

## ***Syrian State Torture on Trial***

### **Intro:**

1. **Nadine** (Guest): I'm here because I'm a Syrian and this issue is a central topic for me and for the whole world, but it is rarely treated systematically in the wider public.
2. **Hannah Alhitami** (one of the book's authors): I was at the Koblenz trial for two years, almost every week. In the book, I wanted to show what I saw, speak about the people I met, and what I learned about the importance of this trial. I wanted to speak about the doubts that arose in the course of the process and the problems that occurred. And also what this trial ultimately meant for its participants, especially the survivors from Syria.
3. **Kinan** (Guest): The people who did a lot of work, are real heroes. The witnesses, the joint plaintiffs and the journalists did an incredible job.

**Podcast Host:** *Welcome to this special release, which we share with you through "Branch 251 Podcast: Syrian Atrocity Crimes On Trial".*

My name is Fritz Streiff and I am a human rights lawyer. I will be your host for this special podcast episode which looks at "*Syrian State Torture on Trial*", a trilingual anthology that digests and reflects on the trial which was also the topic of our podcast "Branch 251". The Al-Khatib trial in Koblenz. We will be taking you back to the anthology's launch evening, which took place in the spring of 2023, and listening to some voices from the attendees and authors commenting on the significance of the anthology and the trial. We will also be speaking to the anthology's creators and publishers from the European Center for Constitutional and Human Rights (ECCHR) and the German Federal Agency for Civic Education (BpB). So, put on your headphones (or speakers if you're listening to this in a group) and get ready to travel back in time with us!

### **Start:**

**Podcast Host:** So, I told you we will be travelling back in time, and that's not just 2023 (the year of the anthology's launch). To speak about that we will need some context. Let's go back to April 23, 2020, the day the presiding judge of the Koblenz court announced the start of the Al-Khatib trial, which took place in Koblenz, Germany. This was a landmark case as it was the world's first trial dealing with state-sponsored torture in Syria as a crime against humanity.

That day, the prosecution laid out their case against two men: Anwar Raslan, a former Syrian intelligence officer accused of overseeing the torture of at least 4,000 people and the murder of 58 people at the Al-Khatib detention center in Damascus, also known as Branch 251, and his co-defendant Eyad Al-Gharib, a former low-ranking officer in the Syrian General Intelligence Directorate, whose job involved arresting protesters and transferring them to the same detention center, Branch 251. In a way, it was his job to bring Raslan the arrested protesters, whose torture Raslan would then oversee. The trial took place in Germany under the principle of universal jurisdiction. This principle makes it possible to process serious crimes, committed internationally, in the courts of third states, like Germany.

That day, in the early months of the COVID-19 pandemic, the courtroom was filled to its limits with survivors, human rights activists, and journalists. According to a [report](#) published on the ECCHR website, there was a palpable sense of historic importance and a strong emotional undercurrent, as many saw this trial as a first step towards justice for the victims of the Syrian regime's brutality. "I accuse" the senior public prosecutor began. And with these words, the first trial against employees of the Syrian regime had officially begun.



**Podcast Host:** The trial started with a combined case for the two accused men, but as it proceeded, the court decided to split their case into two because of the type and kind of crimes that they were both accused of. On February 24, 2021, less than a year after the start of the trial, Eyad al-Gharib's case was closed. For his role as a lower-ranking officer, he was found guilty of aiding and abetting at least 30 cases of crimes against humanity and was sentenced to four and a half years in prison. 11 months after that, on January 13, 2022, Anwar Raslan's case was closed. As the former director of the investigation department at the detention center "Branch 251", he was found guilty of being a co-perpetrator of several crimes against humanity, including torture, 27 murders, aggravated assault and sexual violence. He received a life sentence. With this conviction, 11 years after the start of the

Syrian revolution, for the first time, a high-ranking employee of the Assad government had been convicted for crimes against humanity.

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**Podcast Host:** As I mentioned at the beginning, my colleagues and I made a whole podcast series called 'Branch 251' that followed the trial both in English and Arabic. The Arabic version of it was critical as we tried to fill the gap that the court left open, namely, allowing Arabic translations of the hearings. Plus, in both the English and Arabic podcast episodes, we wanted to give a better and wider understanding of the events in Syria, Syrian history, the reality within Syrian detention branches, and the kinds of crimes committed before and after the revolution in 2011.

For us, the anthology the *ECCHR* and *BpB* published can be considered one of the main sources of documentation and future references of the trial. It is a significant publication because of its holistic approach: not all of the authors are lawyers; they come from artistic, humanitarian and activist backgrounds, as well as from the world of advocacy, which was indeed an added value to the final product and documentation. How do you comprise such a historic and complex trial into an anthology that does justice to all its complexity? We talked to Patrick Kroker about this. He is a lawyer and Senior Legal Advisor at the European Center for Constitutional and Human Rights in Berlin (ECCHR). There, he oversees the work on Syria and is thus one of the publishers of the anthology.

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**Podcast Host:** Thanks a lot for joining in Patrick! Before we dive into the specifics of this anthology, I would like to start with your decision to produce it in the first place. Why an anthology in particular? What was the idea behind it?

**Patrick Kroker:** It was the first trial worldwide in which the topic of Syrian state torture was discussed. In our work of processing the crimes in Syria, which we are doing with legal means, we believe that such trials are a very central part. But it is important to note that court cases can never be the sole solution since their effect is very limited if you only rely on their legal aspect. That's why these trials live off of the fact that they are recorded and can continue to influence work in other disciplines, in art, in science, and in education. Only in this way can you have an effect that goes beyond the court. To support this process, we thought it would be important to publish a book that includes different perspectives on the trial. That is why it was important to us that we not only

present the purely legal aspects or the historical events, these are parts of the book to contextualise the trial. However, we wanted to contextualise it further in Syrian history, to have Syrian artists who can artistically contextualise this case. We wanted to strengthen the impact the trial has already had further, to amplify it so that a continuing effect is gained from it, that goes beyond the legal ramifications.

**Podcast Host:** Of course, you have been working on this anthology with BpB, the Federal Agency for Civic Education. Tell me about your process of working together on this, did you have any wishes or ECCHR?

**Patrick Kroker:** The Agency of Civic Education was of course the central partner in the making of this publication. There have been contacts before and also joint publication projects and as a consequence we met with an incredible willingness, when discussing the details, to incorporate the expertise we as ECCHR gathered in this case during many years into the conceptualization. For example, we wanted the Federal Agency for Civic Education to commit to publishing the book in three languages. We said it must be published in Arabic. That was very important to us. We wanted the book to have a real effect, the idea behind international criminal law, which marks these proceedings. This is only possible if the people who are primarily concerned, namely Syrians, can get something out of it. They must be able to read this book in their language. The Federal Agency said immediately, of course, we will do this in German and Arabic, and we said, it would be best if it were also in English, and they agreed to that. So they were incredibly willing to do this joint publication because they recognized what a special trial it was. And that we brought a lot of energy and motivation to the process. And for this trust, we are still very, very grateful.

**Podcast Host:** Could you tell me a little bit about the process of selecting the authors and the participants in the anthology? What was the motivation and the outcome?

**Patrick Kroker:** We wanted to have a lot of different perspectives on this trial. And of course, the legal assessment was important and also the contextualization in the German international criminal code. Thus we had one thematic focus. And then the other focus should be to get very close to the trial. We wanted people who had a close relationship with the trial to have a chance to speak and share their perspectives, and their reflections. That was the second focus and the third was to let Syrians process the contextualisation, whether this was from a historical, philosophical or artistic angle. That was the third focus.

**Podcast Host:** Could you tell me how it has been received by readers, now that it's been out for over a year...

**Patrick Kroker:** We have received very, very positive feedback over the last year. The nice thing about such a publication is that it is permanent in its effect because people can use it all the time. We are also extremely grateful that the Federal Agency for Civic Education provided a copy for free download in all three languages. We got very positive feedback from all three language groups because it is rare that such a criminal proceeding is reflected in this scope afterwards. And that is a very big affirmation of our efforts. And what was also really nice was that we were able to celebrate the publication here in Berlin last year, where a lot of people from many countries, I would say from the community, came together. And I think with this work that we do, where it feels like you are constantly pushing a rock up a hill and the rock keeps rolling back down, it is very important that you have these small moments in between where you can look back on something achieved. In these moments, you can appreciate the achievements, perceive them as such and celebrate them. And that was why this evening was successful for us and that's also what is successful with this book: that we hold on to what we have already achieved. I think this is a very important thing also for the future, this effort to come to terms with and acknowledge the past.

**Podcast Host:** The trial in Koblenz was, no doubt, a real milestone and the anthology acknowledges this. My last question to you Patrick is: What has happened since the trial? What has been achieved regarding the reappraisal of the crimes in Syria?

**Patrick Kroker:** The trial in Koblenz was in many ways unique and important. Above all, it was the first time in the world that there was a conviction of someone from the Syrian regime for crimes against humanity, torture, sexual violence and forced disappearance. It is a very special occasion when reports, which are of course very important, from UN commissions, human rights organizations, from very brave activists, are legally reviewed and lead to a conviction. When you have a defence, which can ensure that all the evidence that is then considered is true, and so on. That has a completely different authority. We started, and there was a big wall of injustice. And then for the first time, a big crack in this injustice has arisen through the trial in Koblenz. And that had a signal effect, this shows the victims that it is worth fighting for justice, even if these cases take a very long time and are very selective. And we see this confirmed in the proceedings that were then initiated. We now have the first conviction in Paris against high-ranking perpetrators from the Syrian intelligence service. There is an arrest warrant against Assad. So the trial has been a milestone that has already been built upon in this short period.

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**Podcast Host:** Thank you Patrick for speaking to us...

And for you, our listeners if you want to know more about the work the ECCHR does, visit their website at [ecchr.eu](https://ecchr.eu)

**Podcast Host:** Speaking with Patrick was one side of the story behind the creation of the anthology, the other side of it is the BpB: The German Federal Agency for Civic Education, which the ECCHR cooperated with to produce the anthology. But before we explore that more, let's hear what some of the authors, and the guests of the launch event of the publication on a warm spring evening one year ago had to say about it...

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**Mariana Karkoutly** (one of the book's authors): Sharing knowledge would provide Syrians outside of the courtroom the possibility to have a conversation on what this concept means to us. Because for a lot of people I interviewed, and that's something I did not mention, justice processes are not in Germany and they're not in European countries, they are in Syria. For them, the transformation of laws and the way that we look at those crimes and accountability and all of those things are important when it comes to the country. So there is a kind of movement towards change, formulating a concept of justice. And that happens only when you understand how it works when you're a part of it.

**Miriam** (Guest): I would hope that through the anthology's trilingual publication and the selection of those who have contributed, this conversation is taken out of the courtroom and is simply made more diverse so to speak so that it can reach more people.

**Florian Jeßberger** (one of the book's authors): In the book, I wrote an article that does not deal directly with the trial itself but deals with the framework of how this trial is embedded in the development of criminal law in Germany.

The Koblenz trial is important because it is actually about the courts taking on this role, namely the role of being part of an international criminal justice system, which does not only concern themselves with crimes committed in Germany but also with crimes committed in Syria. And to create this awareness, also in the courts, in the Koblenz court, but also in other courts that are currently conducting such proceedings in Germany, that is the next step. There are still deficits that are also addressed in the book. It is about the language of the process, about the possibility for those who are affected to follow the process, by simply understanding what is said in the trial, i.e. not doing everything in German. And it is about many other things. So this is the situation we are currently in in Germany. There has been great progress in the last few years and now the courts have to take on this role.

**Nadine** (Guest): You always have the feeling, when you follow such court proceedings, that these are things that didn't happen around us, but are something that is very far away from us. And you don't assume that so many people have already had this experience... And that's what I expect from the book, this connection.



**Podcast Host:** These were some voices of the many people who attended the launch event of the anthology. If you feel intrigued by what has been said, you can get a free PDF copy of the anthology through the website of the BpB, check it out in the show notes.

Now, let's head back to the "behind the scenes" of the anthology once again, and learn more about it from a civic education perspective... These are some parts of the conversation we had with the BpB's President Thomas Krüger.



**Podcast Host:** It is good to have you here, Mr Krüger. When I looked at the website of the BpB, I immediately saw that there is a great abundance of material and topics. I was curious, how do you choose your topics?

**Thomas Krüger:** So we have a range of basic topics that are somehow connected with the topic of democracy. How does democracy work? What is the constitutional framework we are dealing with?

How are questions of international politics or European politics addressed? Internal political questions about social policy and security policy. So the whole range is represented and mapped in political education. This book, which we are talking about, is about the question of dealing with war crimes. And that has a corresponding historical anchoring in Germany given the Nuremberg trials. Thus, it makes sense to take a closer look at the international criminal law and its history in Germany and integrate current trends and their relation to German law into civic education work.

**Podcast Host:** How did the process of this publication come about? How does it relate to the general public and what was the motivation for a publication in three languages?

**Thomas Krüger:** First of all, you have to understand that the current trend in the field of criminal law has changed in that the national courts can now also apply international law. The proceeding in Koblenz between 2020 and 2022 against two former officials of the Syrian intelligence service was a new way of establishing international criminal jurisdiction in German courts. And that's why it is important to make this issue more transparent to society as a whole. Firstly for the people who work in the judiciary, secondly for the politically interested public, and thirdly for the many refugees from Syria, who came to Germany as activists, as participants in the democratic movement, fleeing the Assad regime, who thus have an intrinsic interest in the progress of this trial. That is why the collection is aimed at different target groups and therefore it also makes sense to publish it in several languages. Specifically, it is published in German, English and Arabic, and in this context, of course, it has a completely different distribution and a completely different power of distribution than if it had only been published in German.

**Podcast Host:** You have mentioned the judicial aspect of the Koblenz trial, and you have mentioned the multilingual aspects of the publication. To what extent does this publication enrich the general material that exists in Germany for political education in this niche area?

**Thomas Krüger:** We have a whole series of publications that deal with the Arab Spring and create a larger context. Specifically, questions of international criminal law have been a gap in the offer of the Federal Agency for Civic Education until now. Therefore, our long-term cooperation with the ECCHR had a specific starting point. Particularly in the area of events and networking we have cooperated with the ECCHR for a relatively long time and met with a lot of public interest in Germany. But this multiplicity in terms of target groups was new territory for us. It enriches our range of publications, which is already relatively rich: online files, other publications, seminars and other events, all that is available, so to speak. In this respect, this publication is built into this context and closes a gap.

**Podcast Host:** We can only say from our experience that the anthology is a great gain. What have other people said to you? What was the feedback you have received so far?

**Thomas Krüger:** What has been particularly voiced as feedback is that this collection captures very heterogeneous voices. That means legal positions, which are relevant for the jurisdiction. Secondly, activist voices. Thirdly, those who are affected by the terror of the Assad regime. Fourthly, also



artistic and literary perspectives, which have been thematized. That means a very comprehensive approach, a holistic approach, which has been pursued here, in which heterogeneous perspectives are included. Not only purely legal questions and the corresponding trial files are discussed here but also contextual knowledge is produced. This has been positively acknowledged by many readers, who did not have the background knowledge before. Many of them have noted a better understanding of the connection of the trial with international criminal law through our anthology.

**Podcast Host:** You have certainly succeeded in that. Therefore I would like to conclude and thank you very much.

**Thomas Krüger:** Take care, goodbye!

**Podcast Host:** If you would like to know more about the Federal Agency for Civic Education and its work, their website is [bpb.de](http://bpb.de).

#### **Outro:**

**Podcast Host:** When we concluded our final season of 'Branch 251' and our coverage of Syrian trials with our second podcast 'The Syria Trials' we did not anticipate returning with more episodes. Yet here we are, ready not only to document the courtroom proceedings but also to celebrate them and demonstrate the possibilities when witnesses, victims, lawmakers, advocates, and the tools of justice unite. Who knows? We may return with another story or significant updates on justice efforts for Syrians and Syria! Until then, please visit our website at [75podcasts.org](http://75podcasts.org) to listen to all the work we have produced over the past four years. We would like to end the episode with a short reading from the first chapter of the anthology, written by Ruham Hawash... You can find a link to the full publication in the show notes.

#### **Voice Over:**

*Meine Aussage als Zeugin in Koblenz - Juli 2021 / Von Ruham Hawash*

"On the train to Koblenz, where I was going to present my testimony before the High Court, I couldn't stop thinking about images I had seen from the public hearings that were organised by the Truth and

Dignity Commission in Tunisia, which were broadcasted on state television in November 2016. Those events were filmed at Club Elyssa in the town of Sidi Bou Said on the outskirts of the capital, where dozens of people congregated, including families of those who had been martyred and wounded during the Tunisian revolution, families of the victims of the regimes of Zine El Abidine Ben Ali and Habib Bourguiba, and of all those who had been murdered under torture or forcibly disappeared.

Those in attendance took their turn to offer up testimonies about the oppression and torture they had endured throughout the rule of both Ben Ali and Bourguiba. Following the events with great interest, I was riddled with questions. Why was this event being broadcasted on live television? Shouldn't there be more respect shown for the privacy of the victims, those men and women who were tortured and all those who were oppressed?

Unfortunately, when I arrived at the hotel room where I had been booked, I discovered that the room was on the top floor and that the ceiling was low and sloping. That night I tried my best to sleep but couldn't. I felt like the sloping ceiling was about to come crashing down on me and imagined that I had been sent back to my cell in Damascus. Even as I tried to review what I was going to say before the judges the following day, I was gripped with fear once again. I tried to stay strong by reminding myself that this was the last time I would have to tell my story, that this was a golden opportunity to be liberated from it altogether, to leave everything behind me. The next day, I walked into the German courtroom feeling totally bizarre, dissociated from the situation that was taking place all around me.

My friend's hand reached out from the audience section behind me and brought me back to reality; her touch was the only real moment I experienced up until that point, and it was what drove me forward towards the witness stand. The accused was sitting right there, very close to me, and once again I was unable to feel any malice towards him; nor did I feel any joy at seeing him seated there in the defendant's chair—I felt inexplicable fear for a few seconds, but that was interrupted by the arrival of the panel of judges. Everyone takes their seats and the session begins. Once more, I am invited to tell my story with all its burdensome details, only this time it is happening in public. I start narrating what happened to me. It wasn't easy to recount in front of my two female friends who had never heard any of those details before."