

International crimes: spotlight on France’s war crimes unit

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Universal jurisdiction, which allows a country to prosecute any person for serious crimes committed anywhere in the world, is in the frontline of some prosecution strategies, notably with regard to crimes committed in Syria. In Paris, we visited France’s specialized unit for tracking international crimes, the “Central Office to fight Crimes against Humanity, Genocide and War Crimes”.

The unit’s logo is a sword with the scales of justice balanced on its tip and the words “Hora fugit, stat jus” – time passes, the law endures. Situated in Paris, its mission is to track the perpetrators of imprescriptible crimes in France and the rest of the world. The Central Office to fight Crimes against Humanity, Genocide and War Crimes (OCLCH), set up in 2013, is at work and is determined to obtain results, says Colonel Eric Emeraux, who has been at its head for the last year.

The office’s 15 gendarmes (paramilitary police) and 4 police officers are the strong arm of France’s special judicial unit for tracking international crimes. Colonel Emeraux’s tone is careful and precise but also combative. This office, created by decree five years ago, is gaining strength and has become

visible in 2018 thanks to a quite substantial (non-exhaustive) list of actions: in March, questioning of an Iraqi refugee suspected of having participated in Daesh massacres; in April, the arrest in Cameroon of a Rwandan wanted in France for genocide; in June, extradition of a Bosnian wanted in his country for crimes against humanity; and in September, the arrest of a former Liberian militia leader.

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From Syria to Syria

Every day, Eric Emeraux and his team climb a long staircase and pass the floor of their counterparts in Organized Crime, to reach their offices located east of Paris in an impressive stone building. The offices smell new. Emeraux's team has just returned there after several years of exile at the Rosny Fort, in the southern suburbs of Paris. They are now closer to the magistrates of the Specialized Unit – 3 prosecutors and 3 investigating judges – with whom they work on a daily basis. And this is the place where members of the Paris gendarmerie research section, precursors of the OCLCH whom Hirondelle met in April 2011, worked on Rwandan cases that led to the only two trials so far held in France under universal jurisdiction: that of Pascal Simbikangwa, sentenced on appeal in 2016, and Octavian Ngenzi and Tito Barahira, sentenced on appeal in July this year for their participation in the 1994 genocide. These two first instance and two appeals trials each cost 1 million Euros, according to Catherine Champrenault, Attorney General at the Paris Court of Appeal.

For the record, it was other members of the Paris SR (research section) that investigated police officer Paul Touvier, a Second World War collaborator who in 1994 became the first French person convicted of crimes against humanity, and that participated in the hunt for Aloïs Brunner, one of the big Nazi criminals who is said to have died in Damascus, Syria.

And it is Syria that is now the top priority among 105 cases covering some 15 countries that are piling up on the investigators' desks. The Office's portfolio has almost doubled in the last year, notably because of 35 files sent to it by Ofpra (French office for protection of refugees and stateless people), which has an obligation to flag asylum seekers suspected of having committed serious crimes. These files have been dubbed in investigators' jargon "1F", in reference to the article of the 1951 Geneva Convention that allows them to be excluded from asylum whilst offering protection against expulsion. "We are working more and more on asylum seekers who are excluded from the convention," says Colonel Emeraux. "Many of them come from Syria, Iraq and Africa. It's just the beginning. Ofpra transfers the files to the Paris Attorney General's office which refers some five cases per month to us. With all these 1F we will see how we can build procedures, establish the facts — knowing that what we are experiencing here in France, other countries are experiencing too.

The Caesar Effect

Before heading the OCLCH, Eric Emeraux was in Sarajevo, as security attaché at the French Embassy. It was his first post abroad after 30 years of service in the army and gendarmerie. This meeting with the realities of post-war Bosnia-Herzegovina has made him more aware of the need for cooperation between countries and between the military and judicial spheres. “Living in Bosnia for five years has made me more aware,” he says,” that there is a link between our country and what is happening outside our borders, up to a point, because there are individuals who have committed the worst atrocities coming to hide in France. The international affects the national, and so in the end we are protecting French interests.”

Since arriving at the OCLCH, Emeraux has seen the case files’ centre of gravity shift. Rwanda (17 cases) is now in third position after Syria (25) and the Central African Republic (18). They are followed by cases linked to Sri Lanka (7), Liberia (5), Libya (5) and Iraq (2). The Caesar report (codename of an ex-military police photographer who fled Syria with some 55,000 photos of torture victims) transmitted to at least six European countries is a top French priority and is emblematic. Caesar’s reach has spread, first from the Office to other departments in the Ile-de-France assisting a six-person investigation unit, and then across the border to a joint Franco-German investigation team. Finally, through personal exchanges and the connection of databases, this reach spreads to the UN’s M3I mechanism, led by a French magistrate — which is responsible for gathering evidence on crimes in Syria and making it available to investigation services and competent judicial authorities – and structures such as CIJA, Eurojust or Europol, which in February 2018 officially launched a cooperation project (AP CIC) dedicated to international crimes.

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Interconnectivity is Key

Caesar is not the only catalyst for cooperation, from which other cases also benefit. For example, it was the new Europol project that allowed the OCLCH to track down the Rwandan suspect it wanted in Yaoundé, Cameroon. “With regard to interconnectivity, we are just at the beginning,” says the office’s second in command Nicolas Le Coz.

“We are evolving in a very efficient world,” adds Colonel Emeraux, who sees his team “a bit like a start-up”, motivated by objectives and results, by international exchanges and the support of state-of-the-art technological tools. “On the IT level, everything has been in place since mid-November,” he announces. “We work with software that will allow us to enter an enormous amount of information in the database and which is immediately compatible with Europol and the M3I. It has taken us six months to find the funding, the technicians and set everything up.” Emeraux also says he is pleased to have met people with “great expertise” from NGOs like Swiss-based Civitas Maxima on Liberia war crimes and the USA’s Physicians for Human Rights (which has produced an application allowing doctors faced with torture cases to record trial-ready evidence).

The OCLCH, like its colleagues in the Organized Crime division, has investigators specialized in IT, social media and financial tracking. They divide the work according to three main geographical zones: Africa, Middle East and the rest of the world. And each investigator manages their priorities according to the following equation summed up by Emeraux: “Either we have a suspect and we have to find witnesses or victims to flesh out the case; or we have victims and witnesses and we have to find the perpetrators. Our goal is the trial.”

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