosecutor's Office, along with specialized assistance from the Unit for War Crimes and Crimes Against Humanity at the National Prosecutor's Office for Counterterrorism.

The trial proceedings will be conducted in absentia, as stipulated in Article 270 of the Criminal Procedure Code, which states that "if the accused is absent without valid excuse at the opening of the session, they shall be tried in absentia" by the provisions of this article. This procedure allows for the trial of individuals who have not been notified of the charges against them for reasons such as being unable to prove their whereabouts or residing abroad without legal notification.

Despite significant efforts regarding the issuance of three arrest warrants (via French police and Interpol) against Ali Mamlouk, Jamil Hassan, and Abdul Salam Mahmoud through the press in 2018 and 2023, none of them have presented themselves directly to the French judicial system or through legal representation.

If the criminal court convicts the Accused and the accused becomes a prisoner or detained, the conviction verdict issued by the Criminal Court becomes null and void in all its judgments. Subsequently, a new trial must be conducted at the trial level, upholding the right to defence.

Details of the Defendants:

Three men, all subject to arrest warrants, have been referred to the Criminal Court under a referral order dated March 29, 2023.

1. *Ali Mamluk* was born in Damascus, Syria, on February 19, 1946. He holds Syrian nationality and is accused of two crimes punishable by life imprisonment:
 - Complicity in crimes against humanity: Allegedly, between November 3, 2013, and August 1, 2018, in Damascus, Syria, while serving as head of National Security and as the chief of all intelligence and security agencies in Syria, he conspired in the execution of a planned attack against a group of civilians

considered by the Syrian regime as real or perceived opponents and their families. This included widespread or systematic arrests, torture, enforced disappearances, and deliberate attacks on life, in violation of fundamental provisions of international law.

- Complicity in a war crime: Allegedly, between January 19, 2014, and October 9, 2018, in Damascus, Syria, he conspired in extortion and seizure of specific properties, such as the residence of Mazen Dabbagh inhabited by his wife Haifa Nasser, and their children Patrick Abdelkader Dabbagh and Raya Dabbagh, located in the Mezzeh area of Damascus. These properties were reportedly confiscated after Mazen Dabbagh's arrest, torture, enforced disappearance, and death by the Syrian Arab Republic for the benefit of Syrian Air Force Intelligence. These actions were committed against persons protected under international humanitarian law and were unjustified by military necessity, constituting a war crime.
 - Penalties under Articles 121-6, 121-7, 461-1, 461-16, 462-1, 462-2, 462-3, 462-4, 462-6, 462-8 of the French Criminal Code may apply.
2. *Jameel Hassan (Jameel Al Hassan or Al-Hassan)* - Born in 1953 in Homs, Syria. He holds Syrian nationality and is accused of two crimes punishable by life imprisonment:
- Complicity in crimes against humanity: Allegedly, between November 3, 2013, and August 1, 2018, in Damascus, Syria, while serving as head of intelligence in the Syrian Air Force, he conspired in the execution of a planned attack against a group of civilians considered by the Syrian regime as real or perceived opponents and their families. This included widespread or systematic arrests, torture, enforced disappearances, and deliberate attacks on life in violation of fundamental provisions of international law.
 - Complicity in a war crime: Allegedly, between January 19, 2014, and October 9, 2018, in Damascus, Syria, he conspired in extortion and seizure of specific properties, such as the residence of Mazen Dabbagh, inhabited by his wife, Haifa Nasser, and their children Patrick Abdelkader Dabbagh and Raya Dabbagh, located in the Mezzeh area of Damascus. These properties were reportedly confiscated after Mazen Dabbagh's arrest, torture, enforced disappearance, and death by the Syrian Arab Republic for the benefit of Syrian Air Force Intelligence. These actions were committed against persons

protected under international humanitarian law and were unjustified by military necessity, constituting a war crime.

- Penalties under Articles 121-6, 121-7, 212-1 1°, 212-1 5°, 212-1 6°, 212-1 9°, 212-2, 213-1, 213-2, 213-3, 213-4, 213-4-1 of the French Criminal Code, Article 7 of the Criminal Procedure Code may apply.

3. *Abdul Salam Mahmoud*

- Nationality: Syrian
- Charges:
- Complicity in crimes against humanity in Syria, Damascus: Between November 3, 2013, and August 1, 2018, Abdul Salam Mahmoud allegedly participated as the head of the Investigation Branch within the Intelligence Service of the Syrian Air Force. In this role, he was involved in a coordinated plan targeting a group of civilian populations, including individuals considered by Syrian authorities as actual or perceived opponents and their families. The crimes allegedly included widespread or systematic arrests, torture, enforced disappearances, and deliberate attacks on life. Mahmoud is accused of instigating these crimes and providing directives for their execution, acting as a senior official in the hierarchical chain, and leaving subordinates under his authority and control to commit these crimes without taking necessary and reasonable measures to prevent or suppress them or to refer them to the competent authorities for investigation and prosecution.
- Complicity in a war crime in Syria, Damascus: Between January 19, 2014, and October 9, 2018, Abdul Salam Mahmoud allegedly participated in extortion and seizure of properties. Specifically the residential property that Mazen Dabbagh owned and that his family inhabited in the Mezzeh area of Damascus. These properties were reportedly confiscated after the arrest, torture, enforced disappearance, and death of Mazen Dabbagh by the Syrian Arab Republic and provided for the benefit of the Intelligence Service of the Syrian Air Force. These actions were committed against persons protected under international humanitarian law and were not justified by military necessity, constituting a war crime.
- Penalties: The charges against Abdul Salam Mahmoud fall under Articles 121-6, 121-7, 461-1, 461-16, 462-1, 462-2, 462-3, 462-4, 462-6, 462-8 of the French Criminal Code.

Summary of Court Sessions:

Tuesday, May 21, 2024 - 9:30 AM - Identity verification, witness, and expert summoning procedures were conducted. The referral decision by the court's president was presented, outlining direct charges and crimes associated with the defendants, along with crucial evidence. The procedure of the lawsuit was explained, emphasizing that the court would proceed without a jury as it was an absentia trial. Following this, the witness list was read aloud.

Tuesday, May 21, 2024 - 10:30 AM - Testimony of Witness Ziad Majid, Lebanese political, academic researcher and professor at the American University in Paris. He contributed to a book on the Syrian dictator titled "Inside Bashar al-Assad's Mind." His testimony was divided into three main parts:

1. The regime during Hafez al-Assad's era: Formation of the Syrian government, its intelligence apparatus, and how Assad Senior established regional dominance. He focused on the Syrian regime's arrest operations and the detention centres considered the backbone of this oppressive regime.
2. Bashar al-Assad and the transfer of power: Changes within the regime, its key security agencies, and their roles.
3. The Syrian revolution since 2011: The regime's repressive handling of protests, its practices, and significant violations of international humanitarian law. He responded to questions posed by the parties and the judges.

Tuesday, May 21, 2024 - 2:00 PM - Testimony of Witness François Bourgeat, French academic researcher and expert. He lived in Damascus before the revolution and throughout Syria's peaceful uprising and military operations. He spoke about:

The sectarian security system and its repressive practices against the peaceful protests that began in Damascus.

How the regime responded to these protests with live ammunition, fabricated security crises, and alleged terrorist groups, justifying widespread retaliatory operations targeting civilians.

The regime's criminal, retaliatory operations against peaceful demonstrations, arbitrary arrests, and detention of innocent people in Syrian prisons.

Accusations of extremism and radicalism against peaceful demonstrators, along with instances of torture perpetrated by elements of the Syrian Air Intelligence and other security agencies.

He responded to questions posed by the parties and the judges.

Tuesday, May 21, 2024 - 2:00 PM - Testimony of Garence Lucas, author of the book "Operation Caesar".

Garence Lucas testified before the criminal court that her experience with literary detention helped her better understand the Syrian prison system. "You can be released, but you will never leave it." During her testimony, she recounted her observations and communication with the defector Caesar, describing the harrowing scenes she documented of detainees who died as a result of torture in various security branches, particularly in the Air Intelligence branch. She then responded to questions posed by the parties and the judges.

Wednesday, May 22, 2024 - 9:30 AM - Testimony of Catherine Marchi-Uhel, Head of the International, Impartial and Independent Mechanism for Syria.

Catherine Marchi-Uhel spoke about the documentation held by the International, Impartial, and Independent Mechanism for Syria regarding the systematic torture practiced by Syrian security forces in general and specifically by the Air Intelligence apparatus. She detailed death certificates and emphasized that this is a systematic practice carried out by these agencies against Syrians. She then responded to questions posed by the parties and the judges.

Wednesday, May 22, 2024 - 2:00 PM - Testimony of Veronique Sadowski, Police Officer from the Office for the Prevention of Crimes against Humanity - Presentation of Caesar's Photos.

Veronique Sadowski, Head of the Middle East Team at the Central Office for the Prevention of Crimes against Humanity (OCLCH), undertook the challenging task assigned by the court to present photos that emerged from Syria by a defector from the Syrian army known by the pseudonym "Caesar." The raw images depict the hellish oppression that engulfed hundreds of thousands of Syrians after the Damascus Spring in 2011, showing approximately 150 emaciated bodies subjected to torture. These selected photos were taken at the Mezzeh Air Force Intelligence Branch prison in the suburbs of Damascus, where Mazen and Patrick Abdul Qader Dibagh entered in early November 2013 and never emerged.

One after another, the frozen faces and bodies, numbered and labelled on the screen, narrate the "administrative obsession" and the "desire to paralyse an entire society" described by Ziad Majed the previous day. He explained that the

arrest of hundreds of thousands of individuals means millions of paralysed family members, frozen in anticipation of death or living in constant fear.

Veronique Sadowski then answered questions posed by the parties and the judges.

Wednesday, May 22, 2024 - Witness Testimonies

Several Syrians, now living as refugees in France, testified before the court about the torture they endured at the Mezzeh prison, where Patrick and Mazen spent a time period. For instance, (A.X.), who was detained twice by Syrian intelligence services, barely audible, recounted his story. In April 2011, agents attempted to locate his brother and sister, a well-known lawyer. "I was tortured from morning till evening," he said. "They threatened to pull out my nails and yank my hair."

(N.X.), a 40-year-old spent three months in Mezzeh. As the son and brother of regime opponents, he was arrested on May 9, 2011, and placed in a cell with over a hundred people. "The next day or a day or two later, they started beating me, and I lost my teeth," he testified. He mentioned that weeks later, he was interrogated by one of the accused - Jamil Hassan himself - who asked him about the whereabouts of his relatives. "I answered, 'You're asking me the same questions after two months, knowing that I don't know,'" he said. Then, Jamil Hassan ordered his agents to deal with him. "He said, 'I want to hear him scream under torture,'" (N.X.) continued. "They tied a rope around my hands, hung me up," he said. "They left me hanging like this until the next day." When they asked him to lower his arms to remove the ropes, he couldn't. "The guard forcibly lowered my arms, resulting in dislocated shoulders," said the witness, who also revealed that he was electrically shocked in his genital area.

Thursday, May 23, 2024 - 1:30 PM - Personal Plaintiffs: Obeida and Hanan al-Dabbagh

Obeida and Hanan al-Dabbagh spoke about the circumstances surrounding the arrest of their son Mazen and his son Patrick Abdelkader al-Dabbagh by the Air Force Intelligence Directorate and the conditions of their detention inside the branch as narrated to them by relatives who were arrested with them. However, due to unavoidable circumstances, their relatives managed to escape. They narrated everything that Mazen and Patrick went through inside the small cell that did not exceed 40 square meters, crowded with at least 100 detainees. Mr

Obeida also described to the court the battle that ensued in an attempt to obtain news about them.

Communications with influential acquaintances initially reassured him but later informed him that things were becoming complicated, eventually ending with their request for him to cease contact. Additionally, he communicated with the French Embassy, which had moved to Beirut, the director of the French school, the crisis cell at the Ministry of Foreign Affairs, and his messages to President François Hollande. The repeated response was, "We will do our utmost."

He also explained that \$15,000 was paid without his consent through an intermediary to Abdul Salam Mahmoud, the director of investigations at the Air Force Intelligence Directorate, to which Mezzeh prison belongs. The money was supposed to allow Mazen to be transferred to a civilian prison. After two weeks, the intermediary apologized, stating, "Verification was not done, but Mazen has been dead since March 2015," suggesting an additional \$15,000 payment for a death certificate. This was described as "the regime relying on organized ransom to obtain information and an organized mafia economy under the regime's control to produce rumours and trade in death certificates or body relocations."

In the following year, the family home was seized. Mazen's wife and daughter were evicted, and the place was occupied by members of the Air Force Intelligence Directorate, including Abdul Salam Mahmoud, according to information obtained by Obeida.

In the case of the Dabbagh family, the bodies were never returned. However, death certificates were eventually issued in August 2018 without specifying the causes of death or verifying the accuracy of the information that Mazen died on November 25, 2017, and Patrick died on January 21, 2014. He also answered questions posed by the parties and judges.

Thursday, May 23, 2024 - 3:00 PM - Civil Party Testimony - Mazen Darwish - Syrian Center for Media and Freedom of Expression

Mazen Darwish, a Syrian lawyer and director of the Syrian Center for Media and Freedom of Expression, testified as a civil party in the case. He spoke about the systematic and inhumane conditions of detention practiced by Syrian security forces, particularly at the military Mazzeh Airbase under Air Force Intelligence. He presented documentation held by the centre regarding detention in security branches, especially Air Force Intelligence. He also recounted his arrest and

that of his team at the Syrian Center for Media and Freedom of Expression, highlighting his fortunate release from a detention facility where thousands of detainees perished under torture. Additionally, he explained the leadership structure, hierarchical sequence, and responsibilities of the suspects within Air Force Intelligence. Darwish emphasized that this trial reflects the severity of the crimes committed against Patrick and Mazen Dabbagh, as well as many other Syrians. The struggle continues against impunity for the crimes committed by the Assad regime and all parties involved in this conflict. He also answered questions posed by the parties and judges during the testimony.

- **Friday, May 24, 2024 - Prosecution Demands and Verdict**

Summary of the verdict:

After the trial of Mazen and Patrick Dabbagh, the Prosecutor General affirmed that "the events they endured are indicative of a context familiar to tens, perhaps hundreds of thousands of Syrians." The central point of this trial was to highlight the systematic and brutal nature of the assaults committed by the Syrian regime against its civilian population during the civil war in Syria.

On May 24, the Criminal Court in Paris issued life imprisonment sentences against three senior Syrian officials: Ali Mamlouk, Jamil Hassan, and Abdulsalam Mahmoud. It also reaffirmed the existing international arrest warrants against them. They faced charges of complicity in crimes against humanity and war crimes, including involvement in the abduction and death of two Franco-Syrian nationals in Damascus in 2013.

In this unprecedented trial, many survivors of Syrian prisons testified to their torture experiences, including beatings, prolonged hanging by their hands, and electric shocks. The Prosecutor General sought to demonstrate that Bashar al-Assad's regime executed an "international policy of repression, implemented by the highest levels of authority" and "applied locally in every province," with the defendants acting as "engineers of this regime" akin to Bashar al-Assad himself.