

Jurisdiction of French courts over crimes against humanity (9 Feb. 2022)

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France is fully mobilized in the fight against impunity for the perpetrators of international crimes committed in Syria and throughout the world.

The Government has presented a bill to authorize the approval of the international judicial cooperation agreement between the French Government and the United Nations Organization, represented by the International, Impartial and Independent Mechanism (IIIM) for Syria. It has just been passed by the National Assembly and must now be examined by the Senate. Among other things, the agreement will allow information to be transmitted from French courts to the Mechanism (MII), which is not possible under current law. It is thus in keeping with the priority France attaches to the fight against impunity for the perpetrators of international crimes.

In 2015, the Foreign Ministry reported to the Paris State Prosecutor, on the basis of Article 40 of the Code of Criminal Procedure, atrocities likely to have been committed by the Syrian regime of Bashar al-Assad. The documents passed on enabled the Paris Prosecutor's Office to open a preliminary investigation into "crimes against humanity", relying in particular on photographs taken in military hospitals between 2011 and 2013 by "César", a Syrian former military photographer. More than 40 investigations and judicial inquiries on Syria are currently under way in France.

In a ruling of 24 November 2021, the Court of Cassation deemed it necessary for the definition of an offence comparable to that in French law (evidence of "an attack against a civilian population in fulfilment of a concerted plan") to exist in Syrian law in order to recognize French courts' extraterritorial competence with regard to international crimes. This decision is, however, likely to be re-examined. Our ministries will therefore closely monitor forthcoming judicial decisions. Depending on those decisions, our ministries stand ready to swiftly set out the changes, including legislative changes, that should be made to enable France to continue resolutely fulfilling its steadfast commitment against impunity for international crimes.

In addition to its support for the International, Impartial and Independent Mechanism and the 40 or so proceedings under way in French courts to prosecute the most serious crimes committed in Syria, France is acting within the Organization for the Prohibition of Chemical Weapons (OPCW) to condemn the Syrian regime's use of chemical weapons

against its people, and it secured the suspension of some of Syria's rights and privileges at the OPCW in April 2021. France also launched and chairs the International Partnership against Impunity for the Use of Chemical Weapons, which today brings together 40 States and the European Union.