



Table of contents

1	PARTIES AND JUDGMENT	3
1.1	W.Z.	Error! Bookmark not defined.
2	FORMS OF ORDER SOUGHT	5
2.1	Charge 1	5
2.2	Charge 2	6
2.3	Deportation	7
3	Position	8
4	Investigation	8
4.1	Evidence of the parties	8
4.1.1	The prosecution	8
4.1.2	W.Z.	Error! Bookmark not defined.
4.2	Record of the hearings	8
4.2.1	W.Z.'s statement:	8
4.2.2	Witness M.H.'s statement:	17
4.2.3	Witness Z.H.'s statement	21
4.2.4	Witness Y.K.'s statement	24
4.2.5	Witness K.K.'s statement:	25
4.2.6	Witness I.R.'s statement:	26
4.2.7	Witness M.A.'s statement:	27
4.2.8	Witness C.E.'s statement:	28
4.2.9	Witness M.A.A.'s statement:	31
4.2.10	Witness T.L.'s statement:	31
5	Starting points for the District Court's assessment	32
5.1	About the events	32

This is a copy of an original electronic document.

Postal address	Physical address	Office hours	Tel.	Email
Box 319 371 25 KARLSKRONA	Rådhuset, Stortorget KARLSKRONA	Monday-Friday 08:00-16:00	0455-33 54 00	blekinge.tingsratt@dom.se
				Internet www.blekingetingsratt.domstol.se

5.1.1	Background.....	32
5.1.2	General information about Al Sawana	33
5.1.3	The events in question	33
5.2	The legal basis	34
5.2.1	Legal regulations	34
5.2.2	General information on burden of proof, standard of proof and evaluation of evidence	34
5.2.3	Specifically on oral testimonies.....	35
5.2.4	Specifically on written witness statements	36
6	The District Court's assessment.....	37
6.1	Preliminary conditions.....	37
6.2	W.Z.'s involvement in the events in question	38
6.2.1	Evaluation of the oral evidence	38
6.2.2	W.Z.'s association with IS.....	41
6.2.3	Charge 1 - The incident at the Al Anga roundabout.....	42
6.2.4	Charge 2 - The incident at Suweis Square.....	42
6.3	Compensation of the public defender	43
6.4	Confidentiality	44
7	THE COURT	45
8	INFORMATION ON APPEALS	46

1 PARTIES AND JUDGMENT

1.1 W.Z.

Parties

Defendant

W.Z.,
Nationality: Syrian

Public defence counsel

Prosecution

Swedish Prosecution Authority
National Unit for Combating International and Organised Crime

Judgment

Charges of which W.Z. is acquitted

Serious war crimes, 15 May to 30 June 2015, Syria, Section 4(1)(1)(2) and (7) and Section 11 of the Act on Penalties for Genocide, Crimes against Humanity and War Crimes (2014:406), in its wording prior to 1 January 2022

War crimes, 15 May to 30 June 2015, Section 4(1)(7) and (2) of the Act on Penalties for Genocide, Crimes against Humanity and War Crimes (2014:406), in its wording prior to 1 January 2022

Deportation

The request for deportation is rejected.

Confidentiality

The confidentiality provisions in Chapter 15, Section 1 and Chapter 18, Section 17 of the Act on Public Access to Information and Confidentiality (2009:400) shall continue to apply to information that was presented in hearings held in camera that derives from European Investigation Orders (EIOs) between Sweden and Germany and was disclosed on the condition that it may not be made public.

The confidentiality provision in Chapter 15, Section 1 of the Act on Public Access to Information and Confidentiality (2009:400) shall continue to apply to information that was presented in hearings held in camera that derives from the UN body the IIIM and was disclosed on the condition that it may not be made public.

Compensation and reimbursement

X. shall receive compensation from the State of SEK 958 198. The amount is broken down as follows:

- SEK 612 400 for work
- SEK 54 600 for lost time
- SEK 99 558 for expenses
- SEK 191 640 for VAT

The State shall bear the costs.

2 FORMS OF ORDER SOUGHT

2.1 Charge 1

The prosecution has requested that W.Z. be convicted of war crimes in accordance with Section 4(1)(7) and (2) of the Act (2014:406) on Penalties for Genocide, Crimes against Humanity and War Crimes in its wording prior to 1 January 2022.

The prosecution has provided the following statement of the criminal act as charged.

Offence (also relates to charge 2, note of the District Court)

Since at least the spring of 2012, there has been a non-international armed conflict between the Syrian regime and several armed groups in Syria, including the armed group, also a terrorist organisation, the Islamic State (IS).

At some point between 9 May 2015 and 30 June 2015, W.Z. joined the Islamic State (IS) in Al-Sawana, Syria, or acted on its behalf from that time. In so doing, he bore arms and carried out the following acts on behalf of IS during the period in which IS took over and exercised control over the town of Al-Sawana.

(Charge 1 War Crimes)

On one occasion between 9 May and 30 June 2015 in Al-Sawana, Syria, W.Z., together with other IS-affiliated perpetrators,

- tied a person to a vehicle and dragged the body behind the vehicle down a street, up to a roundabout called Al Anga, all in Al Sawana.
- Furthermore, together with other perpetrators, W.Z. used the vehicle's horn to attract the attention of onlookers and passers-by.
- At the Al Anga roundabout, W.Z., jointly and in collusion with another perpetrator, removed the body from the vehicle and took it to a lamp post where the body was tied up.
- Another perpetrator then threw/shot a spear/metal pipe at the person's head, causing parts of the (protected) person's face/eye to be removed.
- W.Z., jointly and in collusion with the other perpetrators, then left the person in the roundabout in public view. Al Anga is a public place located in the centre of Al-Sawana.

By the conduct described above, W.Z. did, jointly and in collusion with others, subject a person protected by international law to humiliating and degrading treatment likely to cause serious offence to personal dignity.

This translation has been provided by the Genocide Prosecution Network Secretariat and Eurojust, and is not an official translation

The offence was particularly ruthless in that

- it took place in a central and public place,
- the perpetrators actively attracted the attention of onlookers and passers-by, which reinforced the humiliating, inhumane and degrading treatment and,
- as the act was part of the terrorist organisation IS's brutal attacks against civilians in Syria and W.Z., through the above-mentioned actions, reinforced and repeated IS's practice of publicly executing, mutilating/disfiguring and publicly desecrating dissidents/protected persons during the armed conflict in Syria.

The offence was part of or otherwise connected with the armed conflict.

2.2 Charge 2

The prosecution has requested that F.I. be convicted of serious war crimes in accordance with Section 4(1)(1), (2) and (7) and Section 11 of the Act (2014:406) on Penalties for Genocide, Crimes against Humanity and War Crimes in its wording prior to 1 January 2022.

The prosecution has provided the following statement of the criminal act as charged.

(Charge 2 Serious war crimes or accessory thereto)

On one occasion between 9 May and 30 June 2015 in Al-Sawana, Syria, W.Z., together with other perpetrators belonging to the armed group and terrorist organisation IS, killed two people protected under international law.

W.Z., together with other IS perpetrators, arrived in several vehicles at Suweis Square, located in the centre of the town of Al-Sawana.

From one of the vehicles, W.Z., together with other armed perpetrators, took two captured men who were civilians or in a non-combatant state to Suweis Square.

The men were incapacitated by being unarmed, having their hands tied, being blindfolded and being guarded by several armed perpetrators, including W.Z.

W.Z. used his arm to push/hold or lead the captured men to the square.

In the square, W.Z., together with other perpetrators, positioned civilians around a designated execution site and prevented them at gunpoint from leaving the site by telling them to stay and/or using their body language.

The two captured men were forced to their knees by other perpetrators in the centre of the ring of onlookers that W.Z., who was armed, helped to set up and maintain.

An IS perpetrator has since publicly stated that the two captured men were infidels/apostates/heretics or similar and therefore were to be executed.

The men were subjected to severe suffering in the course of the events described above, as the whole situation must have been associated with extreme fear of death.

Two of the perpetrators then used firearms to execute/kill the two men by firing one or more shots at their heads and bodies.

The men then fell to the ground, dead.

The offence was particularly ruthless in that

- the perpetrators induced onlookers, including children, to witness the execution and
- it took place in a central and public place,
- and, as the act was part of the terrorist organisation IS's brutal attacks against civilians in Syria and W.Z., through the above-mentioned conduct, reinforced and repeated IS's practice of publicly executing dissidents/protected persons during the armed conflict in Syria.

In the alternative, W.Z. facilitated the offence by the actions described above.

In doing so, he both reinforced the intentions of the other perpetrators and ensured that the captured protected persons would not be able to escape or otherwise protect themselves, thereby reinforcing their vulnerable position.

The offence was part of or otherwise connected with the armed conflict.

2.3 Deportation

The prosecution has requested that W.Z. be expelled from Sweden and prohibited from returning here.

3 Position

W.Z. has denied the offences with which he is charged and opposes the deportation order. As regards the alleged facts, he has denied that he acted in any of the ways alleged by the prosecution. However, he has accepted the fact that there has been an armed conflict in Syria since the spring of 2012.

4 Investigation

4.1 Evidence of the parties

4.1.1 The prosecution

W.Z. has been heard on the charges. In addition, the prosecution has referred to witness hearings with M.H., Z.H., Y.K., K.K., I.R., M.A., M.A.A., C.E. and T.L..

The prosecution has further referred to a wide range of documentary evidence. The evidence includes reports from various UN agencies, reports and analyses from the NOA, image comparisons from the NFC, photographs, court certificates and witness interviews from the non-governmental organisation the Commission for International Justice and Accountability (CIJA).

4.1.2 W.Z.

W.Z. has not cited any oral evidence. As documentary evidence, he has referred to reports and witness interviews from the CIJA, requests for legal assistance from Turkey, photographs, sketches, memoranda on aerial bombing, and screenshots with information on solar positioning.

4.2 Record of the hearings

4.2.1 W.Z.'s statement:

He is a Syrian citizen and is originally from Palmyra. In 2004, he took up a position in Al Sawana at the company that operated the phosphate mines, which was owned by the regime. First, he worked as a car mechanic. He moved to Al Sawana in early 2005 with his wife, D.A.. In Al Sawana, D.A. worked as a teacher. After a year, he was promoted. He then became an auditor for the company's fuels. He was reliable, and the others at the company trusted him.

He worked on this until the beginning of 2014. He did his job very well. At the beginning of 2013, there was a lot of work. The security forces took a lot of material from the company without disclosing it. He wanted to quit but his boss would not let him. There

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

were reports against him from others who wanted his job, including A.A.S.. He told his boss that he had to give up the job. His boss told him that he would not leave as long as he (his boss) remained in his job. However, when his boss was promoted, he had to move, and another person took over his position. His new post was in administration. After that, he had more time for his other activities. The night before IS entered the area, he was called to a guard post. The post was 50 metres from his home. There were several people in the office, including the director of the company and military personnel from the Ba'ath Battalion. He wondered why he had been called there. The reason was that they needed a form to refuel without paying. He said he needed a document from his boss to issue the form. They also talked about what to do about the situation with IS. They said that they had a build-up of military personnel nearby. There was also a battalion hiding in the mountains to protect them. The Ba'ath Battalion's representative said they were protected. They finished around 2.00. He went to work the next day and finished around 16.00. He had then informed the others of the situation. Around 20.00. he said his evening prayers and went out. He drove off with the car. Someone told him to hide his car because the military was confiscating cars in order to leave the area. He then went to the shop. It was a bit messy and some left after the evening prayer. He sat down outside his shop and there were a lot of people moving around in the area. Around 21.30, people went to the mosque to pray. At 22.00. he closed the shop but left the lights on. He called the head of the post to check if it was true that the military was leaving the area. Apparently, the boss of the company had said that anyone who wanted to leave the area and refuel their car could do so. He drove off after 22.30. He noticed that people were moving around the area in an unusual way. When he arrived at the factory, there were no guards at the gate, but instead M.M. and E.M. were at the gate. They said that someone had tried to steal a car and that they had saved it. He went to the office at the administrative section of the company. Many people were stealing computers and other small items that were easy to carry. The three accountants each had a safe with money. There were 3 or 4 Bedouins from other villages who tried to open the iron door.

He asked what they were doing, but they told him not to interfere. He saw that one of them was armed, so he walked away. Someone from the post called and asked what he wanted. He asked why they were fleeing the post. They replied that they had not fled and that they would be back soon. The man also said that they would bring the looters to justice. He believed what the man said and felt calmer. He went to the petrol station, where it was a mess. Someone had taken the till out of the petrol station and was trying to get it open. The man who was trying to get the money laughed at him and said that the military had left. They said that IS had control over the whole area. A man with a lighter was filling four barrels with fuel. The man said 'if I can't fill my barrels, I'll set fire to everything.' He told a man on a motorbike that regime forces were on their way back. The man had his automatic weapon holstered in front of him. The man's wife was the sister of his then wife. IS was heading towards them. He headed back to the company. By that time, E.M. and M.M. were no longer at the metal gate. Instead, there were two young guys who had stolen a petrol tanker. He forced the guys out of the lorry, saying that it belonged to the town, and that the regime forces were very close. Then the guys left. The tanker was full with 10 000 litres of diesel. He drove the tanker away to hide it. When he

came back past the petrol station, there were fewer people, but he saw a stranger with a rifle. It was one of the Bedouins, A.T.. A.T. was wearing his usual Bedouin attire. He went on to a warehouse. Y.A.S. was there and was trying to enter the warehouse with three others. Y.A.S. said that the state owed him 50 million, that the whole town was lost and that the regime had gone. He drove off to an old petrol station and hid the tanker there. He went back to his car. When he got back to the petrol station, it was deserted. He closed the petrol station and made sure that it was no longer possible to refuel. Around midnight, when he arrived at the entrance, he saw a car belonging to Daesh (IS). He became scared. There were 4 or 5 IS members in the car. There were no guards around. There were a few civilians there that he knew of. They pointed at him when he arrived. He stopped and was asked if he was W.Z., which he confirmed by showing his ID card. The man said 'come with us.' The emir, their IS leader, was present and they inspected the boss's residence, the director's residence, the deputy boss's residence and a guest palace. He got to talk to their emir from Tunisia. He was asked questions about the company and answered them.

There was a masked person there too. They said they came in without a fight. They had a list of names of people they wanted to get. IS had a list of the entire Ba'ath Battalion and knew who was carrying weapons. They wanted to negotiate with the armed individuals. They asked him to contact them and start negotiations. The man kept his ID card. He said that he did not belong to the Ba'ath Party and that he was a free man. A man who had previously been silent started talking to him. He could tell from the voice that it was a former employee of the company, Y.A.H.. He had left and joined IS. The man told him to take responsibility and that he himself was one of the people on the list. They told him to reassure those who were carrying weapons that everything was calm. If they handed in their weapons, they would not harm anyone. They said that they were an Islamic State and stood by their promises. They would not hurt anyone. He drove ahead of them into town. At the square, he saw one car turn round while the other car remained behind him. They stopped outside the residence of the former imam, N.K.. The imam was one of the people on their list. Two people entered the house. They fired two shots at the residence in the air. They opened the door and entered forcefully. That was when he lost his temper. He did not know that N.K. had left the area. He went to them directly, saying that this was not what they had agreed. They said they would do no more than that. He dared to say this to IS because he was ready to give his life for this person, N.K.. They continued towards the square. He went after them. There were civilians in the square. IS told them that they were coming in peace. They headed for a house belonging to I.A.. He was on the wanted list. They entered the house but nobody was home. They went to the person who was wanted. He drove in front of them in the car. They parked and walked towards the residence. They asked children sitting on the pavement where their father was. The children replied that their father was not at home. They then carried out a search of the house. After the others had left, he told the children, who were about 14 years old, that I.A. was in no danger. He went to his boss and talked to him about what had happened. The boss did not ask why he had come with the IS men, which was strange. He left the boss after a discussion about salary payments and the like. Then a friend came to him and told him that IS had taken over. The friend said that he would tell him a secret.

The friend wanted him to go to the guard post and pick up some important documents. These included a register of all visitors. The friend told him how to get in and what the documents looked like. The friend also told him that there could be mines there. He went there and followed the route his friend had told him about. He parked 50 metres from the post and it was dark.

He found the register on the table – it was as if it had been left to be found by IS. He went back to the house and left the documents in the car. An acquaintance and his family were there. It was past midnight and he ate a little. He then went upstairs and told his acquaintance to hand over his weapon. The man said that the weapon was in his car and that he would hand it over to IS the following day. He said they could go together to the guest palace the next day. He became suspicious about the register and the binder. He retrieved the documents and took them to the residence. The documents included several complaints made by people in the town against each other. These included complaints against the people involved in this case. There was also a memorandum against one of the people who is to testify here. The person was taken by the security services and his son died from torture. No one knows where the man is today. There was also a complaint against him from A.A.S.. If that report had been taken seriously, he would have disappeared. The person in charge of the post had said that the complaint would not be pursued. After reading through the documents, he went to bed. In the morning, like many others, he went to work. During the day, he went to the guest palace to leave the weapon he had in his car. The IS man in charge of weapons was not there, and they asked him to keep the weapon. It was otherwise a normal working day and he came home in the evening. He asked the owner of the weapon to go with him to the guest palace. They wrote down his name and the number of the weapon. He had to certify that he had not taken part in combat. He was told that he would be attending a course to learn how to pray and fast, etc. The course started immediately and he saw the man come out again. He was in contact with all his colleagues about taking the course. Another person, H.Z., asked him if he could come along and hand over a weapon. H.Z. was asked if he wanted to work as a cook in the guest palace, which he did. Later that day, the wife of one of the other armed men came and handed him a gun. He took it to the guest palace and was going to hand it over. They said that the owner had to come himself like everyone else. On the third day he was back in the guest palace. It was then that he saw the witness Z.H. in a room there. He was surprised by this. Z.H. asked for help but he was too afraid to do anything. He did not know that Z.H. was a member of the Ba'ath forces. He spoke to the people at the guest palace and asked if a person who had lost his car and home could get them back if he handed in his gun. They said that was fine. He asked IS why Z.H. was there. They said they had arrested him at the gate. Z.H. had been hiding in Al Alyania. IS members were often impossible to talk to, but there was one person who was a little easier. From him he learnt that Z.H. had made some mistakes and was not subject to a penance. He could not do anything for Z.H.. His car was confiscated by IS and they told him he had to wait for the judge to get it back. On the third day after IS took over, an official from the regime arrived.

The regime wanted to reach an agreement with IS on the phosphate mines. He was asked

to help with this. He thought it was good that they were going to try to reach an agreement. The next day, he travelled to Palmyra to meet a former student friend, S.. S. was going to train him. They travelled together to a man in charge of phosphates, A.S.. They told him that the regime was willing to come to an agreement. A.S. said that was fine. He and S. left to call a person in Al Sawana, F.A.. F.A. asked him to provide a detailed report on the days he spent in Al Sawana and on all the damage caused to the company. The regime wanted to see if they could start up the business themselves. The report took around 14 to 15 days to finalise.

He asked a friend to deliver the report to the Director-General in Homs. This was the day after the air raid. However, the report never reached the Director-General. He found out that A.A.S. had the information, but he did not care. About 10 days after the IS takeover, he saw an IS person arrive at the company. The person spoke with one of his colleagues. The colleague then told him that a sentence was to be carried out in the town. He thought that the judge would be there, and that he could then get his car back. When they arrived at Suweis Square, there was a crowd there. He met a person who said he had come to complain about Z.H.. The dispute was about money. He tried to persuade him not to do it. In the square itself, he saw two people from the FSA kneeling. There were also several IS supporters there. The IS supporters were not from Syria. The judge in the square was from Saudi Arabia, A.R.. He arrived there at the end of the reading of the judgment against these people. It was said, among other things, that they were apostates and that it was right to punish them. They had initially been members of IS and then joined the FSA. They were shot in the head with a pistol. He had his eyes on the judge to get his car. The judge went to the guest palace. He went there and met the judge. Z.H. was still in the same room as before. The judge implied that he was an agent of the regime. He said it was not true, and that he owned the car. He was scared because the person who said that to him was a very bad person. Following the incident, he tried to avoid IS. He would occasionally go to the desert to recover the company's stolen machinery. It took around 15 to 20 days to repair the machines and bring them back. The day after the execution he was in Al Alyania. There was a large machine near the village. He went to a car mechanic to get tools to repair the machine. He saw a crowd of people in a place where it was possible to make a phone call. Among others, he spotted Y.A.S. there. Y.A.S. was speaking to his brother A.A.S., who was in Homs. He overheard their conversation without Y.A.S.'s knowledge. Y.A.S. spoke about places where IS was located. One or two hours later, aircraft arrived and bombed Al Sawana. They then bombed Al Alyania. They saw everything from a distance. His colleagues became worried about their families and went back to Al Sawana. On the way back, they saw Y.A.S. standing by a train track. They thought it was strange. When they got back to the town, they saw a crowd at the guest palace. People on the ground told them that the aircraft had bombed Al Sawana. Some said the plan was to bomb the execution site. He went to the site of the bombing. There was only one street between the bombed house and the house occupied by IS supporters. The house had collapsed on those inside. Four families had gathered there. They were relatives of his. An excavator lifted the roof and found children still alive. Fourteen people died in the bombing. He took 6 or 7 people on his car. All were dead or died at the scene. He drove the bodies together with M.A.AY. M.A.AY lost two children.

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

He told his wife that he would help and told her who was dead. He left the bodies with their uncle. After this, he and his wife decided to leave Al Sawana and move to Palmyra. After this, he only returned to Al Sawana to work on the big machines. The negotiations between IS and the regime failed. He was then told that he could not return to Al Sawana any more. However, he was allowed to go to Al Sawana to collect his ID card. When he arrived, he was told that IS was coming to pay salaries. He went to the office where this was to take place and saw that Y.A.S. was there. They talked and Y.A.S. then said that his brother A.A.S. had accused him of showing IS to his home. It was a brother-in-law of his who allegedly said this to A.A.S.. However, the brother-in-law, Q.A.S., was detained throughout the period and so he did not believe this. A.A.S. also accused him of having his property confiscated by IS. He had a very good relationship with everyone in Al Sawana except A.A.S. and Q.A.S.. They wanted his job, partly because there was money in it. If you were dishonest in his job, you could have been bribed, etc. Towards the end, he wanted to leave the job. He was one of the wealthy ones in Al Sawana. He did not apply for that specific job, but when he got it, he also got an apartment as official accommodation. Q.A.S. was in detention when he left Syria. Q.A.S. has left Syria now, but he does not know when. A.A.S. is in Turkey. He and A.A.S. have had a major falling out. A.A.S. hates him and wants revenge on him. The dispute is about more than the job. In 2003 or 2004, A.A.S. wanted to marry his wife's sister, M.. A.A.S.'s uncle was M.'s father. M.'s father and A.A.S.'s mother and grandmother were in favour of the engagement. The rest of the family said no. M. said yes to the engagement. M. was studying and A.A.S. was unemployed. A.A.S. borrowed money from a loan shark to afford the engagement. The loan shark told a brother-in-law that A.A.S. needed to borrow money. The brother-in-law told him not to lend him it. When the family found out about the loan, they broke off the engagement because it was shameful to borrow from a loan shark. A.A.S. was furious and wanted to know who was behind it. M. was studying at the time and lived with him for two to three months. A.A.S. went around asking who was the reason he was not allowed to marry. A.A.S. thought he was behind the breakdown of the engagement. One of the things A.A.S. said when they met was that he would never forget this. A.A.S. is directing the people involved in the case, telling them what to say and what not to say. He knows M.M.. They have a common acquaintance. He also knows E.M.. They have a casual acquaintance, not a friendship. D.A.B. was just a child at the time. He knew D.A.B.'s father, Mohammed D.A.B.. He was a friend of his. E.M. and A.A.S. are cousins. His wife is related to A.A.S.. He did not take sides during the 2012-2014 conflict. He had not joined the Ba'ath Party. His family did not think he should take the job as an official. He is a devout Muslim and knows what is allowed and what is not. He was familiar with IS, the Al Nusra Front and the FSA. He was aware of everything they stood for. He knew who supported the different factions.

He knew a lot about IS and their methods. Among other things, he had heard about executions and heads hanging at the roundabout in Raqqa. He knew that IS were criminals. They talked a bit about IS in Al Sawana but not much. He knew that IS had attacked Palmyra. Palmyra was well guarded and had 15 000 – 20 000 soldiers. IS had only 400. What happened was therefore unexpected. On a few occasions, he told his boss where IS was in the desert. He had learnt this from another person. He went to the desert

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



once a fortnight to pay for the milk they got from the Bedouins. The Bedouins said they had seen IS in the desert and this is how he found out where IS was. He showed his boss an area where they could be. It was about 20 kilometres from Al Sawana. The head of the post had a problem with the Bedouins providing somewhat exaggerated information about IS. The Bedouins were involved in arms smuggling and drug and people smuggling. They therefore did not want the post to operate in the area. In March or April 2015, the boss was out scouting. He happened to meet him when he was out with the Bedouins. The Bedouins did not want IS there. He knew that the Bedouins' information about IS was false because they gave him different information. He visited the Bedouins to buy milk for their shop in Al Sawana where the family sold cheeses, etc. He had no contact with A.H. before IS entered Al Sawana. He met A.H. when IS arrested him on his way into the town. There were two cars from IS that entered Al Sawana. In the cars were about 10 IS supporters. He drove in front of them towards the square. The people who saw them probably thought he was part of IS. He was afraid of IS after they stopped him. Everyone in the town knew him as someone who belonged to the regime. If Y.A.H. had not been there, he would probably not still be around. He had heard that IS had beheaded people who represented the regime. He could not just leave his family and flee when IS came. He was tasked with calming the locals. His mission was not to collect weapons. He was to notify and assist those who had weapons to hand them in. The only weapons he came into contact with were those he was asked to hand over. He has never carried a gun in his life. He did unarmed military service. It is possible that M.H. saw him with a weapon when he went to hand it in at the guest palace. Neither A.H. nor Y.A.H. asked if he was W.Z. when he was stopped the first night, it was another person. He dared to question Yahya because he knew him well. In police interviews, he first said that he met IS for the first time in the town square, but later chose to say that he drove ahead of IS into the town. He may have continued to give false information in interviews before giving the correct information. He felt bad about his detention and gave some false information. He was involved when four people handed over their weapons to IS, but there were more than them who did so; maybe 10 people in total. On the first night, he did not know that IS was coming, but he assumed it. There were several looting incidents in the town before they arrived. He was married to D.A. who was living in Palmyra at the time. Work at the factory stopped after IS took over. Most workers fled before IS took over. Forty to fifty employees stayed behind and came to their workplace without doing anything. They moved the machines to protect them from air raids, etc. The regime wanted them to stay and run the business. He had been told in a phone call with the director that they were to stay on and take care of the business. Before the execution he was at work. He saw an IS car driving towards the employees operating the machines. The IS man said that there was going to be a punishment at the square and that they should go there. He thought this meant that the judge had come to town and decided to go there. He travelled with someone called K.A.. It was M.A.S who spoke to the IS man who came to the company. Mohammed then told the others that they had to go to the execution. His reason for going to the execution was that his car was there and he wanted it back. The judge, who could rule on the matter, was usually based in a town called Shanafiz. When they got there, they thought the execution would be by beheading. They did not know the reason for the

execution. He had not witnessed an execution or a similar killing before this occasion. The car that had been seized was a Toyota pick-up truck. He had two cars. The other car he had at the factory, and he only used it to collect milk. When he went downstairs, there were other people in the car, including some employees and Mohammad Abdoshahab. There were several cars that went there. There were no IS supporters travelling with them. In total, only 10 to 15 IS members controlled Al Sawana. At the time, there were about 350 people living in Al Sawana, compared with the 3 500 people living there before the IS takeover. You could tell who was IS by the way they dressed. Some dressed in black or wore camouflage trousers. Most had long beards and long hair. They were armed with Kalashnikovs. Some also had pistols. Sometimes they came in cars with machine guns mounted on them. When they got out of the cars at the square, there was a crowd there. The driver parked under a tree near the health centre. When they got out of the car, he met R.A.Z.. R.A.Z. told him that Z.H. had cheated him out of money. He and the others from the company then walked towards the crowd. He then saw two people kneeling. He only remembers that there was an IS man behind the two victims. There were about 50 people standing around. They were civilians from Al Sawana and Bedouins. The only executioner he remembers was A.H., but he has seen in the photo that there were two executioners. He saw that the two people on their knees were soldiers but he did not recognise them. A.H. was dressed in black. Those on their knees said nothing. As he remembers it, their hands were tied. The whole event lasted 10 minutes – the judge had almost finished speaking when he arrived. The judge said that the victims were apostates. No one knew who the two were. He was told their names during the investigation. He was told that they belonged to the FSA and were apostates. The judge stood five metres away from those who were to be executed. He was waiting for the judge to arrive so he could get his car back. IS took his car because there were not so many cars in the town. The judge ordered the executioners to kill the men. The judge said that they had been sentenced to death, and that it was right.

They were shot in the head. As he recalls it, it was A.H. who killed them both. He put the gun to their heads and fired. He did it twice. One shot for each of them. The people in the crowd felt that what was happening was not right. Most people in Syria like the FSA, but with IS it is different. He believes the victims died immediately. They did not move after the shots. They fell to the ground and died. There were about 10 to 15 IS people. All were armed. The judge wore unique clothing. A.H. was wearing black clothes. Most of the others wore Pakistani clothes with long shirts of different colours. Some were masked, others not. He can name a number of people from Al Sawana at the square. There are probably others that he does not remember. He did not see M.R.S. or E.M. there. Z.H. was not there, he was in detention. He did not see M.H. either. Y.A.S. was not there. A.A.S. was not there either, he had fled before IS entered the area. There were children present. They were at the front. He was behind. D.A.B. saw him there. He was standing with other boys his age. He may have moved during the execution. He was initially standing in the shade under a tree. The square was shaped like an L. A crowd was standing on the southern pavement. The biggest gathering was on the other side. To the north there was only a small group, including Daham D.A.B.. Behind the judge there was no one except some IS supporters. He may have been 10 to 12 metres away from the judge. He

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

does not remember who was standing in front of him but someone was. There were many people there that he did not see. After the execution, IS supporters came to collect the bodies. At the same time, the judge went to the palace. He then walked towards the palace. He was not carrying a weapon on this occasion. Everything was calm at the time of the execution. When he arrived, everyone in the crowd was standing still. It was IS that controlled the area and they decided everything. Everyone was terrified of IS, including him. M.A.S. was the closest to him. He was not at the front. He talked to M.A.S. about what had happened. He did not talk to his wife about it. No one from Al Sawana put up any resistance. IS carried out the execution to perpetuate terror and intimidation in people's lives. No one would dare to challenge the judge, A.R.. He gave the documents relating to the car to the judge to prove that he owned the car. From the outset, he said that he had not been present during the execution. When he was told what crimes he was suspected of, he did not recognise the description. He first said that he was bringing back a machine from the desert and that he came back after the bombing of Al Sawana. The aircraft intended to bomb the site of the execution. He did not know what he was saying at the time. He had no experience of this kind of thing and thought that if he admitted that he had been at the scene, he would be responsible for everything. He provided false information.

This execution was the only one that took place in Al Sawana, and he witnessed it himself. The people who died in the bombing were more important than those who were executed. It was the regime that carried out the bombing. He decided to leave Al Sawana the day after the bombings. He and his wife left because they could not stand it. It was impossible to continue living there. They decided to go to Palmyra. It was the day after the execution or the day after that that the bombing took place. He did not see the incident where a body was dragged behind a car. He first heard about that incident in Sweden. He did not hear of any such incident in Al Sawana. The Al-Anga roundabout is located in Al Sawana. Actually, the roundabout was called the 'eastern roundabout'. He saw that Z.H. was detained in the palace. He does not know what Z.H. was doing there, but presumably he was there for a settlement regarding weapons. He told Z.H. to be patient. He told an IS member that Z.H. was a good person. He knew about Z.H.'s son, but did not know his name. He does not know if he met the son at the palace, but he did not speak to him. He does not know if they took the penance course at the mosque. He was once punished, whipped, for wearing jeans that were too tight. He has no injuries left from that occasion. It was a light whipping. He does not know who A.A. is. He knows Y.K., he is the son of someone who worked in the factory. He also knows Issam Rahmoun, he is from Al Sawana. M.A.A. was an official at the company. None of these was left when IS arrived. He does not know whether K.K. is still there. M.A. was his direct boss, he was still there when IS arrived. He said under questioning that he was behind the executioners, but now he claims that he appears in the picture in connection with the flag. He never met people from IS in the desert. Z.H. made sure that two people disappeared and never came back. If someone said they liked IS, they would disappear. People in Al Sawana talked about the bombing being linked to the execution. At first he thought they were talking about another execution. D.A. was still in Al Sawana when the bombing took place. One or two days later they went to Palmyra. They stayed in Palmyra until the last day of Ramadan.

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



Then they travelled together to Raqqa. They were there for 7 to 10 days. They then travelled to the last IS-held area in northern Syria. They were separated when D.A. went to visit her relatives. He went to Raqqa. He was living in Raqqa with his sister and wanted to sell his car, but did not get the price he wanted. He commuted to Palmyra. D.A. returned to Palmyra after 20 days. They were not there for many days. They took the things D.A. wanted and they left for Raqqa. They parted ways for a while and he sold the car. They were reunited at her relatives and then they travelled to Europe.

4.2.2 Witness M.H.'s statement:

He has lived in Al Sawana since birth. He was 19 when the incidents in question occurred. His father was a civil servant. He had one brother and three sisters. His brother is called O.H.. In Al Sawana he mostly just used to hang out with friends. They had left Al Sawana and travelled to Al Alyania before IS arrived. They returned to Al Sawana two days after IS arrived. Shortly after they returned, IS people knocked on their door. He could tell they were IS by the way they dressed. He recognised one of the people, M.M.. His father got out through the back door. His father was an employee of the regime, which was why IS wanted to take him. He opened the door after three minutes. They asked him where his father was and hit him in the face with the butt of a rifle. He and his brother were made to lie on the floor at the entrance. There they pressed rifle barrels against their heads. They took him and O.H. in the car. After a while they dropped O.H. off and told him to go to his father and tell him that if his father did not surrender, they would kill him. They told him to show them to the home of his uncle, a former officer. They broke into the house looking for the uncle, but he was not there. After about 90 minutes they realised that his father had surrendered, so they released him. He was scared and knew that he could die at any time. M.M. was sitting next to the driver. He knew M.R.S. because he had lived in Al Sawana before the IS takeover. The other IS people were from different regions. M.R.S. did not know where his uncle lived. A few days later, IS came to their home again and searched the house. His father was then detained in the guest palace. He then went to the palace and asked when his father would be released. W.Z. and M.M. were there. They were with IS, it showed on them. A Saudi said they would release his father when his weapon was handed in. The weapon was hidden with an acquaintance in Al Alyania. The first time he went there, the person was not at home. The next day, he went there with IS people. They were then able to collect the weapon. He was scared but did it to save his father. When they got back to the guest palace, he saw his father and W.Z. sitting at a table. His father was released the day after they handed in the weapon. His father was devastated and refused to tell him what had happened while he was with IS. His father was in pain when he was grabbed by the shoulder and his back was blue from the torture. It was IS people who had done this but he does not know who. Two days after his father was released, he was on his way out of the residence. He heard cars honking in the main street and went there.

He then saw a white Toyota pick-up that belonged to M.M.. D.A.B. and W.Z. were in the car. D.A.B. had also previously lived in Al Sawana. They had gone to the same school. They were dragging a dead body behind the car. The body was thin and had on a beige

shirt and camouflage-coloured trousers. He saw no injuries on the body. The body was tied by the hands above the head. Behind it drove another IS car. It was carrying four people. He met his father at the main street who said they should go home, but he wanted to see what was happening. W.Z. and D.A.B. arrived at the roundabout and got out of the car. They untied the body that was being dragged behind the car and pulled it up to a post on the roundabout. They tied the body to the pole with the same rope with which the body had been dragged. D.A.B. then threw a cylindrical metal object he had retrieved from the car at the face of the body. Parts of the face were removed, including one eye. Both IS cars honked as they drove. He saw the events at the roundabout from about 40 metres away. He is sure of what he saw and he saw it up close. W.Z. and D.A.B. were both armed. They had pistols in their jackets. The people in the car behind were also armed. They had Kalashnikovs. They did that to the body so that people in the town would be afraid. He was unable to eat or sleep for a week after the incident. There were others who also observed the incident, including his cousin M.H.. He does not remember if Y.A.S. was there. He was surprised that Daham D.A.B. and W.Z. did this. Having been state employees, they were suddenly IS. He was also surprised that M.M. joined IS. One day, when he was in the mosque, someone told him that they were all going to Suweis Square and that two people from the FSA were going to be executed. After 90 minutes, two cars arrived with the victims.

A Saudi started talking about the victims being FSA members, that they had refused to join IS and that they should therefore be executed. E.M., M.M., Daham D.A.B. and W.Z. were there. They were in civilian clothes but were armed with Kalashnikovs. He, his brother, his father and many others were there. He does not remember if Y.A.S. was there. There were about 50 people in the square, 30 of whom were not from IS. A Saudi emir gave a speech in the square. He was not masked. When the victims arrived at the scene, one was brought to the square by E.M. and M.M., the other by W.Z. and D.A.B.. They were forced to kneel. They were tied up and blindfolded. The Saudi asked them one last time if they wanted to join IS. They were not blindfolded when they were asked this. He believes that the victims knew each other; they held hands minutes before they were executed. Two executioners who were going to execute them. They wore black clothing and stood behind the victims. They were not wearing masks but he did not recognise them. There were also people there to film the execution; they were masked. He was standing about five metres from the victims when they were shot. At the time, they had their faces to the east. One of the victims did not die immediately. An IS man then walked up and was about to shoot the victim again. At that point M.M. came forward and said that they should leave the victim and let him suffer. He was accompanied by his brother and father at the execution. His little brother O.H. was standing near him. There was blood on O.H.'s hand when they shot the men. O.H. cried afterwards and could not sleep for a week after the incident. They stood in a circle around the people to be executed. W.Z. and his three friends were there because they were members of IS and had to keep the crowd under control, so that no one would get close to the two who were to be executed. It is possible that the execution could have been carried out without their assistance. At the time of the events in Al Sawana, the war in Syria had been going on for a while, but their area had been quiet. There were guards in the town even before. They were stationed at

guard posts at the entrance to the town and at the factory. The guards had Kalashnikovs. When he heard the cars honking on the main street, he went to the cross street where they live. The cross street is wide and there are houses there. The car dragging the body was not travelling very fast. The time from when he first saw the car to when it arrived at the roundabout was two minutes. He was watching the car the whole time. The roundabout was at the end of the main street. From the moment he saw the car on the cross street, he walked thirty metres down the cross street and then walked 40 metres along the main street to the roundabout. Then it was another 30 metres to where they hung the body. He had not seen anything like it before in his lifetime. The square where the execution took place is called Suweis Square. The four from Al Sawana were in civilian clothes but they belonged to IS. The victims were initially tied up but the straps were removed when they were put on their knees. He does not remember who removed the straps. The victims were wearing grey shirts and blindfolds. You could tell they were scared. They put the blindfolds back on before they were shot. All the IS people at the scene were armed. The victims knew they were going to die. They could have joined IS and saved themselves, but they did not. None of the onlookers could do anything to help those about to be executed. He felt such fear and was afraid of IS. They wanted onlookers so that people would be scared and think twice before doing anything against IS rules. Apart from the four mentioned earlier, no other civilians did anything. He was afraid of these four people because they had taken his father and pointed guns at his and his brother's heads, but he had no quarrel with any of them. They all had equal power, but M.M. had an obnoxious tone. There were several children at the scene, but he does not remember how many. Some of the children were younger than O.H.. There were no women or girls present. It was forbidden for a woman to be in a group of men. W.Z.'s job was to keep the people around the execution site in order. For example, if he heard any noise, he would silence them or ask them to move back. He did just that several times. He was in the square with W.Z. for just over an hour. From the time the victims were taken from the cars until the execution was carried out was about 15 minutes. He first saw the picture in question during questioning. He had mentioned everything he remembered even before he saw the picture. This included that the executioners were masked. He is unsure whether W.Z. was in the cars or was in the square in the first place. As time has passed, his recollection of more insignificant details has become somewhat blurred. Of the people in the picture, he recognises M.A., S.A.H., A.D. and the imam. The interview with the CIJA was held by telephone. The interview in Turkey was organised in such a way that he went there and had to answer questions. However, Turkey showed no commitment. He was not even allowed to meet the prosecutor.

The interview was not recorded. The notes were taken by hand. He was not allowed to read through any notes afterwards. He has now realised that several things were wrong. For example, it is not true that he said that the emir in the square shot the victims, the emir only gave the order. He also did not say that D.A.B. shot the victim at the roundabout, that the object D.A.B. threw at the victim was a pickaxe, or that M.M. was present at the time. He also did not say that the execution in the square occurred before the incident at the

roundabout. He has not spoken to Y.A.S. since 2020. He does not know if there is a rift between A.A.S. and W.Z.. He last met his family on 8 January 2023. The intention was always to return to Turkey. When he left Turkey to attend interviews, he was banned from travelling back by the Turkish authorities. He does not know the exact date when IS arrived in Al Sawana. They left Al Sawana for Al Alyania because they realised that IS would come there. They returned to Al Sawana because Al Alyania was bombed by the regime. The incident at the roundabout happened two days after his father was released by IS. The execution happened two days after that. There was an aerial bombing in Al Sawana as well. It happened about 20 days after IS took the town. Although he has tried to suppress what happened, he remembers everything clearly and has not changed any information afterwards. In the photo from Suweis Square, O.H. and his father were standing to his left. He spontaneously told the police that his brother got blood on him. It may have been that the interviewer was ahead of him and told him about the blood on his brother. He remembers the blood splashing when the executioners fired. W.Z. was outside the picture on his right. W.Z. was mainly behind the executioners but kept moving around. In the past he put W.Z. in a different place on the sketch, but got confused with all the directions. It is not easy when you have to draw sketches, it can get a bit confused. Before the CIJA interview, he was approached by M.U.. M.U. spoke Arabic and told him about the CIJA and the interview. Before the interview in Turkey, two police officers came and said that the prosecutor wanted to see them. They then went to the police station. It was the police who carried out the interview with them. He never met the prosecutor.

He never met the prosecutor. Regardless of what the Turkish interview says, he was never asked to take an oath. He was not allowed to attend the interview afterwards, but he signed a document he could not read. The document was in Turkish. He did not mention anything to the Turkish authorities about W.Z. executing someone with a sword. It may have been a bad interpreter that led to the inaccuracies in the Turkish interview. He had never seen the photograph of the execution before the interview with the Swedish police. The first time he saw the photograph, he recognised the imam but not himself. He was only allowed to look at the picture for a short time before the police took it away. When he made the sketches during the interview, he was not one hundred per cent sure about east or west. He has problems with directions. If Y.A.S. was there at the execution, they should have provided the same information. He does not recognise the information provided by Y.A.S. to the IIIM. Before the incident at the roundabout, he was at home with his family. However, his father had left home about 10 to 15 minutes before him. He went out because he had been asked to buy groceries. He met his father at the main street. He does not know what his father had been doing, but he may have been smoking a cigarette. After reading the interview transcripts, he remembers that Y.A.S. was present at the roundabout. He does not know why their stories differ so much. They do not have any contact today. Regarding the incident in Suweis Square, he remembers that there were people filming and taking pictures. He does not know exactly when the picture of the execution was taken, but he thinks it was when the emir read out the judgment. The first time he saw the picture, it was a paper picture. The second time he saw it, it was on a screen, so it was bigger and clearer. He and his father have been threatened because of the information they provided.

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



4.2.3 Witness Z.H.'s statement

He had lived in Al Sawana for about 25 years. He left Al Sawana in August 2015. He worked as a clerk and guard at the company that ran the phosphate mine. IS took over Palmyra 6 weeks before Al Sawana. Only guards carried weapons in Al Sawana, including himself. His family consists of his wife and their two sons and three daughters. M.H. and O.H. are the sons. O.H. was around 12 years old when IS arrived. The people who worked at the mine lived in Al Sawana but some also lived in Palmyra. He knew W.Z., W.Z. was a good man according to him. They were workmates and he remembers him as a good person. He also knew about M.R.S.. M.R.S. was a courier. He knew E.M. and D.A.B., but they did not have much contact. Daham's father worked at the company. Before IS came to Al Sawana, he fled to Al Alyania. When he left, the family had already been there for two or three days.

He went there with an acquaintance and his wife. They were stopped near Al Alyania. He fled the car and the driver and his wife drove back.

He later learnt that IS was also in Al Alyania, but he did not know that at the time. The day after they arrived in Al Alyania, planes came and bombed the town. They then fled back to Al Sawana. When there was a knock on the door, he instructed everyone in the house not to open it. He then told his son that he could open the door after he had left. He went out the back door. He was wanted because his name was on their lists. He was an official working for the regime. He fled to his nephew. When there was a knock on the door, he looked out and M.M. was there with other IS people. They wore specific clothes. Camouflage clothing, beards, turbans and short trousers. M.R.S. was in civilian clothes. After he escaped, IS started searching for him. A neighbour came to his nephew and asked if he was there. The neighbour said that IS were asking for him. He then fled to a cousin. He asked his cousin to go to his house and ask for him. His cousin went to get some things for him. The cousin came back and said that IS had taken M.H. and some of his things. IS took Mohammad to get him out. He went to IS who were in the guest palace at the entrance to the town. He said he was Z.H.. He was not sure that M.H. was released. He was then interrogated by IS. W.Z. was there. He looked at W.Z. and asked if he had done something bad. W.Z. did not respond. There were sleeper cells before IS came and W.Z. was one of them. They talked about this in the security force and he realised that this was the case when he saw W.Z. in the guest palace. W.Z. also talked to the IS men as if they were on the same side. He remained in the palace for a total of four days. During these days, he saw W.Z. twice. When they released him, they said they had asked around about him and that no one had had anything bad to say. The first day he was detained, he was tortured by a Saudi. It was really bad and his back hurt afterwards. The family saw him after he was released and know about this. Before being released, he had to hand in his weapon. The weapon was with a friend in Al Alyania. The first time they went there, the friend was not at home. A sheikh told him that if he did not hand in the weapon, the sword would be waiting for him. He knows that they then took M.H. again and told him to contact the man who owned the property. He was in the hall of the guest palace when they came back with the gun. The next day he was released and went home. After he was

released, he did not do much. The mine was not working, and there were no schools either. People fled from Al Sawana.

His family went back to Al Alyania about 20 days after he was released. One day, while he was out, he heard two cars honking their horns. One of the cars was driven by W.Z.. The vehicle was a Honda pick-up truck. The car was dragging a body he thinks was dead. He saw a person next to W.Z. but he does not know who it was. They drove and honked to show that they were happy. When it happened, he was on his way home. He was walking along the main street, just about to enter the cross street where he lives. He saw his son M.H. a little further down the side street and said they were going home. The car W.Z. was driving was white and belonged to M.M.. He saw the car from a few metres away.

He did not know the man being dragged behind. The man had his hands tied above his head and the body was on its stomach. He saw no injuries on the body. After that he went home, so he does not know what happened next. He shouted after M.H. that he did not need such things. M.H. came home after an hour and told him that the person had been tied to a post at the roundabout. M.H. had been affected by what he had seen. He had changed colour. M.H. said that they hung the person from the post. He also believes that the person was hit in the eye. M.H. mentioned that M.A.B. hit the person with a metal pipe or a metal stick. Two days later they were in the mosque. After a while, several IS people came and said they all had to go to Suweis Square, as a sentence was to be carried out. There were about 30 to 50 people in the mosque at the time, including M.H., O.H. and his nephew. They said they were all going to the square, but the nephew and some others went home secretly. When they arrived at the square, there were a few people in IS cars. Then more people came and IS arranged them in a ring. W.Z., M.R.S., E.M. and M.A.B. were there working with IS. They were guards and stood in front of the people. They were dressed in civilian clothes and carried weapons. Some had pistols, others had machine guns. They brought two people into the square and a judge came and read a proclamation. The judge was corpulent and not very tall. The judge also wore glasses and had a turban and short clothes. He believes the judge's name was A.R.. The judge said that the victims were apostates and belonged to the FSA. There were several IS people there too. These he did not recognise. Some of them wore short black clothes, others wore grey or beige clothes. Someone was also carrying a black IS flag. The IS members were armed, some with pistols and others with rifles. Two IS members shot the two victims in the back of the head with pistols. He saw it from about 10 metres away.

It took no more than 20 minutes from the time the victims arrived until they were executed. After the execution, he went home. In the meantime, the crowd moved around a lot. People wanted to see better and changed places. He does not remember if W.Z. moved. He remembers M.R.S. and M.A.B. moving. Those who were shot died. He is sure of this. One of the victims did not die immediately, but they shot him again.

He did not think to intervene because he was unarmed and IS would have shot him. The guards were needed because they were afraid of reactions from relatives of those who

were shot. The people shot were wearing trousers and a shirt. W.Z. brought people into the square so that no one would get too close to those who were to be executed. They stood roughly in a circle. W.Z. was carrying a rifle or pistol. He is certain that W.Z. was armed. Two people fired. One person shot with a pistol and when one of them did not die, another person came and shot him with a rifle. O.H. woke up at night after this and talked in his sleep. The incident affected them psychologically. O.H. got blood from one of the victims on his hand. He recognises several people in the photo from the execution. These include his son, S.M., M.H.A. and the imam. The man who shot the survivor with a rifle is not visible in the photo. Before the execution, the victims were asked if they wanted to join IS. If they did, they would be spared. He is certain that W.Z. was present at the execution. All the IS people came to the square in cars. So did W.Z.. He and the other three from Al Sawana held the victims as they took them down from the cars. They then all helped to take the victims to the execution site.

W.Z. and E.M. walked on either side of one of the men. He was surprised that W.Z. was on the side of IS. He did not understand why they were working for IS. W.Z. and the other three were friends from before and used to socialise in private. He had no quarrel with any of them. He does not believe that W.Z. could decide anything, but still thinks he had some influence. Among other things because W.Z. was able to enter during the interview with himself. By the four he means M.M., E.M., D.A.B. and W.Z.. There was no reason to go to the mine after the IS takeover. He does not know anyone who went to the mine after the takeover. IS entered the area after getting the go-ahead from the regime. Prior to the interview in Turkey, they were first taken to the prosecutor's office and then to the police. They explained that the interview was due to an application from Sweden. The person they spoke to spoke poor Arabic. The police said that there were people who mentioned him and his son. He does not know what he signed after the interview. He could not read the language. He was never asked to take an oath.

He knows who Y.A.S. is. He does not know if Y.A.S. was present at any of the events, but he believes he was present at the execution. He has not met Y.A.S. since the events. A.A.S. El Shafi was not present at the events. A.A.S. did not instruct him to testify in this case. His family, except Mohammad, is in Turkey. He left there on 8 January 2023 to come here to Sweden to testify. The ticket was booked as a round trip and they were to return after five days. The fact that they have not yet returned is due to Turkey's decision to ban their return for 2 years. Before IS entered Al Sawana, about 3 000 people lived there. Of these, around 1 200 worked in the mining industry. The mine was owned by the state. The security forces belonged to the Ba'ath Party. They had Kalashnikovs and uniforms. That is why IS was looking for them. They were particularly hunted. They knew IS was going to take over before they came, everybody knew that. He went to Al Alyania two days before IS took over. He travelled there often, and he had left his family there about a month before. The day IS was rumoured to be coming, he went there with an acquaintance. He had his gun with him at the time. When he got out of the car, the weapon was still in the car. He had hidden it there. They went back to Al Sawana because they could not have gone anywhere else. They could not have travelled towards Homs. The only way there was through a passage in the desert. However, he did not want to

return to the regime. The safest thing was to go back to Al Sawana. Before the incident at the roundabout, he was on his way home smoking. He met Mohammad at the junction of the main street.

Mohammad was following the cars to the roundabout. He is still in contact with Y.A.S. and A.A.S.. He saw IS members at the square. He saw W.Z. in the square when he arrived. It was about 15 minutes before the prisoners arrived at the scene. He does not know if W.Z. was in the cars that arrived. It was IS members and others who brought the prisoners to the execution site. He was at the scene and saw what happened. He is not in the picture. The execution took place in the afternoon. He saw that Y.A.S. was present at the execution. He has been in contact with Y.A.S. and A.A.S. since he left Syria. The man who interviewed him from the CIJA was called Mustafa. He died in an earthquake. The interview was conducted in Arabic. At the execution, first one person shot both victims. When one did not die, another person came and shot him again.

4.2.4 Witness Y.K.'s statement

He lived in Al Sawana from his birth in 2003 until 2015. Everything he knew about IS he had heard on the news. They lived a normal life under the regime but until IS came and took over. He was scared when IS took over. When IS took over, they came with cars into the town. He lived in the eastern part of Al Sawana. Some of the IS people who came were masked, others were not. They passed him at a distance of only a few metres. He recognised several of them. Among others, W.Z. was in one of the IS cars. As a child, he did not really understand what it was all about, but he knew they were IS supporters. He recognised W.Z. from the town. W.Z.'s wife was also his teacher. He remembers that there were three cars with IS supporters. He does not remember in which car W.Z. was sitting, but he must have been on the left side of the car because he could see him so well. As he recalls, there were also people in the back of the car. The cars carried both light Russian weapons and heavier weapons. They drove to the security guard to attack him. Their neighbour was cooperating with the state and they also attacked his apartment. He did not see W.Z. get out of his car. None of those who arrived in the cars remained at the scene, but left after the attack on the security post and his neighbour's apartment. There was normal lighting at the scene and he is sure that it was W.Z. who was in one of the IS cars. IS was looking for those who belonged to the regime. There were sleeper cells that helped IS when they took over new areas. He believes that W.Z. was one such sleeper cell. IS had control of Palmyra and also wanted to have control of Al Sawana. Al Sawana was seen as a spoil of war. He remained in Al Sawana for about 2 to 3 weeks after the IS takeover. He thinks IS came around 10 to 12 May, but he is not sure. As a young boy, he did not go out much after IS arrived. On one occasion, at the Al Anga roundabout, he saw a dead person wearing a military uniform. He saw the person hanging from a lamp post. The roundabout was opposite his home. It was IS supporters who did this to the person. Those who hanged him were masked. He did not see the person killed. The person arrived at the roundabout in the back of a pick-up truck. There may have been two cars that came, but the situation was messy. He did not see who was driving. The body was left for one or two days. They did this to teach the population a lesson. He saw nothing more himself.

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

He did not see M.A.B., M.R.S. or E.M. there.

The incident may have occurred three days after IS took over. He also heard that two people had been executed in the public square. He could see the Al Anga roundabout from his home. IS came to Al Sawana in the evening after 22.00. There were street lights. Residents gathered and everyone saw the person at the roundabout being hung up. He did not see how the body was suspended but it was hanging by the feet.

4.2.5 Witness K.K.'s statement:

He was living in Al Sawana during May 2015. He was in charge of the warehouse linked to the mine in Al Sawana. He believes that IS came to Al Sawana between 20 and 22 May. He stayed in Al Sawana for eight days. Then he went to his family in Palmyra. His family was with him in Al Sawana. IS entered the town at around 23.00. The Syrian security forces withdrew. IS came with cars and they were masked. He only saw one car but there may have been more. In the car was a work colleague and a person he knew well, W.Z.. He had a normal relationship with W.Z.. He perceived him to be a good and respectful person. W.Z. came with his pick-up truck and IS members to his neighbour's house. There they raided the house. They knocked heavily on the neighbour's door and then they left. He spoke to W.Z. at some point during the days he was in Al Sawana. At the checkpoint, there was an IS soldier and he was asked by W.Z. to give the key to G.'s house to the IS soldier. He thought W.Z. was an intermediary because he had seen him with the IS soldiers. They were surprised by W.Z.'s behaviour and that he was with the IS members. In addition to W.Z., M.M., E.M. and D.A.B. were also with IS. All four of them had their origins in Al Sawana. He was surprised that these four were together.

Before, they had no relationship with each other. He saw E.M. and D.A.B. armed during those days, but not W.Z.. The atmosphere in the town was frightening and everyone was in their homes. He knows that I.R. and Z.H. were arrested by IS. IS had them imprisoned in the glass palace. The Al Anga roundabout was ten metres from his house. They hung a dead body at the roundabout. They heard horns sounding and IS people shouting Allah Akbar.

The body was hung from the lamp post by the feet upside down. He was standing in the doorway of his house. His son was nearby. The distance was 10-15 metres. He saw the three people, but they were from IS. He does not know exactly how the body got there. He first saw the body when it was hung up. He was sitting at home and heard gunshots. He saw that they were in the process of hanging him up. He did not recognise anyone in the group that hung him up. He saw the people who hung him up. The dead man had magazines on his body and a blue uniform. Perhaps he was wearing a pilot's uniform. The man was corpulent and tall. The person was left until the evening. He does not know exactly when the body was removed, but it may have been between 22.00. and 24.00. He passed by in the distance after evening prayers. The body was desecrated. It was hanging with its hands down. There were injuries to the face and one eye was missing. There was the issue of the key that W.Z. was involved in. The second time, W.Z. came to his house

and said that a person wanted to do an inventory of the warehouse and that he wanted the key. It could have been the sixth day that W.Z. came to him. On the seventh day at

midday Sawana was bombed. The next day he left Al Sawana with his family. He saw W.Z. from afar on another occasion and he was not with IS members. W.Z. was some sort of intermediary between IS and the inhabitants of Al Sawana. About 10 people were killed in the aerial bombing, including a friend of his and another friend's family. He heard that IS killed 2 or 3 people in Suweis Square. He knows who A.A.S. is. In Turkey and until recently, he had contact with A.A.S.. The four, including W.Z., helped lead IS to A.A.S.'s house, which was requisitioned by IS. A.A.S. promised to take legal revenge against the four.

4.2.6 Witness I.R.'s statement:

He is originally from the Al Quaryatayn. As of May 2015, he had lived in Al Sawana for about 14 years. He left Al Sawana in August 2015 after several aerial bombings. In Al Sawana, he was responsible for loading the transport trucks at the company. He was a member of the Ba'ath Battalion. He believes that IS entered the area in May 2015. Almost all regime loyalists left Al Sawana a few hours before IS took over. He himself left about half an hour before. He then travelled to his home town, Al Quaryatayn. He encountered IS on his way out of Al Sawana. He did not recognise any of them. IS also occupied his home town. IS said that anyone who did not return to Al Sawana and work at the factory would be punished. He returned after about 7 days. He remembers two events from his time in Al Sawana. Firstly an execution, and secondly a person being hung up at a roundabout. Before the execution, he was saying afternoon prayers in the mosque. Towards the end, someone said that they should all come and gather at Suweis Square. When he arrived, he saw two people on their knees with their hands tied behind their backs. They were FSA soldiers about to be executed for being apostates. Behind the victims were two executioners. In front of them was a judge who read out their sentence. The judge told them that they had fought against IS. Two or three days later, Al Sawana was bombed. He then returned to Al Quaryatayn. He does not know anything about the person who was hung up at the roundabout. It was neighbours of his who told him about it. It must have happened at the beginning of the takeover. He had left the Ba'ath Battalion about two months before IS entered the town. He was detained by IS for about a week. First in the guest palace, but it was only for a few hours. Then in an apartment. When Al Quaryatayn was taken over by IS, they said it was best for those in the battalion to turn themselves in. Then nothing would happen, otherwise they would be executed. IS said they would be given a course in Sharia. After that, they would decide whether to fight with IS or stay and work in Al Sawana. He has heard that there were frequent executions in Palmyra, including beheadings. IS held a weapon directed against his head when he was questioned. The person who questioned him knew everything about him. There must have been people from Al Sawana who had informed IS about him.

Otherwise they could not have known so much about his life. They were several detainees, including Z.H.. Z.H. did not go to the apartment, he remained in the guest

palace. This was because Z.H. had lied to them about his gun. While in the apartment, he was threatened every day that he would be executed. He and the other detainees were allowed to go back and forth to the mosque. That was basically the only thing that was allowed. He knew W.Z., they were colleagues. He got to know W.Z. the day he arrived in Al Sawana. Daham D.A.B. was a friend of his, they used to hunt birds. M.M. was his neighbour. He knew E.M. well. Of the four, he knew W.Z. least. The execution took place 2 or 3 days after he was released by IS. The prisoners arrived at the scene in a minibus. He saw the prisoners being taken out of the minibus. They were blindfolded and tied up. The two FSA soldiers knew each other and were from Meheen. He believes the soldiers had the same surname. There were many people in the square and the atmosphere was tense. Everyone was afraid for their lives. Everyone who attended from IS was armed. The prince of the caliphate and several emirs were there. IS people were filming all the time. There were all kinds of weapons at the scene. On the one hand, the IS people had rifles and pistols, and on the other hand, there was a machine gun on one of the cars. He believes that W.Z. and M.M. were at the scene. Z.H. was not at the scene, he was in custody. During the execution itself, the victims were shot first with one shot, the 'torture shot', and then after a few minutes with a second shot, the 'mercy shot'. IS did this to torment the victims. The onlookers were anxious and panicked. He did not see E.M., M.M., W.Z. or D.A.B. in the mosque before the execution, but they should have been there. When they left the mosque, he saw cars at the square and everyone gathered there.

The cars belonged to IS. Everyone who came there was a civilian. Z.H. could be lying about what happened in the square. Many people have said that Z.H. has been inciting people to give information about this. He also knows that Z.H. has wanted to go to Europe. He has made phone calls to people he knows from Al Sawana to gather information about this. According to his information, these four people have not caused any problems at all. IS was around Al Sawana before they entered. When he was questioned by IS, his friends were present. He was not present when Z.H. was questioned. Z.H. was allowed to stay in the palace for a week or 10 days. In total, there were between 20 and 50 people in the square during the execution. The IS members were wearing Pakistani or camouflage clothes. He saw the victims being brought to the execution site. The people who brought the prisoners were not Syrian. They had long hair and turbans, among other things. He did not know any of them.

He can say with 100% certainty that W.Z. or M.M. were not the ones who brought the victims to the execution. He believes that about 20 to 25 people died in the aerial bombing. The bombing took place about four or five days after the execution. He left Al Sawana with his family after the aerial bombing.

4.2.7 Witness M.A.'s statement:

He lived in Al Sawana before IS entered the town. He left the day IS arrived. He had lived in Al Sawana since 2004 and had family there. He was treasurer and department manager in the company. They had different sources providing information about IS. He only heard bad things about IS. Al Sawana is a small town that belongs to Palmyra administratively.

This translation has been provided by the Genocide Prosecution Network Secretariat and Eurojust, and is not an official translation



Before IS came to Al Sawana, he heard that there were clashes in Palmyra. At 18.00, he learnt that IS had taken over Palmyra. He knew then that IS would come to Al Sawana as well. They had a small security force of about 50 people who left the area when they heard that IS was coming. He was in charge of the petrol station and people panicked and wanted to fill up their cars. He tried to organise the refuelling but it was not possible. In the evening, around 20.00 or 21.00, he was talking to some friends. They were waiting to see what would happen. A while later they saw two pick-up trucks passing by. It was then after midnight. W.Z. was driving one of them, he is pretty sure he was alone in it. Behind W.Z. was another car with masked people. The cars drove past at a distance of less than five metres. The light conditions were good and he is 100 % sure that it was W.Z.'s car and that he was driving. They were surprised that W.Z. was driving ahead of IS. W.Z. is not a person who could embrace the ideas of IS. W.Z. is an honourable person who had a good reputation. They did not sleep that night. They had arranged for a lorry to escape in the morning. He and W.Z. worked in the same department for a long time. Sometimes, people would ask W.Z. about the distance to IS. This was because he was often in contact with people in the desert, he was often there buying milk. W.Z. was with the regime from the beginning, so they were shocked that he had switched sides. W.Z. drove in front of IS to show them the area and where different people lived. He knew M.M. and it was rumoured that he too was collaborating with IS. E.M. also appeared to be cooperating with IS. He has heard that M.R.S. was carrying a gun and shooting. W.Z. and M.R.S. knew each other. He does not know much about D.A.B.. In Homs, there was some talk about those who helped IS, but mostly about W.Z. and how he could do that. It may have been that IS left him alone because W.Z. said he was a good person, but he does not know. He has heard about the execution. There were two people from Meheen, his home town, who were executed. He did not know them. When IS arrived, he was in an alleyway located in the northern part of the town. He does not know if W.Z. could have escaped in the morning. The company was not operational after IS took over. There was no reason to go to work after IS took over. When he fled, he went to Meheen. He stayed in Meheen until the end of August. He left because IS was closing in. He then fled via Turkey to Germany. He needed to go to Homs once a week because he worked there. Homs was controlled by the regime. He did not feel safe in Homs because he was afraid of the regime.

He saw the IS cars in Al Sawana for a maximum of one minute. He stayed at his home until five or six in the morning. They then fled in the lorry.

4.2.8 Witness C.E.'s statement:

He is a lawyer by training and has been working on international law and criminal cases for the last 20 years. For the last 10 years he has worked at the CIJA, where he is now responsible for investigations and operational activities. Previously, he worked on war crimes cases in Bosnia and Herzegovina, Cambodia and Afghanistan. With the CIJA, he has also worked on war crimes in Syria, Iraq and parts of Asia. The CIJA is a not-for-profit, non-governmental organisation. The organisation is funded by a Dutch foundation and is governed by Dutch law. The CIJA employs investigators, analysts and lawyers

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



who have previously worked on war-related crime. The CIJA was founded at the beginning of the Syrian war with the idea that more could be done during an active conflict to facilitate future trials, including by collecting evidence and identifying witnesses. In the past, it was usually not until someone was detained that the collection of evidence could begin. By then it was often too late. This was a gap that the CIJA wanted to fill. The CIJA can also operate in areas where foreign authorities cannot. Although the CIJA did not know whether the evidence could be used in tribunals, the ICC or national courts, the aim was that the evidence could facilitate future trials. The CIJA's first task was to collect evidence relating to the Syrian regime. They collected over a million pages of documentation and spoke to thousands of witnesses. Subsequently, a second working group was created, focusing mainly on IS, now in both Syria and Iraq. The CIJA has cooperated with authorities in both Europe and North America and its work has been used in a number of court cases. They receive around 250 to 300 requests from law enforcement agencies every year, i.e. basically one request every working day. They mainly carry out investigations at the request of states, but in some cases they also report on their own initiative. Their investigations are conducted with the aim of collecting information that could be useful at a trial. They work closely with the local population and with workers linked to the area in question. They mainly work with people who have a legal background, or who are involved in human rights or charitable organisations. They also run mentoring programmes for new workers, where they learn how to gather information, identify witnesses and talk to them, among other things. During the training programme, they also look at how other colleagues work, and give feedback on what could be improved. The colleagues in Syria have been involved for a long time and are experienced. The people at the CIJA know that they are not the police or any other law enforcement agency and do not pretend to be. They are clear with those they consult that they are a non-governmental organisation. As they do not know how to use the information they receive, they mainly use open-ended, general-purpose questions. They always ask the witnesses if it is OK to share their names with the police or prosecutors, etc. They also always tell them what the purpose of their questioning is, i.e. to help in future trials. Interviews are conducted in person whenever possible. Otherwise, they are conducted via video link.

They always hear one witness at a time. If there are other people in the room, the interviewer should make a note of this. During the interviews, different themes are used and questions are asked in general terms according to what they are interested in, for example what a person knows about an event at a specific time and place. They also ask clarifying questions when necessary. Interviews are documented and the responsibility for this lies with the person conducting the interview. Witnesses do not receive any notes from the interviews. In some cases, the prosecutor or police may provide them with questions they wish to ask. Providing 'proactive' reports to national authorities without prior request is only a very small part of their activities. In comparison, the CIJA has provided a total of 22 proactive reports, while responding to over 1 000 requests. When they receive information from someone in their network that someone in Europe or North America has committed war crimes, they always make sure to investigate whether there is evidence to prove that the person is in the place in question, and whether there is

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



evidence to prove the offences themselves. They do not want to add to the problem of authorities receiving tips about war crimes that are not true, or at least that do not lead anywhere. However, if they receive evidence of both the location and the offence, they consider themselves obliged to report it. The process itself usually proceeds as follows: they first conduct interviews with possible witnesses. These are then sent to an analyst who puts together a package of the interviews and other internal or open source material.

The package is then handed over to the relevant national authority. The package, or 'report', that is handed over first comes without the names of those interviewed. If the authority finds the information interesting and wants to follow up, they always check with the witnesses that it is OK to name them first. This is particularly important as conflicts and boundaries can change rapidly and it can suddenly become dangerous for witnesses to be named. Interviewees do not have the opportunity to influence the content of their questioning or the material in general.

The analysis is carried out by staff who were not involved in the interviews themselves. The report at issue in the case has fully complied with their guidelines. They learned about possible crimes and perpetrators through their network. If people other than those interviewed were present at the interviews, this was noted in the documents. They would not have disclosed information about those interviewed if they had not consented to this. The CIJA is funded by contributions from states that want it to operate. Countries that have contributed include the Netherlands, Germany, the United States, the United Kingdom, England, Denmark, Switzerland and Norway. The IS investigation team was set up in 2014. There were 20 investigators in the Syrian team. All of them came from Syria and had completed the mentoring programme. In addition to investigators, the team also consisted of interpreters, translators, analysts, etc. The CIJA is essentially a flat organisation, but also has a few selected superiors. On the Syrian side, there was a deputy Syrian leader and a main mentor who was a foreigner. The CIJA does not have a composite training manual, but has independent training programmes in a number of different areas, including interrogation techniques and how to investigate sexual violence.

CIJA training is a continuous process that takes place annually. The mentor and the team leader are responsible for the training. The team leader decides on the content of the training. They do not conduct any tests or issue any certificates during the training. This was partly done in the past. It was then done on behalf of countries that provided funding. Team leader 00001 was called Mustafa. He died in an earthquake in Turkey. The CIJA does not usually reveal the names of its investigators, but in this case Mustafa's family has given their consent. Mustafa had been working with the CIJA since 2012 and was one of the first to work with them.

He started by collecting documents related to the Syrian regime and was very professional. Before Mustafa started interviewing, they discussed a lot about how the interviews would be conducted. There have been no indications that Mustafa included incorrect information in the interviews he conducted. Mustafa had a very good reputation within the organisation. The first witness in the current report was introduced via a friend

of Mustafa.

He knows the witness as 1235, but it could be Y.A.S.. The name A.A.S. means nothing to him. He does not know A.A.A. or Z.H., but he does not question that they could be the witnesses referred to in the report as 1234 and 1237. He also does not know M.H., but does not question that it could be witness 1238. He knows that witness 1236 is the wife of witness 1235. The decision to transmit the report at issue in the case was based mainly on the five interviews held. The witnesses had given consistent accounts of events involving a suspect who was in a country where an investigation could be conducted. He finds it hard to believe that Mustafa would fabricate information, but if the CIJA had known that two witnesses had given false information, they would have delayed the submission of the report.

4.2.9 Witness M.A.A.'s statement:

He lived in Al Sawana between 2012 and 2015. He was a government employee and worked at the mine. He knew that IS was a terrorist organisation. He left Al Sawana with his family the day before IS arrived. They left because he was worried about his family's safety. As a government employee, there was a particular threat to him. IS wanted to weed out people who were allied with the government. He returned to Al Sawana the day IS entered Al Quaryatayn . He thinks it was in July or August. He returned because there was nowhere else to go. There were thousands of others who also returned at the same time as him. After they returned, they stayed in Al Sawana for two to three days. They then travelled to the northern part of Syria. He did not work during the days he was back in Al Sawana. However, he has heard that IS tried to persuade returning residents to start working in the mine again. As there was not a large supply of vehicles in Al Sawana, families grouped together and fled in the vehicles that were available. So did he and his family. He knew W.Z. from before. W.Z. was employed by the same company as him. He understands that W.Z.'s car was still in Al Sawana when he returned there. He did not see W.Z. together with IS members. However, he did see W.Z. at a shop where IS members and others used to shop. W.Z. may have been in the shop at the same time as IS members. IS took over state cars, not private cars. Therefore, civilians who owned cars could keep them, including W.Z.. He believes that there were sleeper cells in Al Sawana before IS arrived. He knows M.M., E.M. and D.A.B.. All these people were government employees working at the mine. He does not know the details of how these people cooperated with IS. He did not see any crimes in Al Sawana. While he was there, most IS members were away fighting on other fronts. There were people who cooperated with IS without fighting. They performed other services, such as cooking and car repairs, etc. On the third day he was in Al Sawana, a war plane came and started bombing. He travelled by truck from Al Sawana. He did not belong to IS.

4.2.10 Witness T.L.'s statement:

She is a professor of psychology and works at Stockholm University. She has been researching memories in legal contexts for more than 30 years. When it comes to

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



traumatic memories, research has shown that people remember what is central and provokes strong emotional reactions, better than what happens in the periphery, both spatially and emotionally. For example, if you see an accident where someone is hit by a car, you tend to have a better memory of the person being hit than of things happening around them. People also tend to have poorer memories of what happens before and after the central event. It is therefore not surprising that witnesses may be uncertain about certain things. A series of traumatic events, such as repeated sexual abuse, can affect memory.

This can lead to confusion between different events. In the case of different types of events, such as a shooting and a bombing, there is not the same support for mixing up the events. In other words, the events must be similar in order to be confused.

However, it is probably reasonable to confuse the order in which different events occurred. People reach their maximum memory capacity at around 20 to 30 years of age, and decline significantly towards retirement age. Witnesses' unbiased accounts are the best way to obtain reliable memories. Making suggestions risks creating false memories. In the case of leading questions, it is therefore not certain that the answers are reliable. Going back to a situation, such as a crime scene, can bring back memories that could not otherwise be retrieved. What is at the centre of an event, and what evokes emotional responses, varies from person to person. Therefore, some events may not be remembered equally well. How good a liar a person is depends on how much they have practised lying. She does not know of any methods to characterise a lie. Instead, it is best to consider what motives a person might have for lying. If you have had several interviews about the same incident, you should have obtained all the information. However, it is not impossible that new information will emerge. For example, you may have thought about and processed the event afterwards. As a memory researcher, she cannot say that there are any criteria that characterise a true or an untrue statement.

5 Starting points for the District Court's assessment

5.1 About the events

5.1.1 Background

The case concerns events that occurred in the Syrian community of Al Sawana in the spring of 2015. During the period in question, the situation in Syria was strongly characterised by internal conflicts and the emergence of the Islamic extremist group, Islamic State (IS). IS, which had declared an independent caliphate the year before, took over increasingly large areas and operated in them to implement its own administrative systems and its own strict interpretation of Islam. Local people who did not follow their rules and traditions were subjected to punishments, and in several cases, serious violations

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



of international humanitarian law. Between 13 and 21 May 2015, the neighbouring city of Palmyra (or ‘Tadmur’) was captured. IS arrived in Al Sawana shortly afterwards.



Map of Al Sawana

5.1.2 General information about Al Sawana

Al Sawana is a small community about 45 km south-west of Palmyra. The majority of the inhabitants worked or were relatives of those who worked at the state-owned phosphate mine. Among the residents, the mining activity was referred to as ‘the company’. A road ran through the southern part of the community, known to the residents as the ‘main street’. The main street extended from the entrance in the west to the ‘Al Anga roundabout’ in the east. Slightly to the west of the centre of the main street was the ‘Suweis Square’ at issue in the main proceedings. The sites are circled in the picture above.

Along the main street there were also a number of other sites of importance to the case. These included the so-called ‘guest palace’ located at the western end of the main street. Approximately midway between Suweis Square and the Al Anga roundabout was also the cross street where witnesses M.H. and Z.H. had lived.

5.1.3 The events in question

Since IS captured Al Sawana, at least two key events have reportedly occurred. On one occasion, IS supporters allegedly brought a dead body to the Al Anga roundabout, where the body was then desecrated and left for public viewing. In the second incident, IS

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

supporters allegedly brought two captured members of the Free Syrian Army (FSA) armed group to Suweis Square, where they executed them in front of a crowd. As far as the investigation shows, the incidents occurred reasonably soon after the IS incursion, and only a few days apart. Of the events, the one at the Al Anga roundabout is said to have occurred first.

As regards the incident at the Al Anga roundabout, it is clear that at least one similar incident occurred during the period in question. However, the information about the incident was so varied that it could not be ruled out that several separate incidents had occurred. As regards the incident at Suweis Square, it is clear that it occurred. Apart from W.Z.'s involvement, it can also be considered established, based on witness statements and documentary evidence, that it took place in the manner alleged by the prosecution.

5.2 The legal basis

5.2.1 Legal regulations

Violations of international humanitarian law were previously prosecuted under special provisions in the Criminal Code (Chapter 22, Section 6). In order for Swedish regulations to better reflect international regulations in this area, the Act (2014:406) on Penalties for Genocide, Crimes against Humanity and War Crimes was adopted in 2014. The Act has now been renamed the Act (2014:406) on Penalties for Certain International Crimes, but in this context it will be referred to by the name that applied at the time of the offences in question.

Under Section 4 of the Act on Penalties for Genocide, Crimes against Humanity and War Crimes (2014:406), anyone who kills a protected person (paragraph 1) or subjects a protected person to humiliating or degrading treatment that is likely to seriously violate personal dignity (paragraph 7) is liable to prosecution for a war crime. However, a basic prerequisite for liability is that the offence is part of, or otherwise connected with, an armed conflict or occupation.

Furthermore, under Section 11, anyone who commits an act referred to in Section 4, among others, is convicted of a serious war crime, provided that the act is to be regarded as serious. In assessing whether the offence is serious, particular account must be taken of whether the offence was committed as part of a plan or policy, or as part of a widespread criminal activity, or whether the offence caused death, serious pain or injury or severe suffering, extensive damage to property or particularly serious damage to the natural environment.

5.2.2 General information on burden of proof, standard of proof and evaluation of evidence

In criminal cases, it is the prosecution, in this case the prosecutors, who bear the full burden of proof. A conviction requires that it be established beyond reasonable doubt that

This translation has been provided by the Genocide Prosecution Network Secretariat and Eurojust, and is not an official translation



the defendant is guilty of the offence charged. The requirement for proof means that it must be practically impossible for the offence to have been committed in any other way than that alleged by the prosecutors in their description of the offence. The requirement implies that the investigation must be so complete (or ‘robust’) that there is no reason to assume that further investigation would change the assessment. The court must therefore be able to conclude, on the basis of the investigation presented, that there are no other possible explanations for the course of events than what is apparent from the prosecutors’ description of the offence. If uncertainty remains in any respect after the investigation has been presented, this may lead to the requirement for proof not being met (see NJA 2023 p. 29).

When assessing criminal cases, as well as cases in general, the court must make a ‘conscientious examination of everything that has occurred in the case’ (Chapter 35, Section 1 of the Code of Judicial Procedure). This provision expresses the principle of the free examination of evidence. In general terms, this principle means that evidence may be excluded only in certain exceptional cases (freedom of evidence), and that the court is free to evaluate the evidence presented in the way it sees fit (free evaluation of evidence).

However, the free examination of evidence does not mean that the evaluation of the evidence presented is left entirely to the discretion of the court. In several decisions, the Supreme Court has emphasised that the analysis must be objectively based and carried out in a structured and rational manner (see, inter alia, NJA 2015 p. 702 and NJA 2023 p. 29).

A now well-established method of evaluating evidence is to initially examine whether the prosecution’s evidential requirements have been met by the evidence cited in support of the offence allegation. If the weighted value of this evidence is not sufficient to prove the allegation of the offence, the defendant should be acquitted simply on the grounds that the evidence against him or her is insufficient. If, however, the assessment results in the evidence being sufficient to fulfil the evidential requirement, the defendant’s statement and evidence must be evaluated as rebuttal evidence. If the charges against the accused are disproved, the accused must be acquitted. The same applies if the value of the prosecution’s evidence is diminished to such an extent that the charge is no longer substantiated (see NJA 2015 p. 702). The District Court will in the first instance base itself on this method.

5.2.3 Specifically on oral testimonies

When assessing the oral evidence, the District Court must take particular account of the fact that the witnesses have described events that occurred almost 10 years ago. In most cases, the events also took place during a period of time that must have been chaotic and emotionally difficult for the witnesses. Another circumstance to consider is that the witnesses, who in several cases had more or less close contacts with each other, may have told or heard others talk about the events in question. In these circumstances, the District

Court considers that it is of particular importance in the case to assess whether the statements made by the interviewees are based on events they experienced themselves or whether, and to what extent, their memories may have been affected in the intervening years.

As regards the assessment of oral testimonies in general, the Supreme Court has specified in several decisions the factors that should be taken into account in particular. Among other things, it has been pointed out that there is often reason to place emphasis primarily on factors relating to the content of the account as such, such as the extent to which it is clear, long, vivid, logical, rich in detail, demonstrably truthful in important particulars and free from inaccuracies, contradictions, exaggerations, difficult-to-explain elements, inconsistencies, poor context or doubt in crucial parts (see NJA 2010 p. 671).

With regard to the particular situation in the case that the witness statements concerned traumatic events that took place a relatively long time ago, the memory researcher T.L. was heard in the case. In this context, she emphasised that people who have experienced traumatic events may have a fairly good ability to remember them. In such cases, what tends to stick best in the memory are the central elements that aroused the strongest emotional reaction. However, peripheral details that are not directly related to the event itself, or that at least did not evoke such strong reactions, may be more difficult to remember. Thus, it is not unusual for a witness to remember some aspects better than others. She also emphasised the importance of confronting witnesses with open questions and giving them space to talk freely.

5.2.4 Specifically on written witness statements

In support of, and in opposition to, the oral evidence, the parties have in several respects produced notes of hearings and interviews held outside the main hearing. To a certain extent, these are written notes from police interviews held during the Swedish preliminary investigation. The assessment of such information is not unknown in Swedish jurisprudence and has been discussed in several decisions of the Supreme Court (see, inter alia, again NJA 2015 p. 702). The District Court does not intend to go into the considerations that must be made when assessing this information, but will instead limit itself to emphasising that such information must generally be evaluated with caution, and taking into account that such questioning is not subject to the same procedural safeguards as questioning before a Swedish court.

However, what has become somewhat characteristic of this case is that, in respect of several of the witnesses, interview notes from foreign authorities and the non-governmental organisation the CIJA have been produced. With regard to these, the District Court makes the following considerations.

As regards the interviews held by the foreign authorities, in this case Turkey and Germany, it can be emphasised at the outset that the factors that affect the assessment of Swedish interview notes naturally also apply to the assessment of foreign interview notes.

In the case of interviews abroad in particular, there are a number of additional factors that must be taken into account in the assessment. In particular, the risk of purely linguistic problems, such as errors in translation and mere misunderstandings, must be taken into account. Furthermore, it must also be taken into account that neither prosecutors nor lawyers have been given the opportunity to ask questions to the interviewees, or in any case were not able to control the content of the interviews to any great extent. As regards, in particular, the interviews held in Turkey, it is not possible to disregard the information that has emerged that details have been altered and even fabricated.

Furthermore, as regards the circumstances surrounding the CIJA interviews, the organisation's Director of Investigations and Operations, C.E., was heard in the case. He has stated that their hearings, or 'interviews', are held in a structured manner with staff specifically trained in interrogation techniques. In support of the credibility of the organisation, he has also stated that it is non-profit-making and is financed solely by state grants. However, while these circumstances suggest that the interviews may be given a certain probative value, it cannot be disregarded that the CIJA is a non-governmental organisation and therefore is not subject to the same regulatory framework as, for example, European police authorities. In other words, there are not nearly the same procedural guarantees as in the case of a hearing before a Swedish court. In addition, the factors that are taken into account when assessing foreign interviews in general must of course also be taken into consideration.

All in all, the District Court considers that the information from the foreign interviews can only be given very limited probative value. This does not mean that the evidence is completely devoid of value in support of other evidence in the case. However, it must be considered out of the question that the information can be used independently as the basis for a conviction.

6 The District Court's assessment

6.1 Preliminary conditions

A first question for the District Court to consider is whether an armed conflict existed at the time of the offences. Armed conflicts are usually divided into international and non-international conflicts. An international armed conflict exists when two or more states use armed force against each other. A non-international armed conflict, on the other hand, exists when armed force is used between a state and armed groups, or between such groups (cf. prop. 2013/14:146 p 260). The prosecutors have argued that the offences were committed during a non-international armed conflict in Syria that has been ongoing since spring 2012. The fact that W.Z. has accepted the circumstance does not mean that the District Court does not need to conduct its own examination of the issue. The District Court makes the following considerations.

The question of whether there has been a non-international armed conflict in Syria since

the spring of 2012 has been the subject of several reviews in Swedish case-law. The general view has been that this is the case (cf. e.g. Court of Appeal of Skåne Blekinge B 461-23 & Court of Appeal for Western Sweden B 3046-23). The circumstance may almost be considered generally accepted. However, the District Court can state that the reports referred to by the prosecutors also provide clear support for this. In particular, reference can be made to the reports 'Brief on the commencement of the initial non-international armed conflict in Syria' (IIIM), and 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic - Rule of Terror: Living under IS in Syria' (HRC). With regard to these reports, and also the other reports referred to, the District Court considers that there is no reason to question their content. The reports were produced by recognised bodies and are essentially based on solid research. Overall, the District Court considers that it has been established that an armed conflict of the kind alleged by the prosecutors took place. It has also been established that IS was a combatant in this.

However, the existence of a non-international armed conflict does not make the relevant offence descriptions applicable to all acts committed at the time and place of the conflict. Applicability also requires that the offences 'were part of or otherwise related to the armed conflict' (nexus).

As regards the connection between the armed conflict in question and the offences covered by the charges, it can be stated in general terms that the offences themselves correspond well with the modus operandi applied by IS when taking over new areas. The reports cited by the prosecutors show that public executions and desecrations were hardly rare during the rise of IS. Rather, it appears that the phenomena were common and formed part of IS's strategy to ensure control over occupied areas. However, a more detailed assessment of the connection between the offences in question and the conflict should preferably be preceded by an examination of W.Z.'s involvement in the offences.

6.2 W.Z.'s involvement in the events in question

In relation to the actual offences, the prosecution essentially rests on the oral evidence. The evaluation of the witnesses' accounts will therefore be decisive for the District Court's assessment of guilt. In the following, the District Court will first, on a general level, describe the assessment of the witnesses' individual accounts. The District Court will then examine the various offence allegations, whereby the witness statements will be dealt with in more detail and in context, and finally be weighed together with the other evidence.

6.2.1 Evaluation of the oral evidence

M.H.

M.H. was questioned for several hours at the main hearing. He gave a credible impression and provided a narrative that was essentially long, detailed and free of obvious

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*



contradictions. He did not appear to try to place unnecessary blame on W.Z., but was clear about which elements he considered he was involved in, and which elements he was not involved in. He also described W.Z. as a good man and did not give the impression of wanting to falsely portray him as blameworthy. The witness's account has also been supported in certain key areas by the rest of the investigation, particularly concerning the incident at Suweis Square. However, while these circumstances favour the reliability of the witness's account, there are a number of circumstances that give reason to take a much more cautious view of his statements. A preliminary one is that his statements changed significantly from the time he was first heard by the CIJA until he was finally heard at the main hearing. Even if the information from the CIJA and the preliminary investigation can only be given limited weight, it is nevertheless inevitable that the discrepancies will be taken into account when assessing the reliability of the account. A further, and in this context central, circumstance to be taken into account is that the information is in several respects directly inconsistent with information provided by other witnesses, in particular I.R.. Although the events occurred almost 10 years ago, and the risk of memory impairment was significant, it must be emphasised that several of the discrepancies can hardly be regarded as peripheral details that are normally difficult to remember.

Rather, the information concerned key elements that the witnesses must have had a good chance of remembering, such as who brought the two victims to the execution site on Suweis Square. Nor can it be ignored in relation to the credibility of the witness that his father, Z.H., may have deliberately misrepresented W.Z. Al

Zaytun's guilt. Finally, it can also be pointed out that, on closer examination, the account contains a number of elements that are difficult to explain and that the witness was asked leading questions at several points, although these circumstances are of minor importance in the context. All in all, the District Court considers that M.H.'s statements can only be given limited probative value.

Z.H.

Z.H., like M.H., was questioned for several hours. He gave an essentially credible impression and gave an account which was in many respects long and detailed. He also, with some accuracy and independence, described his activities in Al Sawana before, during and after the events in question. As regards W.Z., he did not appear to make any attempt to exaggerate his guilt or otherwise to portray W.Z. as unjustifiably blameworthy. Instead, he described W.Z. as a good person and was clear about the elements in which he considered him to have been involved or not involved. The circumstances speak to some extent in favour of the reliability of the information. However, there are a number of circumstances that give rise to a considerably more cautious approach to the witness's statements. To begin with, his account contained a number of apparent contradictions. His statements changed in several respects during the course of the hearings, not only in peripheral and less decisive respects, but also in directly central respects, such as the whereabouts of W.Z. at certain times of importance for the prosecution. Nor is the fact that statements changed limited to the main hearing. When compared with the statements he

made in earlier interrogations and interviews, it became clear that the information had changed in several significant respects. Although such previously provided information is of limited value, it is nevertheless of some importance in assessing the reliability of the information. As briefly touched upon above, there have also been serious allegations that the witness deliberately misrepresented W.Z.'s involvement in the offences. It is not unusual for defence counsel to raise such objections. In this case, however, the allegation has come not only from the defence, but also from one of the prosecution witnesses, I.R.. A witness who, in addition to providing information that differs substantially from that of Z.H., has also stated that Z.H. was in custody at the time of some of the events he testified about. Even if the District Court does not consider that the information in any absolute sense implicated the witness in a lie, the circumstances inevitably have an impact on the assessment of his statements. Finally, it may also be mentioned that the witness's statements contained a number of elements that were difficult to explain and, in some respects, manifest errors. However, these are of minor importance in the context. Overall, the District Court considers that Z.H.'s statements can only be given limited probative value.

Y.K.

Y.K. gave a credible impression and provided a coherent, clear and detailed account of his observations in Al Sawana. He was also careful to emphasise things he remembers, and things he is unsure of.

Nor does his account contain any obvious contradictions or elements that are difficult to explain, and he has not deviated in any decisive parts from the information he provided at previous hearings. His statements therefore appear to be largely reliable. As regards the circumstances militating against the reliability of the information, it is inevitable that the time that has elapsed since the events occurred should not be taken into account. Nor can it be ruled out that his recollection has been influenced by the fact that he has spoken, or heard others speak, about the events; for example, his father K.K.. A final circumstance to consider is that the witness was heard through evidence taken from Germany, where all information had to be interpreted in two stages; first from Arabic to German, and then from German to Swedish. In these circumstances, the risk of linguistic confusion and outright misunderstandings cannot be entirely ruled out. Overall, however, the District Court considers that the witness's statements appear to be essentially reliable.

K.K.

As regards K.K.'s information, the District Court makes essentially the same assessment as that concerning Y.K.. Overall, the District Court thus considers that he has given a credible impression and provided information that essentially appears to be reliable.

I.R.

I.R. gave a credible impression and provided an account that appears to be essentially reliable. What has become particularly characteristic of the witness's account, however, is that he provided information that differs in several crucial respects from the information

provided by M.H. and Z.H., and made serious allegations about Z.H.'s motives. This naturally means that there is reason to assess his information with some caution. At the same time, nothing has emerged to indicate that the witness had reasons to provide incorrect information. Nor has he been proven to be untruthful on any other verifiable points. As he himself explained, it is not particularly remarkable that the information only emerged at the main hearing, since it was only after the police interrogations in Germany that he had reason to contact acquaintances from Al Sawana to investigate what had happened.

M.A. & M.A.A.

Finally, as regards the witnesses M.A. and M.A.A., whose testimonies the District Court finds reason to treat in context, it can be noted that their accounts essentially concern circumstances that are outside the charged offences, i.e. the events at the Al Anga roundabout and Suweis Square. However, as regards their statements as such, the District Court considers that they gave a credible impression and that they provided information that essentially appeared to be reliable.

6.2.2 W.Z.'s association with IS

A preliminary issue in this part is the nature of W.Z.'s association with IS. The prosecutors have claimed that W.Z. joined, or at least acted for, IS. They have also claimed that he carried weapons during the same period. Although it can be stated that none of these circumstances constitutes an independent prerequisite for liability under the relevant offence descriptions, they nevertheless have some bearing on the assessment of W.Z.'s involvement in the offences, and in particular his possible intent. The District Court makes the following assessment.

According to the District Court, it cannot be considered established from the investigation that W.Z. had in any formal sense 'joined IS'. This takes into account, inter alia, that there is no evidence that he shared IS's religious ideology, followed their traditions, way of dressing or otherwise shared their way of life. On the contrary, it appears that during the entire period that IS was in Al Sawana, he was considered a civilian, although he was to some extent identified as a mediator between IS and the local population. The District Court will therefore proceed to examine whether W.Z. instead 'acted for IS'.

Through the investigation in the case, it is clear that W.Z., on the one hand, led IS members into Al Sawana on the night they first arrived in the town and, on the other hand, that W.Z., during the period thereafter, assisted IS in collecting weapons from the local population. The circumstances are evident from both consistent witness statements and from W.Z.'s own statements, which the District Court has no reason to question in this respect. Even if it did not appear that W.Z.'s intention was to contribute to the growth of IS, it must have been clear to him that his actions contributed to their cause. Overall, it must therefore be considered established that, on several occasions during the period alleged by the prosecution, he acted for IS. Since some of his actions involved him handling weapons in various ways, including by handing them in himself at the 'guest palace', it may also be

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

considered established that he carried weapons.

6.2.3 Charge 1 - The incident at the Al Anga roundabout

The prosecution has alleged that W.Z., together and in concert with other ISIS-affiliated offender(s), subjected a protected person to humiliating and degrading treatment. The offence allegedly included dragging a dead body behind a car, tying it to a post, desecrating it and then leaving it for public viewing. W.Z. has denied that he was involved in such an incident.

The evidence adduced in support of the offence consists essentially of the statements of the witnesses M.H. and Z.H.. However, as the District Court has explained above, none of these witnesses' statements can be attributed a particularly high probative value. Although their statements provide some support for each other, the District Court also does not consider that the combined value of their statements achieves such strength that the prosecutors have met their standard of proof. The information is simply not sufficiently reliable.

In these circumstances, a conviction requires that the witnesses' statements are supported by the rest of the investigation to such an extent that the standard of proof can still be considered to have been met.

Although, according to the District Court, there is some other information that is troublesome for W.Z., it is not of such strength that the charge can be considered proven.

Overall, the District Court considers that the evidence invoked by the prosecutors is not sufficient for the standard of proof to be considered satisfied. There is therefore no reason to take a position on W.Z.'s statements. The charge of war crimes must therefore be dismissed.

6.2.4 Charge 2 - The incident at Suweis Square

The prosecution has alleged that W.Z., together and in concert with other ISIS perpetrators, killed two protected persons.

The offence allegedly consisted, inter alia, in taking two men, civilians or in a state of incapacitation, to Suweis Square. Civilians then gathered in the square and were prevented from leaving at gunpoint.

Through W.Z.'s own statements and the investigation in general, it is clear that W.Z. was present in connection with the alleged offence. The evidence cited in support of the offence allegation, as far as W.Z. acted as alleged by the prosecution, essentially consists of the statements of the witnesses M.H. and Z.H.. However, as the District Court has explained above, none of these witnesses' statements can be attributed a particularly high probative value and, as already explained, they provided different information about key circumstances in the course of events and some information that cannot reasonably be

*This translation has been provided by the Genocide Prosecution Network
Secretariat and Eurojust, and is not an official translation*

true. Although their statements provide some support for each other, the District Court also does not consider that the combined value of their statements achieves such strength that the prosecutors have met their standard of proof. The information is simply not sufficiently reliable.

In these circumstances, a conviction requires that the witnesses' statements are supported by the rest of the investigation to such an extent that the standard of proof can still be considered to have been met.

Although, according to the District Court, there is some other information that is troublesome for W.Z., it is not of such strength that the charge can be considered proven. For example, the witness I.R. excluded the possibility that W.Z. could have been involved in bringing the two men to the execution.

To summarise, the District Court considers that the evidence invoked by the prosecution cannot be considered sufficient to meet the standard of proof. The charge should therefore also be dismissed in this part.

6.3 Compensation of the public defender

Lawyer T.O. has requested compensation for 513 hours' work, 39 hours' time wasted and expenses.

The preliminary investigation has been very extensive and has been ongoing for a long time. T.O. was not appointed as public defender for the defendant until 31 October 2023. The case also concerns events in a place far from Sweden, and which occurred almost nine years ago. The circumstances have of course meant that the defence counsel has had to spend considerably more time than usual on measures in the case. The defence counsel was well prepared and his efforts probably influenced the outcome of the case to a not insignificant extent. The question is whether the time spent was reasonable in view of the nature and scope of the case. Based on the defence counsel's experience, the case did not involve any legal issues that were particularly complicated, but instead mainly concerned evidential issues.

Upon a review of the measures taken, which are summarised by the defence counsel and thus cannot be examined in detail, the District Court considers that the time for some of the measures taken was well spent. T.O. may be considered reasonably satisfied with compensation corresponding to 400 hours of work. The other claims for compensation are justified and will be paid.

In view of the outcome of the guilty plea, the costs of the defence remain with the State.

6.4 Confidentiality

Most of the main hearing was held in camera. However, during the public parts of the main hearing, the parties presented information from the preliminary investigation, for example concerning the identity of the interviewees, which considerably weakened the grounds for confidentiality. The prosecutors also stated that charges had been brought in the parallel investigation conducted in Germany. In these circumstances, the District Court considers that there are no longer grounds for ordering confidentiality for those parts of the investigation that relate to, for example, interviews held in Sweden. However, confidentiality will continue to apply to the information in the investigation that derives from European Investigation Orders (EIOs) between Sweden and Germany and from the UN body the IIIM, which was disclosed on the condition that it may not be made public.

7 THE COURT

President, and members of the panel

The Court agrees.

Signed digitally by Chief Judge

8 INFORMATION ON APPEALS

How to appeal

The appeal must be received by Stockholm District Court by **23 May 2024**. The appeal must be in writing. Blekinge District Court will forward it to Skåne and Blekinge Court of Appeal.

Appeal after the other party has appealed

If one party has appealed in due time, the other party also has the right to appeal even if the deadline has expired. This is known as a cross-appeal.

A party may lodge a cross-appeal within one additional week from the end of the period for appeal. A cross-appeal must therefore be lodged within four weeks of the date of the judgment.

A cross-appeal lapses if the first appeal is withdrawn or does not proceed for any other reason.

This is what to do

1. Indicate Blekinge District Court and the case number.
2. Explain why you think the judgment should be changed. State what change you want and why you think the Court of Appeal should hear your appeal (read more about leave to appeal below).
3. Specify the evidence to which you want to refer. Explain what you want to show with each piece of evidence. Submit any documentary evidence not already in the case file. If you want to have new interviews with someone who has already been interviewed or a new viewing (for example, a visit to a site), you should mention this and explain why. Also indicate whether you want the injured parties to attend a main hearing in person.
4. Provide name and personal ID number or corporate identification number. Provide current and complete information on where the Court can reach you: postal addresses, email addresses and telephone numbers. If you have a representative, please also provide the representative's contact details.
5. Sign the appeal yourself or have your representative do so.
6. Send or submit the appeal to Blekinge District Court. Be sure to send it in good time to allow for postage.

This translation has been provided by the Genocide Prosecution Network Secretariat and Eurojust, and is not an official translation



What happens next?

Blekinge District Court checks that the appeal has been lodged in due time. If it is filed too late, the Court rejects the appeal. This means that the judgment remains in force.

If the appeal has been lodged in due time, the Court forwards the appeal and all documents in the case to Skåne and Blekinge Court of Appeal.

If you have previously received letters by simplified service Skåne and Blekinge Court of Appeal can also send letters in this way.

Leave to appeal to the Court of Appeal

When the appeal is lodged with Skåne and Blekinge Court of Appeal, the Court first considers whether the case should be reviewed. If you do *not* obtain leave to appeal, the judgment under appeal remains in force. It is therefore important to include everything you want to say in your appeal.

When is leave to appeal required?

Criminal part

In the criminal part, leave to appeal is required in two different cases:

- The accused has only been sentenced to a fine.
- The accused has been acquitted of an offence carrying a maximum penalty of 6 months' imprisonment.

Damages part

Leave to appeal is required for the Court of Appeal to hear a claim for damages. Exceptions may apply when a judgment is appealed in the criminal part and there is a claim for damages linked to the offence. In that case, leave to appeal is not required if

- leave to appeal is not required for the criminal part, or if
- the Court of Appeal grants leave to appeal in the criminal part.

Decisions on other matters

In cases where leave to appeal is required in the criminal part (see above), leave to appeal is also required for decisions which may only be appealed in the context of the appeal against the judgment. Decisions subject to special appeal do not require leave to appeal.

When do I get leave to appeal?

The Court of Appeal grants leave to appeal in four different cases.

1. The Court of Appeal considers that there is reason to doubt that the District Court ruled correctly.
2. The Court of Appeal considers that it is not possible to assess whether the District Court ruled correctly without reopening the case.
3. The Court of Appeal needs to review the case in order to provide guidance to other courts in the application of the law.
4. The Court of Appeal considers that there are exceptional grounds for reopening the case for some other reason.

Want to know more?

More information is available at www.domstol.se. Contact Blekinge District Court or Skåne and Blekinge Court of Appeal if you have any questions.