

National Jurisprudence summary

French case no. 19-87.367

Between 2012 and 2015, **Lafarge, a company incorporated under French law, and its subsidiary, Lafarge Cement Syria (LCS), incorporated under Syrian law, operated a cement plant in a region of Syria occupied by various armed groups**, including ISIS.

LCS made payments to these armed groups so that the activity would not be compromised. In 2018, Lafarge was indicted on the charges of **complicity in crimes against humanity, financing of terrorist activities and endangering the lives of others**. In the course of the investigation, Lafarge filed a motion before an interlocutory appeal court to quash the indictment. The interlocutory appeal court quashed the indictment. However, the High Court (*Cour de cassation*) found that the interlocutory court erred in its findings.

In particular, the High Court noted that there is sufficient evidence to suggest that ISIS and other affiliated groups have committed crimes against humanity in the area including the provinces of Raqqah and Aleppo, in the vicinity of the cement plant operated by LCS. In addition, Lafarge was kept informed of the situation in Syria through weekly security meetings. Payments totalling USD 15 562 261 were made to suppliers linked to ISIS, to ensure that the cement plant would continue operating in an area then controlled by ISIS.

The High Court therefore concluded that Lafarge financed, via its subsidiaries, ISIS activities to the tune of several million dollars, and that it had precise knowledge of the actions of the organisation, which were likely to constitute crimes against humanity. The Court concluded **that knowingly paying a sum of several million dollars to an organisation whose purpose is purely criminal is sufficient to be considered complicity by aiding and abetting**. The Court further noted that **it is irrelevant whether the accomplice was acting with a view to pursuing a commercial activity**, as such considerations relate to motive rather than intent.

The case was remitted to the interlocutory court for proceedings to move forward.