



Statement by Civil Society Organizations on the Upcoming French Cour de Cassation Hearing Regarding Immunities for State Officials

On July 4, 2025, the French Cour de cassation will hold a landmark hearing to determine the legality of the arrest warrant issued for former Syrian President Bashar al-Assad. This hearing represents a pivotal moment in the global fight against impunity for crimes under international law, including chemical weapons attacks constituting war crimes and crimes against humanity.

The arrest warrant, originally issued in November 2023 by French investigating judges, targets Bashar al-Assad for his alleged role in the chemical weapons attacks on the city of Douma and the Eastern Ghouta region in August 2013, which killed over 1,000 civilians, and resulted in equal numbers of serious injuries.

The Paris Court of Appeal [upheld](#) this warrant in June 2024, affirming that personal immunity was not applicable in light of the gravity of the alleged crimes and the behavior of the accused. In particular, the court found that in allegedly attacking the population with chemical weapons, Bashar al-Assad had not acted as a head of state, thus removing himself from the privilege of personal immunity.

Personal immunity traditionally applies to heads of state and other high ranking state officials in foreign domestic courts for any acts performed while in office. It ceases to apply once their mandate comes to an end. By contrast, functional immunity applies to various state officials for acts undertaken in an official capacity. It continues to apply even after they cease to represent the state.

This case marked the first time in the past 80 years a national court anywhere in the world issued an arrest warrant targeting a sitting head of state for crimes under international law. It challenges the traditional interpretation of personal immunity under international law, particularly when immunities are invoked to shield individuals from accountability for mass atrocities.

Since the arrest warrant was issued and later confirmed, the Syrian regime has fallen and Bashar al-Assad is no longer a head of state. While the question at stake is the validity of

the arrest warrant at the time it was issued, the Cour de cassation may well consider that the matter is now moot.

On the same day, the Cour de cassation will consider a separate case concerning the former governor of the Syrian Central Bank, Adib Mayaleh, who argues he should not be prosecuted for atrocity crimes on account of functional immunity. Just like the Assad case, the ruling in *Mayaleh* could have major implications for investigations involving state officials both in France and abroad.

We, the undersigned civil society organizations, emphasize that, under international law, personal and functional immunity should not apply to crimes of mass atrocity. Immunities must not serve as a cloak for impunity when state leaders commit heinous crimes, including against their own people. Upholding the arrest warrant for Bashar al-Assad and rejecting Adib Mayaleh's functional immunity would send a powerful message: that no one, regardless of rank or title, is above the law when it comes to crimes that shock the conscience of humanity.

This hearing is not only a test of legal principles but a beacon of hope for survivors and victims' families who have sought justice for over a decade. A ruling that stands firm in the commitment to justice for crimes under international law and that prioritizes accountability over impunity would also provide significant hope to others who have been victimized at the hands of government leaders around the world.

Background

The chemical weapons case arose as a result of a complaint and evidence gathered by the [Syrian Center for Media and Freedom of Expression](#), [Syrian Archive](#), and the [Open Society Justice Initiative](#). These organizations, along with individual victims, [Civil Rights Defenders](#) and [Physicians for Human Rights](#) joined the case as civil parties and have continued to support the investigation.

Amnesty International

European Center for Constitutional and Human Rights

International Commission of Jurists

International Federation for Human Rights

Open Society Justice Initiative

Physicians for Human Rights

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