

WHEN JUSTICE IS ONE-SIDED

Case of Majdi Neme the detained in France

Prepared by Majdi Neme's Family

May 2021

About us

We, like most of the Syrian people, are a Syrian simple family with modest means in which the mother, a teacher, and the father, a medic, sought to build a well-educated family that their children could build their lives in a way that contributes to a better society.

Majdi Neme has three brothers, a doctor, a dentist and a mechatronics engineer; and two sisters, a teacher and a computer engineer.

The family has a position with the Syrian Revolution, since its beginning, similar to the common position of most Syrians in their ambitions towards achieving freedom, dignity and justice, especially that Dr. Muhammad Neme, Majdi's eldest brother, had been detained for five years by Assad regime in Sednaya prison. Majdi had also been detained by Syrian security authorities and jailed in Far' Falastin "Palestine Security Branch" of Assad regime's intelligence forces.

Majdi's family supports the call for justice by all Syrians and holding all perpetrators of violations and crimes against Syrian civilians accountable. The family has never objected the principle of accountability even when it applies to fighters from the side of revolution, but the family aspires to a substantive justice based on real principles, most importantly, the principle stipulating that "the accused is innocent until proven guilty". In addition, the family rejects using courts to serve certain political and ideological conflicts.

Why is this file?

Majdi's family prepared this file to be a kind of profile of the case of Majdi Neme, the detainee in France for suspicions that he committed war crimes, and to be a mean for

communication with international institutions to clarify a number of violations committed against Majdi during since he was arrested.

Noteworthy that Majdi's family, except for hiring a lawyer to defend Majdi in the French courts , has never taken any other steps on the political side or on the media, nor communicated with any side about the trial until a year and two months passed after Majdi's arrest, as they believed that Majdi's trail would not include the contradictions that the French investigation court fell in and that Majdi's rights would be protected during his arrest and trials. Nonetheless, after discovering that Majdi was assaulted by police members, in addition to a number of events that proved bias of the investigative judge and the lack of objectivity of the witnesses and evidence, the family decided to move on the media and political levels and communicate with all rights bodies around the world and involve the public and international opinion in the details of the case.

Majdi's family is looking forward to highlight a number of details that should be taken into account for the rights institutions and public opinion, which would possibly motivate all those who are concerned about human rights to interfere for more objective procedures and to save the rights of Majdi as a defendant, who cannot be seen guilty until proven so.

About Majdi Neme

Majdi was born in 1988 and he was the youngest son in his family. He had a high sense of humor, and as his brothers, he was passionate about learning. The environment where he was raised had no instigating factors of any kind of depression, isolation or resentment feeling against society.

Majdi excelled many electronic games in his adolescence. He liked those games that he became professional in them and participated in several competitions and challenges that were held in special places for those games in Idlib governate, and most of the times he won.

He studied in Excellence Secondary School in Idlib and got the secondary school certificate with grades qualifying him to study engineering but his ambition was medicine so he preferred to join the medical institute which will qualify him to study medicine in university later.

Due to the difficult financial situation of his family, Majdi decided to work while he was still a student to contribute to a part of the family income, the thing that affected his results in diploma and waved his dream to excel in his high studies. Meanwhile, Majdi exhausted his years to defer from the compulsory military service as a student.

As a result, he joined the compulsory military service and was sent to Al Rayhan area in Eastern Ghouta following the Syrian regime distribution system. Eastern Ghouta was one of the areas where demonstrations against Assad regime broke out since the beginning of the uprising on March. 2011 in Daraa , and since Assad regime decided to involve the army in the suppression of the peaceful protests, Majdi decided to dissent from the regime army.

Dissenting from regime army meant taking a great risk that time and anyone who dissented had to resort to the closest area witnessing protests to stay safe until he managed to reach his city or the Syrian-Turkish border which was a meeting point for dissidents from the Syrian Army.

Consequently, Majdi headed to Duma in Eastern Ghouta after his dissidence where Jaish Al Islam, known as Liwa Al Islam then, was the most prominent rebel faction against Assad regime in the area.

Role of Majdi in Jaish al Islam

Majdi met Zahran Alloush in prison of Far' Falastin in 2010, when Majdi was 21 years old and stayed in prison for almost forty days.

When Majdi decided to dissent from the regime army which was involved in oppressing the peaceful protesters, he was already in Al Rayhan area in Eastern Ghouta; and with his former acquaintance with Zahran Alloush in prison, as mentioned above, instead of running away from regime Army and returning to Idlib, Majdi made his decision on fulfilling his duty for the Syrian people whose uprising against tyranny was growing in spite of the security and military repression, so he joined "Liwa Al Islam" after communications with Zahran Alloush.

Majdi's knowledge and account of English, in addition to his talent in using formal Arabic, formed the main reason to take part in the media office of "Liwa Al Islam" , where he played a role in the media as the spokesperson of "Jaish al Islam".

The leadership of Jaish Al Islam decided in the biggening of 2013 to have a new headquarter for its media office in the vicinity of the border with Turkey, and for security reasons and to have a better technology, Majdi moved to work as a spokesperson from Turkey and left Eastern Ghouta in mid-May 2013, which can be proved with a video published on YouTube showing Majdi leaving besieged Eastern Ghouta to Al-Qalamoun area in Rural Damascus which formed the starting point towards the north of Syria, confirming that Majdi was out of Eastern Ghouta when the accident of kidnapping the four activists, Razan Zaitouna and her friends, took place.

Majdi's role with Jaish Al Islam was not only limited to the media work, he also worked after reaching Turkey to coordinate between Jaish Al Islam and some rights bodies such as "Geneva Call", as he managed the participation of some of Jaish Al Islam

leaders in several training workshops on international humanitarian law, within the work frame of the "Fighter not Killer" campaign coordinated by Mr. Usama Abu Zaid.

In 2014, Jaish Al Islam took a decision to set a spokesperson for its General Staff and nominated Captain Abd Al Rahman for this position but he was killed in a military operation launched by Jaish Al Islam on regime sites in Syria's capital, Damascus[1]; so the faction chose Hamza Bereqdar as their new General Staff spokesperson [2].

Consequently, Majdi's had less responsibilities as a spokesperson when international news agencies and TV channels preferred communicating with spokespersons inside Eastern Ghouta. Therefore, he turned to his personal life, and joined the political science faculty in Aydin university in Istanbul in October 2015, and after Jaish Al Islam Leader, Zahran Alloush, was killed in Eastern Ghouta, Majdi officially resigned from work with the faction and publicly posted a statement about that on his Twitter account. [3]

It is significant that, when Majdi was in Turkey, he did not represent Jaish Al Islam in any of the International forums, even within events held in Turkey by Syrian opposition bodies such as the National Coalition for Syrian Revolutionary and Opposition Forces, in Riyadh Conference out of which emerged the Higher Negotiation Committee, in Ankara Negotiations on the siege of Aleppo or in Astana Negotiations, which further clarifies that role played by Majdi since he joined Jaish Al Islam was entirely related to communications and media.

---

https://www.youtube.com/watch?v=O3RFT8dM-B4 [1]

https://www.youtube.com/watch?v=W2aqbtTSB5w [2]

https://www.enabbaladi.net/archives/153607 [3]

Majdi after resigning from Jaish al Islam

Majdi dedicated his time after resigning from Jaish Al Islam to his studies and research work and tried with a group of his friends to establish a Syrian research center. He really founded the "Toran Studies Center" that expressed Majdi's attempt to continue providing what is useful for Syrians and their cause on a new area which is research. The center really published a number of studies, papers and maps; nonetheless, Majdi could not continue providing the required support to the center.[4]

Even after his resignation from Jaish Al Islam, Majdi continued supporting the Syrian Revolution with humanitarian activities and played as focal point between Jaish Al Islam and a number of public figures to free a group of Syrian civilians who belonged to the Druze community after being taken hostages by the Nusra Front. [5]

Majdi graduated from Aydin University/ the faculty of political sciences with excellent GPA. He had the second highest GPA with very small difference from the first.

After excelling in Aydin University in Istanbul, Majdi received a scholarship with Erasmus Program, joined the Eötvös Loránd University in Hungary, and came back to Istanbul after he finished his course there.

In his pursuit of a high studies scholarship, Majdi communicated with a number of academic entities, universities and research centers, to be chosen after intense communications by a professor in Marceille city to participate in a research about armed groups which was scheduled to be presented in a conference in Qatar's Doha. Majdi travelled to France after he got a visa from the French consulate in Istanbul, and

[4] /https://www.facebook.com/ToranCenter

[5] https://twitter.com/MajdiNema/status/901080425677901824?s=20

as a guest researcher at The Institute of Research and Study on the Arab and Muslim Worlds (IREMAM) in the Aix Marseille University, Majdi stayed in Marseille for almost three months. Five days before his scheduled return to Istanbul, he was arrested by the French authorities.

Bitter details of Majdi's arrest

In the morning of January 29, 2020, a person came close to Majdi and told him, "Excuse me, sir." Majdi thought the person wanted to ask about something and as soon as he turned towards him, the man punched him twice on his eyes and a squad of 40 people, according to Majdi, started an assault against Majdi to arrest him. They were all dressed as civilians, that Majdi thought they were trying to kidnap or assassinate him.

They violently hit him and strangled him; as he tried to shout loudly, one of the security team put the hat of Majdi's jacket on his face to silence him that Majdi hardly could breathe and almost got killed. None of the group members introduced himself/herself or explained anything to Majdi about the arrest until he was dragged to a car and before he was thrown inside it, a French policewoman told him he was under arrest for suspicions of committing war crimes in Syria.

Majdi was taken to the room he lived in, in Marseille, to search it and he was under ongoing violent assault of hitting and humiliation during the search process, and some of the team members took photos of Majdi for deride and revenge.

When Majdi arrived at the police center, the police officer who received his file could not determine his eyes color after the violent beating he was under and immediately asked Majdi, "What is the color of your eyes? I cannot determine it!"

Family suffering and difficulties in hiring a lawyer

Majdi's family has no relatives in France, and none of the family members speaks French, creating a state of confusion in dealing with Majdi's arrest which the family heard about a while later.

It was hardly possible to understand the reasons behind arresting Majdi and preventing him from having any communication with his mother, whom he called on daily basis before his arrest. Even when his arrest was confirmed, we could not know the reasons behind it or his charge. Stunningly, the prosecution, which included Syrian rights groups, did not communicate with us, as the defendant family, to enable him or us execute defense on his behalf, or even understand his case and the accusations against him to hire a lawyer to defend him.

The family, supported by a group of friends, began searching for a specialized lawyer to defend Majdi, and upon one friend's suggestion, we reached out an international French lawyer called "Gilles Devers", who agreed to visit Istanbul to meet us, since none of us could get a visa to travel to France.

We met Gilles Devers in an hotel in Istanbul, and handed in some official documents of Majdi that can be useful in his defense, in addition to 10000 US dollars as a payment. Yet, the lawyer never communicated back with us nor answered our messages after returning to France.

The family had to search for another lawyer and they really hired one. The first step the new lawyer made was filing a complaint against Mr. Gilles Devers who has not answered so far neither our calls nor the calls of the current lawyer and he still has Majdi's documents and did not return them back.

Family reservations against the investigation judge and the prosecution

In spite of our concerns and fears about Majdi after his confirmed arrest and the lack of information we received from the lawyer about Majdi's health and progress in his case, we still felt reassured because we believed Majdi was innocent from the accusations against him and that the case is running in a country that respects human rights and justice and where the law is paramount.

Yet, our feelings changed when the investigation judge allowed Majdi to communicate with us – after more that 10 months of his arrest – and we were completely shocked after Majdi fed us with the details of attacking him during the arrest and the course of the run investigation, in addition to the bias in investigation to the side of prosecution which is still trying to keep Majdi arrested as long as possible under investigation and delay moving to sentence by dumping the case with files not related to the charges.

The most prominent reservation points by Majdi's family against the performance of the investigation judge and the objectivity of the prosecution are:

- It took the investigation judge four months to verify the ownership of Majdi's mother phone number, after he asked to call her, although her number is registered in Turkey, the country allying France in NATO and with which France has good relations and cooperation agreements and where France has an embassy. How can the same judge run investigation with Majdi about events that happened in a besieged area near Damascus with which France had not diplomatic relations since 2011 and to which even the UN office in Damascus could not reach but for a few times?

- The investigation judge is still refusing all defense requests to release the video of Majdi's arrest, with no convincing reasons but that the video will expose the way Majdi was arrested as a hostage.
- During investigations, Majdi was asked about the reasons he dissented from regime army many times, whether he was a Muslim or became one later, the responsibility of Jaish Al Islam for the chemical attack on Eastern Ghouta in August 2013, and the role of Turkey and Saudi Arabia in Syria; questions that raised our suspicions about the reality behind accusations against Majdi and the integrity and objectivity of the followed procedures.
- The investigating judge accepted many evidence items from the prosecution including electronic memory drives , but refused similar evidence from the defense. In addition, Majdi was mentally tortured by investigators who threatened him with imprisonment for life.
- The prosecution side includes French and Syrian rights organizations, but we confirm that none of these organizations – governed by the international humanitarian law - communicated with us as a family who has the right to defend their son and never condemned the violent arrest of Majdi by the French police or called for investigation on the assault that happened during his arrest. They never asked to release the video of the arrest to validate the brutal assault against Majdi.
- The prosecution worked on dumping the case with files to further keep Majdi in prison under investigation, which can be proved from the records of the investigation sessions where the judge agreed to include files irrelevant to the main accusation against Majdi, for example, one of the files included articles about elections in Iraq and Corona virus vaccination. In addition, all of the files were provided in Arabic, taking longer time for translation and proofreading;

therefore, weeks passed while Majdi was still in prison, not to mention the deadly mistakes in translation in the prosecution files discovered by the court's sworn interpreter.

Disappearing Majdi and preventing him from contacting his family

After the family had all the proofs that the investigation judge is biased against Majdi, and after we received the shocking photo of Majdi after his brutal arrest, we lost the trust in the procedures followed in his trail and decided to share this with the public .

We created a Twitter account and published all the facts including Majdi's photos after arrest, yet, the litigation project officer in the Syrian Centre for Media and Freedom of Expression accused, on his personal Twitter account, Majdi's family of lies, fabrication and manipulation of the public opinion.

It is very important to mention that Majdi's family never resorted to the media nor exerted any pressure on the prosecution or other sides for 13 months, as they believed in justice and integrity of judicial procedures and thought Majdi was treated as innocent until he would be proven guilty. Yet, the family decided to speak up to the media after they had all evidence that all what they believed in was not true.

The investigation judge, against our beliefs, decided not to open investigation about Majdi's arrest but to prevent him from communicating with his family, which proves she was not as much keen on applying the law as she was careful to undermine Majdi's family in their defense.

To date, more than fifty days passed after preventing Majdi from contacting us by the investigation judge, posing a prominent question: can preserving human rights and

defending them be through violating the rights of others, disappearing them and preventing the public from learning the truth?

To date, the prosecution never communicated with us and never condemned the judge decision of preventing Majdi from contacting his family, which allows us to question the prosecution pursuit of defending human rights.

Message from Majdi's family to anyone concerned about pursuing justice

Majdi's family confirms their full support of justice, as Majdi and us would never refuse the principle of accountability, and they have provided what they could for supporting the aspirations of the Syrian people for freedom, dignity and justice. As mentioned above, Majdi's elder brother was arrested in Saydnaya military prison of Assad regime for five years, and Majdi himself was arrested in Far' Falastine prison of Assad regime intelligence.

However, justice and respect of human rights can never be achieved by exerting injustice against others and violating human rights. Moreover, this kind of cases should not be employed to serve political and ideological conflicts.

Therefore, we call on everyone who is keen on achieving justice and defending human rights to take an objective and human position with Majdi's case and practice pressure on the prosecution to stop dumping the trail with irrelevant files and stop fabricating false testimonies as it happened during investigations, which can also be proved in sessions. We call on you to defend human rights and justice for all without any discrimination.