

Interview Guide for Survivors



**Don't
Suffocate Truth**
لا تخنقوا الحقيقة

The purpose of this guide is to:

Introduce the investigation committees that were formed to investigate the validation of the use of chemical weapons in Syria.

Motivate female and male witnesses and survivors to give their testimonies before the investigation committees.

Clarify the ways and methods of dealing with investigation committees.

Introduction

In light of the widespread violations that have taken place in Syria for decades, and in particular since 2011, witnesses, survivors, and families of victims continue to receive dozens of inquiries and requests for interviews from multiple actors and bodies, which vary in accordance with the purpose of the investigation in each case. These requests usually come from the following bodies:

1- International investigative bodies: Several international bodies and mechanisms have been established by various organizations and entities in order to investigate these violations.

2- Non-governmental organizations (NGOs): There is great interest from NGOs in documenting and monitoring these violations. NGOs communicate with witnesses for a variety of reasons, including:

Building databases, preserving memory.

Supporting international investigative bodies, connecting them with witnesses, or providing them with testimonies and evidence.

Issuing human rights reports to shed light on violations, and advocate for victims.

Building cases for complaints within the European judicial tracks.

3- Research and academic institutions: Many research and academic institutions have become increasingly interested in analyzing and monitoring collected data.

4- Litigation paths: Great efforts are made by Syrian and international organizations to file complaints before judicial bodies in several countries, in order to use the available judicial paths against the perpetrators of these crimes.

It must be noted that, for now, and in the near future, there is no path toward international courts; only the European judiciary is available.

5- Governmental agencies: There are many agencies affiliated with the governments of several countries, which conduct investigations and inquiries separately from all of the above.

6- Media: Investigative reporting is conducted by several media agencies.

Since communication with all of the above actors and bodies is of key importance, it is necessary to vet each entity that reaches out to obtain statements, and to fully understand:

- 1) The purpose for obtaining these statements.
- 2) How the sought information will be used.
- 3) How much of it will be shared with the public – especially in light of the persistence of the Syrian regime and its Russian ally in intimidating witnesses.

In light of the above, the purpose of this document is to provide Syrian witnesses and survivors and their families with guidelines on how to engage with the entities listed above.

In this framework, it is helpful to start by providing an overview of the relevant investigative bodies:

Investigative bodies whose mandate has expired:

1- United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic was established by the Secretary-General of the United Nations in March 2013 from a joint team of the World Health Organization (WHO) and the Organization for the Prohibition of Chemical Weapons (OPCW) – Mandate expired, after the establishment of the Joint United Nations-Organization for the Prohibition of Chemical Weapons (JIM) mechanism.

It doesn't have the authority to report the perpetrators, and the decision is up to the Secretary-General to publish reports that do not have any binding or legal status within the Security Council or the United Nations and their reports are considered advisory issued by the Secretary-General. A report was issued by it that refers indirectly to the regime's use of chemical weapons, without specifying the cases.

2- The Joint Investigative Mechanism (JIM), established by the Security Council in August 2015, consists of OPCW and UN experts. The Russian veto suspended its renewal in November 2017. Mandate expired.

It has the power to determine who is responsible for the strikes that used the chemical weapon.

It issued 7 reports accusing the Syrian regime and the «Islamic State» (ISIS) of using chemical weapons,

The latest of which was the report issued in October 2017, which accused the Syrian regime of using chemical weapons in the attack on the city of Khan Sheikhoun in April 2017.

Investigative bodies still conducting investigations:

3- Fact-Finding Mission (FFM) of OPCW: Ongoing

The mission was formed by a decision of the Director-General of the Organization for the Prohibition of Chemical Weapons in April 2014, as a result of the chemical deal in which the Syrian regime acknowledged the existence of chemical weapons, and by signing the Chemical Weapons Convention, it committed itself to handing them over in full.

The committee has worked since May 2014, and the committee issued 22 reports, in which it proved the use of chemical weapons in several incidents, including the Ghouta attack on 21 of August, 2013, where the mission determined the type of shell carrying the chemical weapon and its launch area.

It does not have the powers to identify the perpetrators, but its work is the mainstay of the Joint UN-OPCW Investigation Mission (JIM) and the OPCW Investigation and Identification Team (IIT), both committees have the powers to identify the perpetrators.

The continuation of the work of the FFM was endorsed by the Executive Board of the Organization for the Prohibition of Chemical Weapons (OPCW) and the UN SC in 2015 and it is still operating today. (Its last report was in 2019 about the incident of the use of chemical weapons in Douma, which took place on April 7, 2018, and the use of partial chlorine as a poisonous gas was proven in the strike on the city).

4- Investigation and Identification Team (IIT) of OPCW: Ongoing

It was established by a resolution of the General Assembly of the Organization for the Prohibition of Chemical Weapons on June 27, 2018.

It has the ability to identify the perpetrators, and relies for its investigations on the reports of the FFM and on the investigations of its own team.

The report has issued one report to date, in February 2020, accusing the regime of using chemical weapons in several cases, including the strike on Al-Lataminah Hospital in the northern Hama countryside in 2017.

The team is still working until now, and is not subject to Russia's veto in the Security Council, as a result of its direct affiliation with the OPCW Organization.

5- The Independent International Commission of Inquiry on the Syrian Arab Republic:

Ongoing

The commission was mandated to cover recent events that occurred primarily between mid-February and April 2018. As the commission found evidence of possible use of chlorine in weapons in connection with three incidents, the commission's report recognized that what Syrian government forces had done amounted to a war crime, represented in systematically launching random attacks and violations of the right to life, committed repeatedly through indiscriminate repeated bombing of Eastern Ghouta, and in an attempt to accelerate the restoration of control over the area and forcing people to surrender.

6- International Impartial and Independent Mechanism (IIIM): Ongoing

This committee has not opened investigations until today, but rather collects information and evidence collected by other investigation committees and NGOs. Practically it works as a reservoir of information and data.

It is important to know the differences among these bodies, their mandates, their mandating entities, and their goals, including considerations on the feasibility of their objectives; as well as the difference between the work of these bodies and mechanisms and that carried out by media outlets, NGOs, judicial bodies, and government-controlled investigative bodies.

Investigations, not accountability:

With the exception of the cases brought before European judicial bodies, all the testimonies rendered before the other bodies are used for investigation purposes only. There are no international accountability tracks so far for the perpetrators of crimes committed in Syria.

Questions that come to the survivor's mind before the interview:

Why should I share my testimony with investigative bodies?

Testimonies before international investigative bodies are very important for several reasons:

- 1- Preserving history, memory and truth, especially in the face of the Syrian regime's propaganda and its Russian ally.
- 2- Contributing to the promotion of cases brought before European judicial bodies.
- 3- Supporting efforts to build international accountability tracks.

How can I be sure that the party that contacted me is from an international investigative body?

International investigative bodies communicate with witnesses either directly or through human rights or humanitarian organizations or human rights activists.

- 1- Even if there is trust and previous experience with the organization, it is still necessary to request details, such as the nature of the body or mechanism, conducting the interview, and the purpose of the interview.
- 2- If communication takes place for the first time, ask for a period of time to inquire with your friends, family, and acquaintances, or ask the contact person for an identifiable person or a formal contact from the investigative body via email.

Can I withhold my identity information in the testimony?

As long as the investigative body adopts a criminal investigation methodology, knowing the identity of a witness is considered key to making a testimony usable before national or international judicial bodies. The investigation bodies can obtain testimony without revealing

the identity of the witness, but this testimony may not equate to the testimony of a witness who discloses their identity in the investigation. Such testimony is not suitable for submission to judicial authorities but can rather help the investigation authorities build a greater understanding of the incident in question, and the context.

How will the investigative body contact me? By telephone, email, or WhatsApp, etc.?

Whether directly or through organizations and activists, communication can take place through any available means of communication, and you can always select the means convenient for you (including, ideally, encrypted ones)..

My family lives in a regime-controlled area, how do I guarantee their safety from arrest?

International investigative bodies work within very strict methodologies, using extremely sophisticated information security measures. Often information about the witness giving testimony is leaked by the witness themselves or through the people around them, and not by the investigative bodies themselves.

Do not share any information about testimony submission with anyone around you, unless absolutely necessary. Before the interview, you can always ask the investigating body about all the parties with which your information will be shared, and express (or deny) your informed consent to them doing so. The investigating body does not have the right to hide any information about the parties that will obtain your information.

Do investigative bodies keep my information private? With whom do they share it?

The only information that is shared outside the framework of the investigation teams working with the investigative bodies, are the reports published on their websites, whether that is

the OPCW website, the website of the Office of the High Commissioner for Human Rights (OHCHR), the Security Council, or any other UN-affiliated website. These reports describe the violations and do not indicate in any way the identity of witnesses.

When an investigative body obtains information or evidence from you, it obtains your consent as to where it can be used. Always make sure to listen or read the details concerning the parties that will receive a copy of your testimony, as the investigative body cannot share this information outside this framework, including in court. Witnesses can always request that their information not be shared with specific parties.

What is the difference between my participation with an investigative body and a court of law?

A testimony, rendered with the aim of filing a case or lodging a complaint with judicial bodies, is placed within a broader file that attempts to prove the responsibility of certain persons or entities for the crime in question. This file may then be shared with the public prosecutor and then with the judiciary, which shares the information with the defense of the accused in the event that the file is transferred by the public prosecutor to the courts. Therefore, defense lawyers can see all the details, including the testimonies of witnesses before the investigating judge and then before the court, and they can request to cross-examine the prosecution witnesses.

It is possible for the court to order the concealment of the identities of some witnesses if their safety requires it; this is done in agreement with the prosecution attorney and the public prosecutor.

Investigative bodies cannot share the names of witnesses with judicial authorities without the consent of the witnesses.

I gave my testimony to an investigative body on a previous occasion. Can I give it to another commission as well? How to know the difference between these investigative bodies and the one I spoke with previously?

There is cooperation between investigative bodies, but this does not include sharing the names and information of witnesses without their prior knowledge; therefore, communication can take place on the part of several commissions of inquiry.

Who can I contact to make sure that this or that investigative body is trustworthy, and that I can talk to it? (Commissions of inquiry have become numerous, and I have received different requests for communication from several of them).

Give yourself enough time to communicate with those around you, including human rights organizations and partners with more knowledge, in order to be sure. You can always check the contact and request formal communication via email.

Will an investigative body request blood samples or something else from me or my family members who were previously injured?

Investigative bodies request biosamples of blood, hair, etc. from survivors of chemical weapon attacks, especially within the first weeks after such an attack. They may also request any other form of evidence. Witnesses always have the right to agree to or reject these requests.

Could my testimony cause me harm in my country of asylum?

There is no connection between your asylum file and your testimony, as long as you do not include information about your testimony in the asylum file. Also, there is no guarantee that mentioning your testimony in the asylum file will have a positive effect.

Always remember that international investigative bodies are affiliated with international organizations with the membership of many governments. However, they are not governmental bodies; therefore investigative bodies cannot provide assistance to witnesses in immigration files, asylum, or witness protection programs.

I have valuable information about the incident, and I heard about e.g. the commission of inquiry. Who can I contact to present it to them?

[You can contact the following parties].

The Syrian Network for Human Rights - Syrian Center for Media and Freedom of Expression.

Questions that come to the survivor's mind during the interview:

There is information that I do not remember, what should I do?

Always be frank and do not make any assumptions or conclusions, present only your observations and memories. Try to review events calmly and without any pressure before the interview, and do not schedule an appointment until you find yourself ready.

Review the photos and conversations you had on your phone during the incident, as this may help you retrieve your memories of the events more clearly.

Always take care of your mental health, as much as possible, while recalling the events you remember.

I do not speak English. Is there an interpreter?

There are translators with all investigative bodies.

I have a photo/video archive of the incident. Can I present it to the investigative bodies?

You can present any evidence you have to the investigative bodies, including visual evidence.

It is very useful for any investigation and any case to communicate with the people who took

the pictures or videos directly; so, share all the photos you have of the incident, as they are very useful for the investigation, especially when submitted by the photographers themselves.

Can I give the investigative bodies materials that I showed to other media agencies?

Yes, it is useful for investigative bodies to know the primary source of materials published in the media. Your testimony as a person who photographed this material is very important.

Can I take someone with me, whether survivor or non-survivor, or will the session be closed?

Often the answer to that is no, unless it is agreed upon with the investigative bodies. In general, sessions are closed, and the investigators will seek the truth by verifying every information you give them by matching it with the rest of the testimonies and collected evidence.

How long will I be allowed to speak?

There is no specific time and the discrepancy is usually quite large. This depends on the type of information a witness has. Sometimes a session takes less than one hour, and other times it goes on for several long sessions over several days.

If we are one family or one cadre, can the testimony be presented in group or must it be individual?

It will be mostly individual unless otherwise agreed.

Is it possible to ask or request testimonies from my children who were injured as children and are now adults?

I do not currently have identification papers in my country of asylum, and I lost my Syrian identification papers. Will this affect my testimony?

It is possible for the investigative bodies to obtain your testimony as long as there are enough identifiers, even if no official papers were available.

Questions that come to the survivor's mind after the interview:

I remembered additional information after the meeting with the investigative bodies. What should I do?

Reconnect with the investigative body through the same previous method.

Is my participation with the investigative bodies confidential? Can I talk about it with friends and acquaintances?

Commissions of inquiry do not require pledges of confidentiality from witnesses, but they adhere to this confidentiality for the safety of witnesses and the security of information.

It is better not to share information with friends and acquaintances, as long as it is not absolutely necessary.

How can I get the results of the inquiry after its completion?

Through the website of the investigative bodies. Investigations usually take long periods of time; and when reports are issued on any given incident, they are published publicly on their website, even if no confirmed results are reached, in which case the report will conclude that there is not enough information to give conclusive results.

Will I get paid for my presentation of the testimony?

No investigative body offers financial compensation in exchange for testimony. If this takes place through any other party, the testimony will automatically lose credibility.

Might I be forced later to travel, speak in court, or appear in media against my will?

No investigative body has the right to compel witnesses to submit their testimonies before it or any other parties. Your testimony is voluntary as long as you are a witness only.

Can I benefit from my testimony to request asylum in a third country or to request resettlement to another country?

Always remember that investigative bodies are affiliated with international organizations with the membership of many governments. However, they are not governmental bodies; therefore investigative bodies cannot provide assistance to witnesses in immigration files, asylum, or witness protection programs.

It is also not possible to expect the impact of including information related to your testimony before the investigative bodies, since this depends entirely on the policies of each country separately.

There are many cases in which several countries have provided assistance to important witnesses who presented groundbreaking testimonies before international investigative bodies. But usually, such procedures are facilitated through non-governmental organizations that have direct connections with those governments, or through judicial systems.

Conclusion:

This guide was developed by the 'Do not Suffocate Truth' team to support survivors by knowing how to deal with international commissions of inquiry and fact-finding missions, in order to support the fact that the Syrian regime and its allies use chemical weapons, which are internationally prohibited, to counter all attempts to deny its use, in order to enhance accountability for these violations and to combat future impunity for the Syrian regime and its allies.

This guide may not be comprehensive, and the techniques, method, and mechanism of the investigation differ according to the type of weapon used, the region (the crime scene), the actors on the ground, and the status of witnesses. Thus, additional observations and details provided by witnesses may be of utmost importance to the practical implementation of this guide.

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