



THE  
SYRIA  
TRIALS

Putting the Pieces Together



# THE SYRIA TRIALS

Putting the Pieces Together

A Podcast to Read





The Syria Trials takes the reader on a journey through the complex and fragmented landscape of seeking justice and accountability for the atrocious crimes committed by the Syrian regime. It allows an understanding of the intricate nature of investigations, legal cases, and the human stories intertwined within.

The original podcast series was produced by an amazing, multi-talented, and endlessly dedicated team at 75 Podcasts. The English series producer is Sasha Edye-Lindner, and the Arabic series producer is Saleem Salameh. Research, fact-checking, and editorial assistance by Mais Katt. Kristina Kaghdo, presenter of the entire Arabic series and guest presenter on two English series episodes, was also an integral part of the core production team. The production was led by Fritz Streiff, who also hosted the English series. This publication is based on the original podcast series transcripts, which have been carefully edited for readability by Azal Media.

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## PREFACE

by Mais Katt

Raised in a family that fiercely fought for freedom of expression in Syria for years, from a young age I got absorbed in my parents' discussions with their friends about democracy, prisoners of conscience, and public liberties in the country. I remember watching the chess pieces move across the board while my father and his friends whispered, and my mother hurriedly closed the window, fearing our neighbours' ears. In Syria, speaking about freedom was forbidden. We lived in The Kingdom of Silence.

Over the years, I grew accustomed to visiting the State Security Court in Damascus, Palestine Branch, and the notorious Sednaya Prison to see my father, who endured years of incarceration in Syrian regime prisons. During these years, I have met hundreds of imprisoned activists, their families, and their children, who later became my close friends.

The echoes of their voices resurfaced when The Syria Trials production approached me in their search for a journalist to join the team in its English and Arabic editions. Instantly, a genuine desire arose within me, whispering to myself, "I must be part of this... I deeply want to!"

We embarked on our journey working on both seasons of The Syria Trials podcast in Arabic and English. For months, we toiled and crafted each word and sentence, with detailed discussions preceding

decisions on the show's format, artistic style, and editorial direction. While our guiding principle was spotlighting justice in Syria, we pursued different themes for each language version, doubling my workload. Despite the profound challenges and emotional intensity, the experience was immensely rewarding.

In the Arabic version, we crafted a dialogue-driven podcast featuring profound conversations led by presenter Kristina with Syrian experts, journalists, and human rights activists. They shared personal experiences and extraordinary stories from the Syrian war while offering professional insights on justice, accountability, and war crimes. Selecting the right guests proved to be a daunting task, as we sought individuals with both expertise and personal stories. Extensive preparations preceded each episode to ensure a seamless, profound, and intimate final product that conveyed historical and realistic insights into Syria's revolution and war crimes.

On the other hand, the English version, especially the second season, relied on a deeply narrative approach to the case of the Syrian intelligence brigadier-general who fled to the Austrian capital, Khaled al-Halabi. Al-Halabi had previously served as the head of the General Intelligence branch in Raqqa before embarking on his extensive journey of escape. The podcast episodes trace the life of Khaled al-Halabi as an intelligence officer who human rights groups and survivors have presented strong evidence that shows he is responsible for committing war crimes in Syria. Throughout the narrative, listeners also gain insight into the history of Raqqa, spanning from the years of the revolution to its designation as the capital of ISIS and up to the present day.

Throughout the podcast episodes, our colleague Sasha, who produced the English series, utilizes al-Halabi's story as a backbone to narrate the Syrian saga. In our pursuit of tracing Khaled al-Halabi's life, we conducted dozens of interviews with men and women who had survived detention and torture in Syrian prisons,

particularly in Branch 335, which al-Halabi oversaw. Additionally, we spoke with political activists who had lived in Raqqa, providing detailed accounts of life in the city and its intersections with decades of dictatorial rule. Together with Sasha and the series' executive producer and presenter Fritz, I embarked on various trips to meet with lawyers, journalists, and witnesses who had worked and continue to work on advancing the case against Khaled al-Halabi in Austrian courts.

During our research journey, we gathered copious amounts of information that we chose not to disclose, ensuring the safety of witnesses, the integrity of the criminal investigation procedures, and the optimal progress of the case. As an investigative journalist, withholding valuable and relevant information was incredibly challenging for me. Sasha, Fritz, and I deliberated on this matter multiple times, with the team being guided by a deep desire to properly tell the story, while prioritizing the personal safety of key characters and the interests of the investigation, to ensure the future prosecution of the accused would not be jeopardized.

The Syria Trials podcast represents qualitative content, meticulously crafted with precision and diligence, where every word and letter in both the Arabic and English versions has been carefully considered. We have now compiled the podcast in a written format in this book to make it accessible to everyone interested in reading, studying, and reviewing its content in written form, now and in the future. We hope the publication is of interest and use to you.

Mais Katt,  
Amsterdam, December 2023

# Part I

## THE TOOTHLESS TIGER

Season 1 | Episode 1 | September 30, 2022<sup>1</sup>

*In the first chapter of The Syria Trials, Fritz Streiff and Kristina Kaghdo explore where we currently stand on the long road toward justice for Syria, shedding light on what has happened in the justice and accountability space since the regime violently suppressed the peaceful revolution.*

*Stories and accounts told by Syrian voices portray the legal undertakings that have been put in place for Syria and the meaning of justice for both the nation and its people. Throughout this exploration, we delve into the challenges and constraints confronted by Syrians, civil society organizations, activists, lawyers, and numerous others in navigating international justice and discerning the law's potential impact on Syria.*

1 This episode was hosted by Fritz Streiff and Kristina Kaghdo, and produced by Sasha Edge-Lindner, with editorial support from Mais Katt. Kristina Kaghdo, a Syrian translator and podcast producer currently based in Amman, is the presenter of the Arabic series of The Syria Trials.

■ **Kholoud Helmi:** I believe that the things we've endured as Syrian people should never happen to anyone, not even in hell. It's so bad—to lose your home, to be totally disconnected, and to lose family members and loved ones. I wouldn't wish this upon anyone on earth, not even my enemy.

■ **Mazen Darwish:** The crimes we've had—enforced disappearances, torture, illegal arrests, and there's the security service...

■ **Kholoud:** I discovered that the way I used to take from home to university meant stepping over the bodies of the detained people. The dungeons or cellars were beneath the main road, in a place we used to call Security Square in Damascus.

■ **Joumana Seif:** At any moment, security branches can come to you, take you out of your bed, and no one dares to ask where you are. Unfortunately, the rights of Syrians are not protected.

■ **Kholoud:** Growing up, I used to see an old lady at every gathering, be it a big wedding or any other event. She was blind. When I turned 14, my mother started to trust that I wouldn't speak anything to anyone beyond closed doors. She told me that the old lady lost her sight from crying her son day and night. He was detained by the Syrian regime and remained in prison for 23 years. He was released by the Assad regime in 2000, but his mother had passed away two or three years earlier.

■ **Joumana:** From day one we saw the cruelty of this regime and the way it dealt with the demonstrators. They were arrested, kidnapped, and tortured to death.

■ **Mazen:** Early on, they started shooting and killing people. They attacked villages and destroyed houses. They cut the internet and besieged villages and cities. All these forms of crime were new.

■ **Joumana:** Later on, with ground operations, we began to witness and hear about more crimes and more violations. It's awful.

I believe the Assad regime committed all kinds of international crimes with no regard for human dignity.

■ **Fritz:** When the Arab Spring revolutions began at the end of 2010, spreading across the Middle East and North Africa region, Bashar al-Assad, the president of Syria, led an authoritarian regime that his father, Hafez al-Assad, had established following a coup in 1971. This regime was built on violence, terror, and fear. The Syrian security or intelligence services, the mukhabarat, were everywhere, spying and informing on civilians. Generations of Syrians grew up believing “walls have ears”, and fearing that voicing any dissenting political views, any anti-regime or anti-Assad beliefs out loud could land you “behind the sun”, in prison, and you’d never be seen again.

Violence was always the Assad regime’s preferred tool. Before 2011, the Assads had waged military campaigns against entire towns and cities. Hafez and his brother Rifaat did it in the Syrian city of Hama in 1982, where a massacre took the lives of tens of thousands of people, under the guise of combating terrorism. However, from the moment the peaceful pro-democracy demonstrations began in Syria in early 2011, the scale of horrors committed by the regime against its own people shocked everyone. Bashar al-Assad has claimed throughout the war that he’s defeating a terrorist threat, just like his father did in Hama in 1982.

The suffering has been enormous. But in 2021 and early 2022, we saw the first signs of justice. In the small German city of Koblenz, two former Syrian regime officials were found guilty and sentenced in the first criminal court trial for Syrian war crimes and crimes against humanity. There are other cases being built in Europe and the United States, and led by Syrian civil society organizations now established in these countries. Witness testimonies are being recorded and evidence is being collected, with the aim of holding accountable those responsible for the otherworldly criminality that has taken place in Syria over the last decade.

But can justice for Syria be achieved in the courts of other countries? Does the focus on catching the perpetrators neglect the actual needs and wants of victims and survivors? What can the law do, and what can't it do, to bring about justice and accountability for Syria?

Justice, and especially international criminal justice, should carry the reputation of a powerful and indomitable tiger, able to stalk, capture, and sink its teeth into the guilty and not let go. But in reality, that tiger seems to be a very slow-moving beast, and many of its hunts end in failure. It's often a toothless tiger, unable to bite.

■ **Kristina:** Thank you for having me on board Fritz. I appreciate the idea of this podcast, and the fact that while talking about justice for Syria, you also bring on board people who are directly impacted, people who are in the middle of the storm and can present their perspective on things and share some of their experiences, which can improve the understanding of the context in which things happen.

■ **Fritz:** Yes, and a couple of things happened recently, like the ten year anniversary of the revolution last year in 2021. Then, there were the judgments in the first criminal trial against former Syrian regime officials in the German city of Koblenz. One important point is that all of this is happening at a time where—and this is something that makes a lot of people very pessimistic—the Assad regime is fully in power and not going any time soon as it seems. Moreover, the so-called normalization that is also happening between certain states and even certain international organizations with that criminal regime, is a hard pill to swallow.

■ **Kristina:** Many people ask me, where does Syria stand now? I don't know! This is a very big question to ask and I have no idea how to answer it. But in the context of this normalization, we see some countries organizing touristic experiences in Syria. My mind just literally cannot imagine it. I mean, where exactly? In destroyed Aleppo, or elsewhere? For us Syrians scattered everywhere, knowing



that we might never be able to return, or even entertain the idea of going back—this doesn't feel like a return to where things were before, it feels like a much worse place than that.

■ **Fritz:** I think it's an interesting time to pause, take a step back, and reflect on the challenges and frustrations that people have felt in the space--and there have been many. But also, to look ahead. If we consider what the last ten years have looked like, could we foresee what the next ten-plus years will look like? I think this will be an interesting exercise to explore with our guests.

■ **Kristina:** I completely agree. I think that especially in the context of the Syrian revolution—it took me a very long time to say that—we need to look at the consequences of what happened and at the current situation as it is, even if that means letting go of a big chunk of our hope for a big change in the country, at least for the time being. We need to look at how we can share the stories that are still causing us intense pain, in a context that could potentially bring us a little bit of justice.

■ **Fritz: Khoulood Helmi** is a Syrian journalist and human rights activist. In 2010, she was pursuing her master's degree at Damascus University. She graduated that year, was leading a very normal life, and had never been involved in politics before. When the revolution started, she found herself, among others, organizing peaceful demonstrations in Darayya, her city.

■ **Khoulood:** On March 15, 2011, my city took to the streets. The next Friday, 25,000 people flooded the streets. But exactly one month later, tanks had blocked Darayya. The regime blocked all three or four entrances to the city. I couldn't go to Damascus without being searched, a process that would take one or two hours. Yet, my colleagues denied this, considering it impossible that we have tanks in the streets, and that I'm making up stories because I don't want to be on time. Local media in Syria was state-owned, showing you only what the regime wanted you to see. Everything was controlled by the state.

■ **Fritz:** Determined to report the truth of what was really happening, Kholoud founded a newspaper along with 20 or so others, mainly women. They called it Enab Baladi, which translates from Arabic to “local grapes.” Darayya, Kholoud’s hometown where the newspaper started, is well known for its delicious grapes.

■ **Kholoud:** We used to take cameras and record things and then upload them to YouTube for everyone to watch. We covered daily news, and how the regime was breaking into houses and arresting people. We insisted that people are not mere numbers. Behind every detained or killed person—the martyrs—there’s a family and people who love them, and who are suffering.

Initially, most people were willing to tell their stories, but moving forward fear started growing.

■ **Fritz:** Fear is a familiar feeling for many Syrians: the fear of being arrested without warning, the fear of being tortured, the fear of being killed or disappeared. And with a justice system used by the criminal regime as another tool to oppress anyone who dares oppose them, the rights of ordinary Syrian civilians weren’t protected.

■ **Kristina:** I think when I started contemplating how justice could look like, the immediate image that I had is that of international courts. At the same time, it felt like a very distant notion, from somewhere very far from Syria. And it felt like, what’s the point? I think this questioning was coming from a deeply rooted misconception, a distortion of the notion of justice that I’ve been living with as a result of my upbringing in Syria. I grew up thinking that courts would never give justice to ordinary people like me who are not backed up by some very important guys in the government.

■ **Fritz: Joumana Seif** is a Syrian lawyer and human rights activist. She left Syria in 2012 and has been based in Berlin since 2013. Before that, she lived and worked in Damascus, defending political prisoners and their families. Joumana now works as a legal

adviser for ECCHR, the European Center for Constitutional and Human Rights, where her work focuses on Syria and sexual and gender-based violence.

■ **Joumana:** It's a totally corrupt law system. It's no law, so it's corrupt, non-independent, dishonest. No Syrian trusts the Syrian legal system. And here it's important to say that I never had the chance to officially act as a lawyer because I was kicked from the Bar Association due to my political background and activism.

We want to restore the dignity of the people, and we want the horrible experiences that they lived to be recognized internationally. We have no other way to access justice.

■ **Fritz:** As it stands, the only way justice can be pursued is outside of Syria. The International Criminal Court, or ICC, is where the crimes committed in Syria should be tried. But that option is currently unavailable because Russia and China have blocked United Nations Security Council resolutions. These resolutions would have given the ICC a mandate to investigate and put on trial the horrific crimes committed during the war in Syria. Consequently, individual countries have had to find other legal paths.

Countries with legal systems that embrace the principle of universal jurisdiction like Germany, can prosecute Syrian crimes in their own courts of law. Universal jurisdiction, UJ, means that a state can claim jurisdiction over crimes against international law, even if the crimes didn't occur within its territory, and neither the victim nor the perpetrator is a citizen of that state. This is the principle that brought about the Koblenz trial.

Like Joumana, **Mazen Darwish** was also a lawyer and human rights activist in the Syrian capital, Damascus. In 2004, he founded the Syrian Center for Media and Freedom of Expression, also known as SCM in Syria. Mazen is now a refugee living in Paris, where he runs SCM. I have worked with him and his organization for some years now.

■ **Mazen:** Many things happened through universal jurisdiction, good things, things we needed. We're happy and proud about it, but we need to keep in mind that this is not the justice we're looking for. This is our alternative choice because Syria lacks transitional justice, political transition, and international justice. So we use universal jurisdiction and extraterritorial action to keep the issue on the table. This is not justice.

■ **Fritz:** Tragically, in the past decade and more, we have seen that the theoretical best option for justice in this context would be a just and fair process in Syria. But that's not possible. Outside of Syria, international courts and national courts have taken up some cases. Those options have been far from ideal though. People trying to bring these crimes to the International Criminal Court in The Hague, where they belong, have faced frustrations because it hasn't been made possible. Similarly, trying to bring these cases to national courts has taken years and years.

■ **Kristina:** I'm learning with you and other professionals in the field that it's a system that can give you something to be happy about, a certain sense of justice. But it also has its limitations and it's important to be realistic about those limitations and see what other options we have to claim justice.

■ **Fritz:** In a way, these trials aren't just about achieving prosecutions and sending perpetrators to prison. They're also about establishing the truth of what really happened in Syria.

■ **Kholoud:** The idea to document began in August 2012, after the regime broke into my hometown killing over a thousand people across three nights. We were besieged and bombarded, and then they broke into houses and literally slaughtered people in front of their families. Afterwards, it took us a month to resume producing the newspaper because first of all, we felt helpless and hopeless. Why are we writing stories if no one cares? Not the United Nations, not the international community. We've been killed, and

those slaughtered in the streets were family members, relatives, and friends.

We gave up. But then we realized that if we gave up, it would be the end. We carry a weight, I call it a burden, and that is the fact that we survived. We were not killed back then, which leaves us with the burden of telling the stories of those who were slaughtered in the streets as well as the stories of their families.

Towards the end of August 2012, we started seeing ourselves not only as a medium for disseminating news but also as a medium for preserving the collective memory of the people who suffered atrocities committed by the regime.

■ **Joumana:** It's important now because, with time, evidence will deteriorate alongside the memory of survivors. Memories won't be as sharp as they are now. It's important to activate this work now. This is about proving our narrative, confirming what happened in Syria, and proving that it was a revolution for dignity, freedom, and human rights. And it was faced with the cruelty of the Assad regime.

■ **Kholoud:** We had high aspirations back in 2012. We were young, inexperienced, and naïve. We believed in international justice and the international community. We thought that part of our job was to document and describe everything because that might be used as evidence in one of the courts. Now I believe this will never happen.

■ **Fritz:** If we place too many expectations on what the law can do in the face of these unbelievable injustices, then disappointment is probably just around the corner. We've definitely seen that in the last few years.

■ **Kristina:** I was one of the cynics about the Koblenz trials, but after the ruling was announced, a part of me felt relieved because at least two guys will maybe understand the painful impact they

had on the lives of so many people. The idea that the world is watching can be quite healing, especially when you have the chance to say out loud your painful story, when it's heard and documented, and when you know that the regime, with all its systems, can't reach out to every place and delete it from everywhere.

■ **Fritz:** Joumana Seif worked on the Koblenz trial. A key part of her job was supporting the Syrian survivors who testified.

■ **Joumana:** I felt so happy that I cried after the verdict in Koblenz. It felt satisfying to see the survivors themselves happy with this achievement in terms of recognizing the rights of the Syrian people.

■ **Fritz:** If you look at the Koblenz case and its ruling as one of the milestones on the road toward justice, then yes it took a long time to get there. Although it is only a small case involving two arguably less prominent figures on the accused bench, the signal it sent is powerful and gives hope that we're at the beginning of the next phase, or at least on the road bridging this milestone and the next. Maybe this is the beginning of a phase where more of the people who have suffered—the survivors and their family members—will find their speech. After so many years of processing all that pain and all that suffering, I hold onto this belief. However, I might not be the best advisor in this regard because I'm an eternal optimist.

■ **Kristina:** I've been thinking that I'd like to find some way to be realistic, without losing hope, and not by just sitting back and saying we cannot do anything anymore. I personally feel that I owe it to all those friends and people I don't know, who are still detained, missing, or who already left this world. I feel I owe it to the memory of the revolution.

I also think the legal processes that are happening reflect the shift in people's perception of justice and of what can be done in this world to tell your story, in all the different possible ways: be it in courts, on podcasts, or in written form. It makes me feel closer to

this community, to those millions of strangers whom I don't know, but who share the same pain over the same things with me.

■ **Fritz:** Kholoud Helmi lost many of her co-founding members of Enab Baladi, the newspaper they founded at the beginning of the revolution.

■ **Kholoud:** One day, we're going to meet them, whether they are dead or detained. I don't know why I have the feeling that if I meet them one day and they ask me "What have you done for us?", I can't reply that I was doing nothing. It won't look good. This is why I am doing all the work, for those who are detained to be released, but also for every Syrian who suffered. It's not just my group and my friends, it's almost every single Syrian.

When you have the ability to speak up, when you have the ability to speak another language, when you have the ability to collapse but then collect yourself and stand up, I think this is a privilege.

■ **Fritz:** I think it is really important to zoom out sometimes, to take stock and ask ourselves: "Where do we stand?" One of the things that has remained absolutely clear since the very beginning, is that the people—those I am listening to and working with—believe the ultimate goal is to hold Assad and his inner circle accountable. It is a huge failure on behalf of international justice, of course, not to have been able to hold them accountable. However, it's not without precedent that it takes a long time to reach those most responsible. You're dealing with immunities. You're dealing with international political obstacles.

■ **Kholoud:** What really freaks me out is that if they let al-Assad go as if he did nothing, a million Assads are going to appear. Especially with the big wave of far-right moving steadily and heavily in Europe, the UK, and the United States. This means that we are going to see other al-Assad replicas very soon. I don't doubt this, because if you have the power, how evil can you be?

■ **Mazen:** I believe this is the key to achieving sustainable peace in Syria if we want to find a solution—and I’m not talking about revenge—to succeed in making the victim satisfied and guarantee accountability. I’m not a romantic to think that we can hold 23 million Syrians accountable. But at a bare minimum, we need to hold some of those responsible accountable, especially the regime that’s responsible for more than 80% of the crimes. They are the state, and they have a double responsibility. They are responsible for protecting citizens.

■ **Fritz:** It has happened more than a handful of times that those most responsible ended up on trial, even in situations where people would have said ten or twenty years before, “That will never happen”. I believe this gives hope that a similar fate will happen to al-Assad and his inner circle, hopefully, sooner than later.

■ **Kristina:** What helps me zoom out is this idea that the people who started a revolution in a country suppressed by a dictatorship such as al-Assad’s, will have the energy and power to see this through. Although they have every right to get tired. We’re human and we have our limitations, just like our legal systems. But I think it’s very important to remember how it all began and where it all started— in the streets, with very large numbers of people. Those images and the feelings I had back then helped me realize that if this happened, then other beautiful things can happen too.

■ **Fritz:** Through the efforts of Syrian civil society organizations, lawyers, witnesses and many others, a week after the former Syrian regime official Anwar Raslan was sentenced in Koblenz to life imprisonment, proceedings against another alleged Syrian war criminal began in Frankfurt, Germany in January 2022. The defendant is a former Syrian doctor called Alaa M.<sup>1</sup> who allegedly tortured, killed, and sexually abused people in military hospitals in Syria.

1 German privacy laws prescribe that the last name of any accused in a criminal investigation and trial is abbreviated until a conviction or acquittal is final



There are so many factors to consider when thinking about and discussing what has happened in Syria since 2011, and even before, that it sometimes feels like you're trying to put together a puzzle with thousands of different pieces. Not everything makes sense immediately, and certain stories only start to make sense when you have other pieces.



CHAPTER

## 2

### NO LONGER A PLACE TO HEAL

Season 1 | Episode 2 | October 7, 2022<sup>1</sup>

*In this chapter, Fritz Streiff delves into the trial of Alaa M. one of very few cases in the Syrian justice and accountability space, to be heard in a criminal court. Alaa M. is a Syrian medical doctor arrested in Germany on suspicion of complicity in crimes against humanity.*

*Chapter 2 of The Syria Trials tackles a pivotal subject highlighted by this trial: The Syrian regime's use of doctors, their medical knowledge, and the medical sector more widely, to oppress, torture, and eliminate anyone who dared to oppose it.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt. Kristina Kaghdo translated words originally in Arabic.

■ **Fritz Streiff:** In June 2020, in the German state of Hesse, authorities arrested a man called Alaa M. a Syrian doctor in his thirties who had, since 2015, lived with his wife and two children in the small West German town of Bad Wildungen. Unlike many others, Alaa M. hadn't left Syria to flee the war or the violent oppression of the regime—he'd left to advance his medical practice. And he managed to do so. At the time of his arrest, Alaa M. had spent five years practising medicine at a hospital near the city of Kassel.

He was arrested over a strong suspicion of complicity in crimes against humanity, committed by the Syrian regime since 2011. To be more precise, Alaa M. is accused of participating in sexual violence, torture and killing of Syrian civilians at Military Hospital Number 608 in Homs, as well as in the prison of Intelligence Branch 261, also located in Homs, and in the Military Hospital Mezzeh Number 601, located in Damascus.

He's accused of abusing detainees by whipping them with medical instruments, stepping on their open wounds, and operating them without anesthesia. He's also accused of intentionally killing a detainee by lethal injection, and of pouring alcohol over a teenage boy's genitals and setting them on fire.

"He bragged that he had invented a new method of torture," the prosecutor read out on the first day of the Alaa M. trial, which began in January 2022 in Frankfurt.

German privacy law means defendants are not referred to by their full names before they have been convicted. Likewise, I'll be referring to him as Alaa M. throughout the episode.

The Alaa M. case has shown that the systematic violence of the Syrian regime, the "terror machine" as one of the plaintiff lawyers put it, is multifaceted. It does not only oppress and kill its civilian population in detention facilities, and this violence is not inflicted

only by intelligence officers. The regime uses people you'd expect to heal you, and places where you'd expect to be cared for. The terror machine uses doctors and hospitals.

■ **Manal:** I used to work as a nurse at the Red Crescent Hospital in the Syrian capital, Damascus. The hospital was close to al-Khatib State Security Branch, also known as Branch 251. I worked at this hospital from 1992 until the end of 2012.

■ **Fritz:** Manal is not our guest's real name. Someone else voiced her words in the Podcast version to protect her identity. The Red Crescent Hospital where Manal worked was geographically close to State Security Branch 251, and the two places were also linked in other ways.

■ **Manal:** In 2008, several guarded detainees were brought from al-khatib Branch to the hospital. They would be placed in separate rooms. Nurses and doctors were allowed only at the guards' permission. I saw detainees tied to their beds with metal chains. I knew they were detainees because their skin was pale and they were so thin. They looked like they had not been in the sun for a very long time. They didn't smell good, and they were so filthy that we had to use gloves to touch them. They had blues on their hands, legs, and bodies; clear signs of heavy beatings.

■ **Fritz:** Colonel Anwar Raslan was Head of the Investigations Division at Branch 251. He was found guilty at the Koblenz trial of overseeing the murder of at least 27 people, and of torturing at least 4000 prisoners at Branch 251 in Damascus. These branches were known by Syrians—and it's now also proven in court—to be places of torture and death. But where do hospitals fit into the picture?

■ **Fritz: Annsar Shahhoud** is a genocide studies scholar, focusing on state violence in Syria. She is Syrian herself, and had fled the country in 2013. She now lives in The Netherlands.

■ **Annar Shahhoud:** In 2011, due to private reasons, I moved among different hospitals in Damascus and Homs. It was at this time that I witnessed nurses and doctors violating patients in the public hospitals in Damascus.

So when I came to the Netherlands, the question was: How far had doctors been implicated in the violence of the Syrian regime?

■ **Fritz:** The Syrian healthcare system is governed by three ministries: the Ministry of Defense, the Ministry of Health and the Ministry of Higher Education.

■ **Manal:** The Ministry of Higher Education governs, amongst others, the Children's Hospital and Assad's University Hospital. Other civil hospitals and healthcare facilities are governed by the Ministry of Health. The Ministry of Defense governs several healthcare facilities in Damascus.

■ **Fritz:** The final ministry, the Ministry of Defense, is in charge of medical facilities like the Military Hospital 601 and the Air Force Intelligence Clinic, which mainly serve military staff and their families, although civilians are also permitted to use them.

■ **Manal:** The Red Crescent Hospital where I worked was a civil hospital, not a military one. I never saw any doctors or nurses torturing people or openly mistreating them. But of course, the quality of care was very poor and minimal. Any regular patient deserves much more care than what they would give to those patients. I do not know about the situation in military hospitals. I worked only at the civil hospital during the protests. Some of my colleagues worked in military hospitals, but they wouldn't share their experiences out of fear. They prefer to stay silent.

■ **Fritz:** The nature of medical violence is intimate, which may be why Manal never witnessed torture at her hospital. But with the spread of pro-democracy protests across Syria from early 2011 onwards, the Syrian regime made a decision.

■ **Annsar:** What happened after 2011 is the massive, systematic, and organized use of hospitals as torture places. The Syrian regime used these hospitals as prisons to kill and eliminate its opposition.

■ **Manal:** There were many changes at the hospital between 2011 and 2012. The officers working at al-khatib Branch brought more and more detainees to the hospital. They would often have lice or scabies. Guards and intelligence officers were now always present.

■ **Annsar:** As violence escalated in Syria, the Syrian regime was making massive arrests. With the increase in the number of detainees, more detainees were transferred sick to hospitals. It wasn't only about opposition. Many of the people who were detained by the Syrian regime had no political awareness and weren't part of the opposition. There were civilians who were taken just out of suspicion.

■ **Manal:** Doctors and nurses were told to handle these patients with minimal care and as quickly as possible. We were not allowed to talk to them. We were not even allowed to comfort them or show any compassion. Once I was told off by an intelligence officer: "Come on, hurry up, just finish". I was too scared to express any of my true thoughts and feelings, and I stayed silent. So did many of the doctors. Doctors could be detained or even killed if they were suspected of cooperating with protesters or the opposition. Nurses used to talk about the detainees in a disparaging manner, calling them names. They also refused to look after some of them.

■ **Fritz:** Some doctors and nurses acted on their own accord, showing their loyalty to the regime by refusing to treat injured demonstrators. It was clear that the increasing use of the medical sector as a tool of torture and oppression was a top-down approach. Violence was not originating only from doctors and nurses on the ground. Orders were coming from the highest levels. As Annsar

Shahhoud writes in her master's thesis "Medical Genocide: Mass Violence and the Health Sector in the Syrian Conflict":

"The scale of violence and the massive mobilization of sources and human resources suggest that incidents of medical violence in Syria were not isolated, but were rather a deliberate policy. It was a top-down process instigated by higher political, military and medical authorities in the country. Leaked documents from the regime Intelligence Apparatus and Crisis Unit suggest the involvement of the Syrian President, top army leadership, the National Security Bureau and other security apparatus in carrying out a genocidal campaign and clinicide."

■ **Fritz:** But why did the Syrian regime decide to use hospitals, as well as doctors and their medical knowledge, to inflict great harm on its own population?

■ **Annsar:** Dependence on doctors was because they are efficient in the way they kill, and the way they torture. If we look at the way the Syrian regime was designing torture, specifically in prisons, we could see a scale of negligence, specifically medical negligence. Some doctors in prisons spoke about inmates dying very quickly due to illness. Doctors' tools, i.e. their knowledge and skills, allow them to kill in a cheap way. Put them in suffocating cells, with little food, and no medical care, and people's health will deteriorate very fast. They will die within weeks.

■ **Fritz:** Working within the medical system, it was impossible for Manal not to get caught up in the new way hospitals and their staff were being used.

■ **Manal:** One night in April 2012, I was working on night shift. It was warm, and I was wearing light blue pajamas. Two people came from the al-khatib Branch and asked the doctor to see the emergency room nurse. I answered that I was the nurse on duty. The officer said, "We need you urgently at the branch." I remember my body was shaking. I got dressed and left with them.



When we arrived, we took the stairs and descended three floors underground. I was taken to the office of a military officer. He said, "There's a bitch inside. Search her and see if she has anything on her".

I entered to where the woman was. It was an unbelievably dirty bathroom. The bathtub was filthy, and in there was a very scared woman. Her hair was wet and wavy. I'll never forget how she looked. She was horrified, and shaking. I told her, "Don't be scared. I have nothing to do with them. They brought me here to search you, but I won't touch you. Just tell me if you have anything on you."

The woman told me her name, and that she was detained along with her husband. She told me she was a journalist who had been helping families displaced from the city of Homs. We were whispering.

I was then asked to leave the room. I went back to the hospital, and I wasn't allowed to tell anyone what had happened. I held back tears and bit my lips for hours to resist crying in front of my colleagues. I felt like my heart was literally bleeding.

■ **Fritz:** Another key part of mobilizing the medical system was the use of military hospitals, those hospitals that were under the control of the Ministry of Defense. Many of the stories and evidence that have come out of Syria since 2011 indicate that the very worst atrocities happened in these places. One that has become notorious is Mezzeh Military Hospital 601 in Damascus. The hospital sits at the foot of Mount Mezzeh, within walking distance from the Presidential Palace that sits on top of the Mount.

■ **Annsar:** It was known before the war as a slaughterhouse. They used it briefly in the 1980s as a prison. After 2012, part of the hospital became a prison, to which patients from Branch 215 and Air Force Intelligence are referred, as this section of

the hospital is guarded by nurses and soldiers. Patients were killed systematically, and those who were killed in branches and intelligence dungeons were sent to hospitals, by the orders of Ali Mamlouk.

■ **Fritz:** Ali Mamlouk has been in Assad's inner circle since Bashar's father, Hafez al-Assad, ruled Syria. Mamlouk was the Head of the National Security Bureau, and he was in charge of coordinating the work of the Syrian intelligence agencies, in addition to advising the President of the Syrian Republic.

In 2018, France issued an international arrest warrant against Mamlouk, accusing him of complicity in crimes against humanity and war crimes, including torture and enforced disappearances. He is also accused of being one of the Syrian officials behind the attack that killed war correspondents Marie Colvin and Remi Ochlik in Homs in February 2012. Since 2019, Mamlouk has been the Vice President for Security Affairs; he is still very much at the top of the regime.

Back at 601, the bodies were piling up. According to former detainees and personnel who worked at the hospital, corpses were piled in bathrooms, in garages, anywhere they would fit. It seems a similar thing was also happening at the Red Crescent Hospital, where Manal worked.

■ **Manal:** The janitor of the hospital was responsible for keeping the key to the morgue. He would let people in and out of the morgue according to a specific schedule. But by the beginning of 2012, we learned that the key was taken from him, and we no longer could enter the morgue and do our job as we had previously done. The janitor told us that the key had been given to the "branch people". When I was on night shifts, I started to notice that sometimes an ambulance would leave the morgue gate at 5 a.m., before sunrise. I think they used to collect dead bodies to transport them all at once.

■ **Fritz:** In a way documenting its own crimes, the regime made sure every victim's body was registered, and the cause of death noted by doctors at these hospitals.

Evidence of this is found in an archive of over 50,000 photos smuggled out of Syria by the military defector codenamed Caesar. Caesar was a Syrian military photographer who took photos of bodies amassed in morgues, as well as the courtyards and car parks of hospitals. He took a huge number of images at the courtyard of Military Hospital 601.

■ **Annsar:** Hospitals shouldn't serve as prisons. Hospitals should be a place where people heal, not get killed. While in dungeons, people expected they'd die of torture, or at least they expected to be tortured if transferred to a hospital. In the beginning, people were shocked that going to the hospital was more deadly than staying in the dungeon. They begged not to be transferred. Doctors and nurses were harsher than those who tortured them in prisons, and the probability of losing your life was much higher at the hospital; because death there was quick. For detainees, being sent to 601 meant you were going to die.

■ **Fritz:** The idea that one of these doctors, like the accused Alaa M. could work in a hospital outside of Syria, within a medical system whose hospitals and doctors do adhere to the codes of medical ethics, is highly alarming.

It was dr Mohammed Whabi, a colleague of Alaa M.'s from Homs Military Hospital, who first reported him after seeing a post on Facebook, in which Alaa M. mentioned that he lived in Germany. Annsar interviewed dr Whabi for her thesis:

“dr Mohammed Whabi, a urology resident, worked at Homs Military Hospital from 2011 to 2012. He witnessed brutal and cruel treatment, torment, and killings committed by his colleagues. Whether he was a passive bystander or a perpetrator himself, dr Mohammed witnessed

two of his colleagues operating on a healthy patient and killing him on the surgical table. He also heard his colleague, dr Alaa M. speaking of torturing sick detainees on different occasions. dr Alaa, a surgery resident, proudly spoke to his colleagues about how he operated on a patient without anesthesia and added, "We could learn something".

■ **Fritz:** It is immensely disturbing to think that doctors who trained and worked to save people, could suddenly switch to killing them. Annsar spoke to many doctors who were perpetrators of violence for her thesis. One of them stood out for her.

■ **Annsar:** They used more medical techniques. They used medical thinking to kill people. Like what we see in the trial of Alaa M. He wanted to do experiments to learn more about surgery. And this is really striking. It's extremely brutal to use human bodies as subjects of experiments.

This guy spoke about believing in the state and that their orientation is to defend the state, and their communities, their loved ones. So, fear was very instrumental in mobilizing doctors. In the end, doctors belong to the society, and they are members of communities. They are not as neutral or impartial as they want them to be in medical ethics.

■ **Fritz:** Some doctors also experienced a psychological switch.

■ **Annsar:** They performed the murders. When they'd go to the hospital, they'd become killers. And when back to their families, they act normal, just like kind doctors and fathers and mothers who have very smart, intelligent personalities, and who are loved by their families. They would if we can say, act evil in the hospitals.

■ **Fritz:** This is known as doubling. It is the dissociation into two selves—the normal self and the perpetrator self. This allows them to suppress their consciences towards their crimes and their

victims. This separation of identities also helps explain how doctors like the defendant Alaa M. — if accusations prove true—were able to continue working without their previous actions affecting their current work and personality.

■ **Annsar:** It is immensely shocking to see the level at which criminals like dr Alaa M. could penetrate the system, without us noticing them, and how they can continue their lives very easily without any remorse. This is a message for all of us living in Europe, that dictatorship and its impact is not far from us, and it could impact us one day. Look at what dictators have done in Syria, Iraq, Yemen, and elsewhere. I think the example of Alaa Moussa's trial speaks to that.

■ **Fritz:** Alaa M.'s trial has raised awareness of how the Syrian regime weaponized its medical sector. It's yet another example of just how brutal the regime can be. The trial has been progressing slowly. As of early October 2020, a number of witnesses and victims who joined the proceedings as joint plaintiffs have testified. Generally, witness testimonies have been very emotional, and debates in the courtroom have at times been quite heated, with the defense lawyers rigorously questioning evidence and testimonies, as per their job.

Alaa M. continues to deny the charges, calling those accusations against him a conspiracy, while at the same time telling the judges that he was in no position to disobey orders from officers in the military intelligence because otherwise he'd be detained himself.

But like Anwar Raslan who was convicted at Koblenz, Alaa M. is another fairly small cog in the wider Syrian terror machine. Bashar al-Assad who has command responsibility for Military Hospitals is not on trial, neither is dr Ammar Suliman, the Head of the Military Medical Directorate.

The same doctors are still in charge in Syria. They're still able to perform medical violence, but they are one doctor down.

While many Syrian doctors are guilty of crimes against humanity, there are also many doctors who didn't participate in these violent crimes.

■ **Annsar:** In order to organize mass-scale medical violence, you need to eliminate those who might resist. And that's what happened. The Syrian regime oppressed doctors who opposed the orders of violence or resisted the security apparatus. Doctors who dared to resist were subjected to imprisonment and severe torture, and most of them were killed.

■ **Manal:** One day in November 2012, a man was brought to the emergency room. He was wrapped in a thick and dirty rag. He was guarded by four heavily armed people in military uniforms. They were the same people who used to bring in other detainees from the Branch. I saw the man lying on the examination table. His body was all blue. It was clear that he had been tortured.

They drew the curtains closed but allowed one doctor to stay to examine him. I stood in the room, separated from the patient by just the curtains. When the doctor finished his examination, he appeared from behind the curtains, with a grim face. Minutes later, he went back to check the heartbeat of the patient and announced his death. The doctor who examined the detainee asked me if I had recognized the man. I had not. He reminded me that he was our old colleague, a cardiologist we used to work with at a different hospital back in 2010.

A short while after I left Syria, I learned that the family of the dead doctor was searching for him. I wrote to them informing them that he was dead. At first, they didn't believe me. They questioned how I knew and how I had this information if I was no longer in Syria. I explained what had happened, shared the date of his death, and described what I had seen with my own eyes.

I didn't want to continue to be silent. The feeling of repression was killing me. But being honest and sharing my true thoughts would have also killed me. It was too dangerous. Thus, I decided to leave

Syria and managed to do so at the beginning of 2013 without handing in my official resignation to the hospital.

I am ready to testify in international courts. I want to get in touch with lawyers, judges, and anyone in the legal space to tell what I saw. I have not yet figured out how, but I'm ready.

■ **Fritz:** The fate of doctors who resisted violence was shocking. Individual doctors were the regime's first targets. What happened next, no one saw coming.

With the escalation of persecution and war in Syria, many doctors who resisted were moved to areas controlled by the opposition and set up field hospitals and medical facilities in these areas. These healthcare facilities, in what could be seen as collective punishment of doctors and anyone who dared oppose the regime, became targets themselves.

From very early on, in an atrocious violation of the laws of war, the Syrian regime and later its Russian allies attacked and bombed opposition medical facilities.





CHAPTER

# 3

## THE DOCTORS WHO RESISTED

Season 1 | Episode 3 | October 14, 2022<sup>1</sup>

*While many doctors and medical staff sided with the Syrian regime following the onset of protests in Syria in 2011, there were also many doctors, nurses and medical students who supported the protestors calling for freedom and democracy. Field medical teams were established to help injured protestors, and later field medical hospitals and checkpoints were set up to care for those wounded in the escalating war, only to become targets of the regime's increasingly violent tactics.*

*This chapter features testimonies from physician Houssam al-Nahas, who worked in hospitals in rebel-held east Aleppo, and insights from lawyer Steve Kostas and barrister Toby Cadman on the efforts to build cases and hold perpetrators accountable for attacks on hospitals.*

*Mindful reading is advised as this chapter discusses violence and the realities of war.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt.

■ **Fritz:** Houssam al-Nahhas is a Syrian physician. When he was in his final year of medical school in Aleppo, in the spring of 2011, the revolution started in Syria. His decision to get involved in the revolution put him, like all of the other demonstrators, at great risk of being targeted by Syrian authorities. As a medical student, he was perhaps even more at risk. As we learned in Chapter 2, the Syrian regime used its medical sector including its doctors and hospitals to target, oppress, and kill those protesting for democracy and freedom.

Many doctors were complicit in this violence, but not all of them. So what was the fate of these other doctors? What happened to doctors and medical students like Houssam who wanted to help the protesters? What happened to the doctors who resisted?

■ **Houssam Al-Nahhas:** I was born and raised in Damascus, the Syrian capital, in 1988. I always wanted to be a physician. That's why when I got the opportunity to study medicine, I moved to Aleppo and enrolled in the medical program at Aleppo University.

Growing up in Syria, I was raised in fear. My family had clear instructions for us: stay away from any political or religious conversations. People involved in political activities might be detained, tortured, or even disappear. I never thought the Syrian people would dare to think about democracy or protest against the government, calling for freedom. I witnessed the amount of violence committed by security forces, and that's when I decided that I couldn't stay on the side anymore. I needed to step in. From a humanitarian perspective, I needed to step in and help people.

■ **Fritz:** In late spring of 2011, shortly after the Syrian regime started violently suppressing the revolution, English barrister Toby Cadman was in Washington, D.C., lobbying for international support to establish a war crimes tribunal, for the 1971 War of Liberation in Bangladesh. After hearing him speak, Toby was approached by two

Syrians, who told him about a case they were filing in the federal court in Washington. All five plaintiffs—individuals bringing a case against someone else—had lost family members after the Syrian regime had suppressed the revolution with violence and weapons.

■ **Toby Cadman:** The one that I remember the most was a Syrian doctor who had been living in the United States for the best part of two years. His brother, who was also a doctor, had remained in Syria. In early 2011, the brother visited his doctor brother to attend a medical conference in Florida. Upon his return to Syria, there was this movement by doctors in Damascus to sign a petition pledging they would offer help to anyone affected by the conflict. He signed the petition. Subsequently, he was arrested, tortured and executed. They were convinced he had spoken to the U.S. government.

That case sort of stuck with me. I was asked by this group to review the legal filing. It was a strong case, but there was no real supporting or corroborating evidence. And so I said, “Look, I’ll go to Turkey.” I spent about a week on the border. I interviewed about 25 torture survivors, all coming with the most horrific stories I’d ever heard. And I’d been involved in war crime prosecutions in Bosnia, Bangladesh, Iraq, and different places. So it wasn’t something that I had not heard before. It’s the sheer brutality of what I was hearing which—I hate to say it—was unique.

■ **Fritz:** Back in Aleppo, Houssam was inquiring around his university for volunteering opportunities, where he could use his skills to help injured protesters. He eventually joined the Light of Life medical team, known in Arabic as Noor Alhayat.

■ **Houssam:** We heard many reports of people being detained or tortured in the hospitals because of their participation in protests. This is why people considered that going to hospitals after getting injured is unsafe, and this is why these field medical teams were established. I volunteered in a medical team, and in June 2012, three team members were detained for a few weeks and then were

released, dead. They were tortured and their bodies burned during their detention by the Syrian government.

■ **Fritz:** In the first year of the Syrian revolution, the NGO Physicians for Human Rights documented 56 cases of medical workers being targeted, tortured, or murdered. Then in July 2012, the Syrian regime enacted a new terrorism law, making it a crime for civilians to fail to report anti-regime activity. According to the United Nations, this “effectively criminalized medical aid to the opposition.”

■ **Houssam:** A few weeks later, in early August 2012, I was with my friend on the governmental side of Aleppo city when security guards approached the car, then conducted a search on us and the car. They found my medical student ID. They also found a list of medical equipment in a notebook. These were supplies that we needed, and they interpreted the list as an indicator that we were providing healthcare to those opposing the government. They decided to detain us, in the Military Intelligence Branch in Aleppo city, where I stayed for 16 days.

■ **Fritz:** Houssam was in a cell full of political prisoners, demonstrators, and anyone who had been even suspected of anti-regime activity.

■ **Houssam:** A person who was beaten very hard on his head had internal bleeding. The prison officer brought me to see him. I told the officer, “If you don’t get him to the hospital, he will die.” He kicked him and said, “Yeah, let him go to hell then.” A few days later, that person died. When I was in detention, I realized that ending this movement has become the main goal of the government, to suppress people no matter what it takes.

■ **Fritz:** After his release, Houssam went back to his hometown, Damascus, to spend a few months with his family. By the end of 2012, he returned to Aleppo.

He joined Al-Zarzour Hospital in East Aleppo, an area now controlled by the opposition force, the Free Syrian Army. Houssam worked, ate, and slept at the hospital. Although still not a fully qualified doctor, he functioned as an emergency room physician and surgeon's assistant.

■ **Houssam:** In terms of how the daily work looked like, it mainly depended on the government's strategy and the intensity of the attacks on the city.

■ **Fritz:** By this point in 2012, as areas of Syria slipped out of its control, the Syrian regime had stepped up violent attacks on opposition-held areas like East Aleppo. The first barrel bombs—particularly horrible and indiscriminate weapons, oil barrels packed with explosives, metal, and shrapnel—were dropped on parts of Aleppo in September 2012.

■ **Houssam:** People were injured after being targeted by a barrel bomb or an airstrike, including kids injured as their school was targeted. On some days, we didn't treat any patients, but on others, we responded to mass casualty events with more than 50 or 70 victims arriving together at the emergency department. You can imagine the tremendous stress on the medical teams to provide healthcare to those in need while making some hard decisions like blocking care to hopeless cases, in order to preserve our resources for others who have a higher chance of survival.

It was a huge shift for someone like me who gets easily afraid of seeing blood or bad injuries. It was quite challenging. But after a period of time, I got used to it, and most importantly, it was vital for people in the city back then to know that they could find healthcare when they needed it.

It was, of course, challenging, knowing that the Syrian government was constantly and deliberately targeting healthcare facilities and hospitals. Whenever we would hear an aircraft, we would rush to

the emergency department, to hide there in case the hospital got targeted.

■ **Fritz:** Under the international laws of armed conflict, it is illegal to attack civilian hospitals. Medical units, medical personnel, and the wounded or sick are all specifically protected under these laws. The global standard for humanitarian conduct in war is defined by international humanitarian law, among which the Geneva Conventions of 1949. These have been signed by every nation on Earth. It is illegal to attack healthcare providers and to interfere and complicate their ability to work safely.

But from early on in the war, the Syrian regime's methods demonstrated a total disregard for these laws and the norms of conducting warfare.

It may seem strange that there is such a thing as humanitarian conduct in war, but these laws mainly aim to protect civilians, those who are not fighting, but who are tragically caught up in conflict zones. They're there really to prevent total and utter barbarity. And so Houssam and his colleagues should have been able to carry out their very intense and stressful work in a relatively safe place. Instead, they were working under the constant threat of being shelled.

To talk more about hospital attacks as a crime that has occurred in Syria, I met with Steve Kostas, senior legal officer at the Open Society Justice Initiative, where I worked for a number of years. We worked together on some Syria-related stuff.

■ **Steve Kostas:** The estimated number of hospital attacks is really high. Physicians for Human Rights, in one publication, documented more than 600 hospital attacks, and the number is surely much higher than that. Those are the attacks they could confirm through multiple sources. In the Syrian context, there are formal hospitals and medical checkpoints that are established. There are also more informal medical care points. All those are protected

under international law. Despite that, we've seen systematic and large-scale attacks on them, varying from airstrikes using missiles to barrel bombs, a weapon frequently used against hospitals. In early usage, they were sort of like oil barrels that were stuffed full of explosives and shrapnel, and then rolled out of the back of a helicopter, inflicting massive damage. We've seen ground-based mortar shelling, cluster munition attacks.

■ **Houssam:** Usually, your indicator that the hospital will be attacked is seeing a helicopter above the hospital or an aircraft. You hear the aircraft flying in the sky and you keep wondering whether you will be targeted or not. And then at one point, you hear this rocket or the barrel bomb falling from the sky with its very distinguishable sound. And as you hear it coming closer, you just keep wondering whether you will be the target.

In one event, we were eating our breakfast at the hospital when a missile hit the other side of the street where the hospital was located. Floors, doors, and windows cracked, and there was dust everywhere. The explosion was remarkably strong. We all rushed downstairs to avoid being killed. But as we were heading down, we heard people arriving at the hospital from the building that was directly hit by the missile. We just had to operate on them and provide them with lifesaving services, while ignoring or forgetting that the reason why we were rushing down was to protect ourselves. It's just a lot of conflicting feelings.

Back then on a personal level, I was engaged to my now wife. Each one of us was in a different room and we would rush to each other's rooms when we heard an aircraft, knowing that if the hospital got targeted, at least we would either die together or live together.

■ **Fritz:** From 2015 onwards, the Syrian regime wasn't alone in bombing hospitals. At the end of September 2015, Russia's parliament approved President Vladimir Putin's request to launch airstrikes in Syria. This was a major turning point for the war in

Syria, providing strong support to the Assad regime and helping to turn the tide of war in their favor.

■ **Toby Cadman:** One of the things that has always stuck with me was the targeting of hospitals, medical workers, and frontline responders, ever since that first experience I had with the doctor who lost his brother. And you have to ask why would they target hospitals. The immediate response was, well, it's not a hospital, it's being used to house Islamic fundamentalists, and Islamic State fighters.

■ **Fritz:** Making it a military target in their view?

■ **Toby:** In their view, yeah.

■ **Fritz:** This is an excuse the Syrian regime has used consistently: that they were targeting civilian infrastructure like hospitals in opposition areas because extremist terrorist groups were living there. They also argued that these groups were using these facilities and the civilians in and around them as human shields.

■ **Steve:** You can lawfully carry out an attack that's targeted at a military objective, but have an incidental effect on civilians. So you could kill a civilian as long as you're not targeting them. And if it's proportionate to the military objective, as per the principle of proportionality, then it could be lawful. This means there are a few cases in which an attack on a hospital could be lawful. There are also cases where the attack is not targeting the hospital but has an incidental impact on it, and the attack could then be considered lawful.

■ **Fritz:** But from anecdotal evidence, eyewitness testimonies, photos, videos, and investigations by organizations from Physicians for Human Rights to the New York Times, it is clear that a huge number, if not the majority, of attacks on hospitals were deliberate. They show clear indicators of being intentionally targeted. Unfortunately, in legal terms, responsibility for attacks



like these, where crimes are committed during the course of carrying out a military attack, is very hard to prove. These crimes are called conduct of hostility crimes. Even if the evidence seems staggeringly obvious on the ground, the command hierarchy and ultimate liability are often difficult to show.

■ **Toby:** The reason why you would target hospitals, schools, and markets, as we've seen, is wanting to force the civilian population out of those areas. One particularly brutal member of the Syrian regime is Jamil Hassan who commented that he would rather have 1 million individuals kneeling in front of him than 10 million opposing him. This is what they want, to be kneeled for and served. Those who won't kneel and serve require that you eliminate them. The most brutal way to do so is by targeting the civilian infrastructure and bombing hospitals and schools.

■ **Fritz:** Toby has been trying to find a way to bring a case to the International Criminal Court, the ICC, against the perpetrators of hospital attacks. This is quite an impossible task when you consider the Russian and Chinese vetoes at the United Nations Security Council, which have blocked the ICC from being able to start investigating the crimes committed in Syria. Not to mention that Syria is not a member state of the ICC. But then Toby and his colleagues thought of something: What if hospital attacks could be linked to the forced deportation of Syrians? After years of these attacks and with no infrastructure left in some parts of Syria, many Syrians had no choice but to leave the country altogether. This could be seen as forced deportation. The idea came about after Toby's chambers, a group called Guernica 37, filed a legal brief to the ICC in 2018 regarding the situation in Myanmar.

■ **Toby:** In Myanmar, you have half a million Rohingyas who were forced out of Myanmar into neighboring Bangladesh. Myanmar is responsible for that. But of course, Myanmar is not a member of the International Criminal Court, while neighboring Bangladesh is.

The argument is that forcible deportation is a crime that occurs on the territory of two states and only one of them has to be a member of the ICC.

■ **Fritz:** In the series of Syria communications they then filed with the ICC, Toby and his team argued that if the court has jurisdiction for Myanmar, then it also has jurisdiction for Syria.

■ **Toby:** At that point, there were at least one and a half million documented Syrians who had been forced out of Syria into neighboring Jordan. We are now in the process of finalizing a fourth communication which will go to the new prosecutor, Karim Kahn, on the basis that the targeting of hospitals in particular was a significant contributing factor in the forcible deportation. Syrians were not leaving of their own volition. They were not going to Jordan for a better life, they were going to Jordan to stay alive.

■ **Houssam:** I think the Syrian government was strategically targeting healthcare facilities and healthcare providers to show the Syrian people and the international community that this war had no red lines. The other goal is what we witnessed in Aleppo when I was working there, i.e. breaking people's resilience in areas that are not under government control. Knowing that the hospital is a constant target, or that your doctor is dead, won't give you some basic sense of safety. You can't stay in a place where there is no doctor.

■ **Fritz:** But the regime underestimated the power of people like Houssam, and the impact that fighting for a genuinely worthy cause can have on people.

■ **Houssam:** I think I emerged from that stronger than before. When you witness these crimes and you see how you are perceived as an enemy, it actually motivates you to give more. I felt an obligation to support my people in their call for freedom and democracy, and also to fulfill my ethical obligations as a healthcare provider.

■ **Fritz:** Houssam finished his medical education in Turkey in 2018, before moving to the United States where he now works for Physicians for Human Rights.

■ **Houssam:** Honestly, on a personal level, at one point I began experiencing burnout because of this work and the constant witnessing of these injuries. Even now, ten years later, if you ask me if I'm willing to get back to clinical practice, my short answer would be no. I don't think I'm yet ready to see patients.

■ **Steve:** We've been working with a large coalition of Syrian and international NGOs to build criminal cases concerning these attacks. And we've focused in significant part on describing the use of barrel bombs in attacks on hospitals and also in some of the attacks that we think really demonstrate sort of specific targeting. We haven't filed those complaints yet, and so the work is still very much in progress. I can't be as definitive about what work will show.

■ **Fritz:** Is there anything you can say about where and under what kind of legal instrument those cases may be filed?

■ **Steve:** With all these sorts of criminal cases, there are a few options. One is what we might call a strict universal jurisdiction case, where you file in Germany or Sweden for example, and there's no perpetrator in Germany or Sweden, the victims aren't German or Swedish, and the crimes obviously were not committed in Germany or Sweden. Although Germany and Sweden don't have a connection to the crime, they can still investigate it.

■ **Fritz:** So these are the technical legal bits of how cases are actually filed. The first, as Steve just explained, is universal jurisdiction, which is how the Koblenz trial and the Alaa M. trial came about.

■ **Steve:** The other is when you have a victim who was a national of a country at the time of the crime, then that country often has jurisdiction to investigate. We can then pursue perpetrators who

are available for arrest and prosecution because regardless of their whereabouts, the country would have jurisdiction over them.

■ **Fritz:** There are a few cases based on this principle of nationality currently happening in the Syria space. For example, Toby is leading an investigation into the abduction, torture, and murder of British national dr Abbas Khan, by the military intelligence of the Syrian Arab Republic. UK authorities have jurisdiction because the victim is a British national. Legal efforts are being made, but justice means different things to different people. And in some cases, international justice is just bound to fall short.

■ **Houssam:** I don't think anything would bring back those we've lost. The three volunteering students who were burned and killed and tortured to death won't be brought to life again, no matter what justice and accountability process we went through. The sadness and the sorrow will always be there. For me, it might be satisfying to witness accountability for those involved in the entire chain of command, starting from Bashar al-Assad and anyone responsible for giving instructions to attack and kill people. However, aside from that, I don't think there's anything that can deliver justice for all Syrians as we would hope.

■ **Steve:** Anyone you wish to hold accountable who isn't the direct perpetrator, you must demonstrate their connection to the crime and their level of responsibility. One approach would be to prove they issued the orders. Another method could involve...

■ **Fritz:** Which is hard.

■ **Steve:** It is hard because you would often need direct evidence of the order. That means you'd have to have the order itself. You can prove things by circumstantial evidence as long as no other reasonable conclusion is available. For example, if the attacks are systematic in nature, then you can understand there is a command structure behind the attacks.

■ **Fritz:** The systematic attacks on hospitals and healthcare sent a clear message to Syrians and the world — the Syrian regime was not going to adhere to even the most basic rules of war. Not only did the regime systematically target medical workers and bomb hospitals, as Steve mentioned, actions that could be considered lawful in rare cases, it went beyond that, employing a weapon that is outright illegal, no questions asked.

■ **Steve:** Chemical weapons are distinct because they can never be allowed. There are no circumstances in which the use of a chemical weapon would be lawful. In the Syrian context, the use of chemical weapons undoubtedly constitutes a systematic attack.

■ **Fritz:** Chemical weapons are insidious. The poisonous gases contained within missiles can spread over a large area, inflicting huge damage to unknowing civilians who didn't hear the missile explode or didn't detect the invisible, odorless gases. There's absolutely no excuse the Syrian regime could provide to justify using chemical weapons, especially against its own civilians. They have repeatedly denied using these weapons, but numerous attacks have been documented, and investigations into the Syrian Scientific Studies and Research Center have uncovered secretive and highly illegal programs—like the manufacture of chemical weapons.



CHAPTER

# 4

## CROSSING THE RED LINE

Season 1 | Episode 4 | October 21, 2022<sup>1</sup>

*In the early hours of August 21, 2013, the Syrian regime crossed perhaps the most significant red line in the course of the war in Syria by deploying chemical weapons on Al-Ghouta, located in the suburbs of Damascus.*

*This chapter delves into that pivotal night and explores the tireless endeavours of activists, documenters, and legal professionals in their pursuit to hold the perpetrators accountable.*

*Mindful reading is advised due to violence.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt. Translation of Arabic words by Remi Alanini.





■ **Thaer Hijazi:** was born in 1986. I'm from Douma, a city in Eastern Ghouta, a region next to Damascus.

August is a beautiful month in Al Ghouta. The nice weather allows for staying up late at night because the breeze is so amazing. So we, the youth working in the Syrian Revolution Coordination Committee, the activists and the documentarians, used to gather at night and have conversations.

On that night, I was awakened from sleep by a doctor standing in the street and screaming so loudly that everyone in the building woke up. He shouted, "Thaer, come down. You must see what's going on. Bring your camera with you."

I got up quickly, put on my clothes, grabbed my camera and went downstairs. It was around 1:00 in the morning.

There were children, women and people of different ages on the ground. People were screaming. And that's when I thought to myself, is it possible that Eastern Ghouta was targeted for real?

■ **Fritz Streiff:** In the early hours of August 21, 2013, Eastern Ghouta—an area on the outskirts of Damascus—was targeted by the Syrian regime. It was the single deadliest day of the war in Syria. Around 1400 people, mostly civilians, were killed within a matter of hours. Eastern Ghouta and the city of Douma, which had been controlled by opposition forces since the end of 2012, were not only shelled that day. They were attacked with chemical weapons, specifically with the deadly nerve agent sarin.

■ **Thaer:** The smell of chlorine gas is like the bleach solution that we use for cleaning, only much stronger. The smell of sarin gas is totally different. It can't be described, but its effect on the body is known: You feel like you are suffocating, foam comes out of your mouth, and you feel short of breath. The pupils of your eyes reduce to the size of a pin. You convulse, faint and lose all sense of perception.

■ **Fritz:** The attack on Al Ghouta was not the first time the Syrian regime used chemical weapons against its own people. The first documented chemical attack was in the Idlib governate in the north of Syria, in October 2012. Following that and throughout 2013, attacks using chemical weapons intensified.

■ **Thaer:** In May, ADra, Harsta and Al-Bahariyah were bombarded.

■ **Fritz:** These are all neighboring towns to Douma, in the Al Ghouta region just outside of Damascus.

■ **Thaer:** After the regime began using chemical weapons, fear grew in our hearts. It was impossible to provide gas masks to a region like Al Ghouta, where more than 500,000 people lived. Doctors gathered and decided to form what we called medical points. We used that name because they were set up in basements and huge warehouses without proper hospital equipment. The fear and anticipation increased until August 21, the day the great catastrophe occurred.

■ **Fritz:** Just two years before the horrific events of August 21, 2013, Thær was studying law. It was 2011, and the Arab Spring protests were spreading across North Africa and the Middle East.

■ **Thær:** The youth who believed in the revolution and the need for change, participated in the first demonstration in Douma on March 25, 2011.

On April 1, 13 people were martyred on Al-Jala Street in the center of Douma. Security forces tried to disperse the crowds using clubs and tear gas. But when they saw that people continued demonstrating and kept on chanting “Syrian people are united”, they sent people in civilian clothes—they were part of the state security I think—to disperse the demonstrators using guns.

After April 1, we founded the Syrian Revolution Coordination Committee of Douma City. It consisted of youth who wanted to report what was happening in their cities or villages to the international media. We used Facebook and Skype to organize demonstrations.

■ **Fritz:** During the demonstrations, Thær would inquire after people who had been arrested or detained. He, alongside activists and lawyers, created a legal questionnaire that they used to document information about the arrests.

Thousands of miles away in Manchester, a city in the north of England, another young law student was being swept along with the wave of protests. Of half-Syrian and half-Egyptian origin, Ibrahim Olabi wanted to help his country and found himself travelling to Syria for the first time in 2012.

■ **Ibrahim Olabi:** My first trips to Syria were very emotionally driven. I was 19, full of adrenaline and I didn’t tell my parents. I knew I wasn’t a lawyer or a specialized legal professional, but I knew I could speak the language, do research, and convey legal and human rights information. There was a clear need among Syrian lawyers,

the different armed groups, and NGO workers for international legal knowledge.

■ **Fritz:** As the crimes committed by the regime grew in scale and changed in nature, the protesters and activists were looking for ways to hold the regime accountable.

■ **Ibrahim:** People understood these were crimes, but their knowledge of how the international system addresses them and what sort of international framework exists, was limited. I tried to act as a bridge between the activists who are carrying the cause, carrying the blood and tears across, and the international lawyers who have the knowledge but do not necessarily have the Syrian context. In 2013, I gave extensive international humanitarian law training to the armed groups near the front lines in Aleppo. They were not conventional workshop attendees, as many were holding AK-47s and wearing masks in order to cover their faces. They were intensely skeptical, leaning on their guns, watching, and listening with the aim of checking whether I was saying nonsense or I had something valuable to share. I guess being physically present with them helped convince them about those principles. Had I not cared enough or thought it was important, I wouldn't have been there because of how risky it was, and in view of the absence of any assurances regarding my life.

■ **Thaer:** In March 2013, Razan Zaitouneh came to Douma.

■ **Fritz:** Razan Zaitouneh is a human rights lawyer, friend and colleague of Mazen Darwish and is affiliated with his organization, the Syrian Center for Media and Freedom of Expression (SCM). Because of her work, Razan was wanted by the regime and had gone into hiding. When some of her colleagues were arrested, including Mazen, Razan fled Damascus for Douma, which was then outside of regime control. She hoped that she'd be able to work more freely outside of the Syrian capital.

■ **Thaer:** She wanted to establish an office for the Violations Documentation Center (VDC). She contacted me and asked me to be a member of the team.

Razan trained us in international law and documentation methods. I used to accompany her on the tours she made inside Al Ghouta, to document the bombardment of civilian properties and civil infrastructure.

We used to document these incidents by conducting field visits to the area and gathering eyewitness testimonies. But I also handled other tasks because I was raised in Douma, which enabled me to reach out to people and help connect Razan with them.

■ **Fritz:** Razan and Thaer's evidence gathering and the work of other members of the VDC would prove an integral foundation for later case-building. Steve Kostas, a lawyer at the Open Society Justice Initiative, has been working on some of these cases.

■ **Steve Kostas:** We have worked with a few Syrian organizations like the Syrian Center for Media, Freedom of Expression, and Syrian Archive. Among their criteria for selecting a case to work on is whether it points to a systematic crime with senior leadership involvement. Certainly, the torture program involved the highest-level officials as we all know now. The use of chemical weapons was directed from the highest levels, and attacks on hospitals involved senior decision-making. And so, for them and for us, reaching a sort of justice and accountability for Syrian victims and for Syrian society requires accountability for the architects or the people who designed these strategies.

■ **Fritz:** Could we delve into one of the efforts aimed at getting closer to that goal? Perhaps you could take us on a trip trying to imagine how building such a difficult and complex case, like the chemical weapons attacks, actually works. How do you even start doing that?

■ **Steve:** As you know, there are basically two types of chemical attacks perpetrated by the Syrian government. One is using chlorine and the other is using the nerve agent sarin, with a very sophisticated program built around the development of that chemical weapon. We looked at two emblematic sarin attacks, one in Al Ghouta on August 21, 2013, and the other on April 4, 2017, in Khan Shaykhun. Working with Syrian Archive, SCM and consultant investigators, we pulled together what we think is a large body of available information and evidence concerning the perpetration of those attacks. You asked about how one goes about building a case.

■ **Fritz:** Yeah, but if we can try to summarize steps taken from the very first brainstorming meeting I guess, through the research and legal analysis, and all the way to the filing of the complaint.

■ **Steve:** The first step in any case-building of this kind is to do a comprehensive open-source mapping of what we can understand about the attack. In this case, we were looking to understand all of what we call crime-based evidence. So everything from where the attack was carried out, to the type of munition used, the impact sites of the munitions, the identities of the victims, their number, their locations at the time of the attacks, as well as the hospitals or medical checkpoints involved.

■ **Thaer:** Sarin gas silently killed many. When a chemical missile lands it doesn't explode, but its smell spreads over a large area and can eliminate an entire neighborhood. The regime was clever and used heavy bombardment at the same time it launched the missiles loaded with the gas. This confused people and they didn't understand what was really happening.

■ **Fritz:** As part of their investigation into the Al Ghouta attack, the United Nations fact-finding mission examined the weather conditions prevailing on August 13, 2013. They found that on that day, the air was moving downwards and temperatures fell between 2 a.m. and 5 a.m., the time sarin missiles struck. These were ideal

conditions to maximize the impact of the attack. The air pattern and temperature helped the heavy sarin gas remain close to the ground, making its way into the lower levels of buildings, where many people seek shelter during an attack.

■ **Thaer:** The doctors were so busy that they couldn't update us on what was happening. As soon as I entered the medical point, located in a basement, I could smell the gas. It was so strong. I had documented several cases where sarin gas was used and I was able to easily distinguish the smell.

I had witnessed the deaths of many people before, but I had never seen as many dead civilians and children as I did that night. I was filming everything, but at one point, I had to turn off my camera because I couldn't anymore. I felt helpless and I started blaming myself, thinking that I was shooting videos and taking pictures instead of helping people and rescuing them. Afterward, I realized that the pictures and videos that documented all that happened revealed the truth about the regime's use of chemical weapons.

■ **Steve:** Another key part of the project is to understand the perpetrator linkage, or who carried out the attacks, and which evidence connects them to the crime. With the sarin attacks, we approached that in two ways. First, we carried out a nearly three-year investigation into the Scientific Studies Research Center. The SSRC is the department of the Syrian government responsible for the chemical weapons program. We conducted an investigation that was designed to understand who are the officials who work at the SSRC, the chain of command, the parts of the SSRC involved in the research and production of chemical weapons, the locations of the sites used, and how they participate in chemical attacks.

■ **Fritz:** That mapping obviously helps to understand the structure behind the production, and the acquisition of the needed materials. How do you link that with the actual attacks?

■ **Steve:** Right, that's exactly right. We took an approach primarily

based on witness evidence. We worked with the investigators to identify defectors and people linked with the Syrian government. In the Al Ghouta attacks, we looked at the role of the ground-based attack. Starting backward from the specific munition that was used—the rocket—we looked at where it could have come from, then traced it to specific perpetrator groups. Could it have been from a Republican Guard base or the Fourth Armored division of the Syrian army, different Syrian government units that were in proximity to where the attack occurred?

■ **Thaer:** I started documenting at around 5 or 6 o'clock in the morning. I went to the medical office to see my friends. I sat there, Drank water, and tried to calm down.

■ **Fritz:** But Thaer's long night was not over. As night turned to day, news continued: the chemical rockets hadn't just hit Douma in Eastern Ghouta. Hours after Douma was attacked, Western Ghouta was also struck. Thaer and Razan traveled to the epicenter of the Western Ghouta attack, a town called Zamalka, to document the aftermath there. Their commitment to documenting the attacks in Al Ghouta was and continues to be remarkable.

■ **Thaer:** That night, we went back to the office to upload testimonies, documentation, photos, and videos we took. It was only then that I realized the gas had affected me. I had very strong symptoms including vertigo, headache, a strong urge to vomit, and burns on my face.

Two or three days after we released our report and following the meetings and deliberations of the Security Council and the International Inspection Committee of the Organization for the Prohibition of Chemical Weapons in Al Ghouta, Razan told me that our report went above and beyond, reaching the United States Department of State.

■ **Fritz:** President Barack Obama had warned that the use



of chemical weapons in Syria would constitute a red line for the United States, suggesting that it would warrant U.S. military intervention, potentially with boots on the ground. The attack on Al Ghouta clearly crossed that red line. However, the reaction of major international players was mostly diplomatic. France heavily considered intervening militarily in Syria, but the UK's House of Commons voted against military action, and eventually, President Obama also backed down. Syria became a signatory to the Chemical Weapons Convention in October 2013. But we know now that it did not fully comply with it and did not destroy its entire chemical weapons stockpile, as evidenced by the sarin strike on Khan Shaykhun in April 2017, which killed at least 89 and injured more than 541 people.

■ **Fritz:** Was that ultimate question, which formed the baseline of much of this work—how to eventually link it to the main architects—something you were able to demonstrate in that case building process as well?

■ **Steve:** Certainly, one of the hardest parts of building a leadership case is showing the connection between a distant commander and the crimes committed by people on the ground, those who physically carried out the attack. I wouldn't say that we have proven to a criminal standard, or beyond reasonable doubt that this person or that person—the President or his brother—were conclusively responsible for carrying out this attack. However, we have provided the prosecutors and investigating judge with information and witness-supported evidence about what we know regarding how the attacks were carried out. Hence, they certainly have solid leads to investigate.

■ **Fritz:** SCM and its partner organizations, the Syrian Archive and the Open Society Justice Initiative, made their first legal filing in Germany in October 2020, after around three years of investigation. The complaint in Germany related to the chemical weapons attacks on Al Ghouta in 2013 and Khan Shaykhun in 2017. They then

filed criminal complaints in France in March 2021, and in Sweden in April 2021. Thær has been a witness in these legal filings, but unfortunately, Razan couldn't.

On December 9, 2013, Razan, her husband, and two other colleagues were abducted from the office of the Violations Documentation Center in Douma. The four disappeared activists became known as the Douma 4, and they haven't been seen since. SCM brought a case in France against a former spokesperson of Jaysh al-Islam, an armed group active in Eastern Ghouta, suspected of involvement in the Douma 4's disappearance, as well as other war crimes. The suspect, known as Islam Alloush, is in detention awaiting trial.

With regard to the chemical weapons attacks, complaints have been filed and investigations have been opened. However, we don't know when, if ever, the perpetrators of these attacks will actually stand trial.<sup>1</sup>

■ **Steve:** For a trial to take place, there needs to be a perpetrator who's available for arrest and prosecution. Most senior figures we've identified are still in office in Syria.

■ **Fritz:** Trials are just one of many possible strategic outcomes of this type of litigation. Even if the perpetrators are not in the countries where these investigations are taking place, authorities are still able to issue arrest warrants. Ibrahim Olabi is now a barrister at Guernica 37, a human rights law firm in London.

■ **Ibrahim:** When we talk about litigation, generally, it's just going to court and securing an outcome. There are so many strategic tactics that matter more than just getting a conviction. Because that should not be the metric of international justice.

1 The NGO filing and ensuing investigation in France resulted in an arrest warrant for Bashar al-Assad, his brother Maher, and two high-level SSRC officials, as French magistrates communicated in November 2023. The French jurisdiction knows the possibility of a trial in absentia.

When you speak to many governments and they're like, "Oh, but we can't get that person or that person". Our response is, well, this is not litigation; this is strategic litigation. Having an arrest warrant against an individual, even if they're not in court. I'd prefer every article that's written about them to mention who is wanted by X rather than not have that sentence. It has a significant impact on the narrative.

■ **Fritz:** There's precedent for European authorities issuing arrest warrants for high-ranking Syrian regime members, even if they are still in Syria. Perhaps the most famous of these are the arrest warrants issued by both Germany and France for Jamil Hassan, the head of the Air Force Intelligence, a very important and very brutal part of the security apparatus in Syria.

■ **Steve:** I think it demonstrates to everyone that prosecutors who respect the rule of law, the prosecutors and investigating judges in France, take the investigations very seriously. This is not a political project for them in any way. They are just looking at the file in front of them and considering whether it leads to the conclusion that there's enough evidence against this person or that person, to seek their arrest and prosecution for the crime. I think it would be extraordinarily meaningful to the victims we represent and to the many thousands affected by the chemical attacks. I'm always hesitant to talk about what sort of deterrent effect it has, but I think it would just show that the law applies even to these distant and difficult-to-prove crimes.

■ **Ibrahim:** Perpetrators like to hide behind the state and the state apparatus. That was the whole idea of the Nuremberg trials after World War Two, right? Yes, it was the victorious people and so on, but people wanted to differentiate between Germany and those who committed crimes. I think that's key because we're not against Syria as a state. You know, states exist. It's the people within that state system who are committing those crimes. This is why it's

important to differentiate them from a country that existed long before them and will hopefully exist long after them.

■ **Thaer:** What happened affected me very deeply, to an extent you can't imagine. I feel that my life's path should be different. I have lost six or seven years of my life, and nothing can compensate for that. I have gone through many traumas in addition to losing my father, my brother, my home, and everything I had. I cannot say that I have recovered from the trauma. That's impossible.

I gathered with a group of survivors from the chemical weapons attacks in Syria. We are working on launching an association called the Chemical Weapons Victims Association. Our aim is to preserve the memory of the victims and prevent it from being forgotten.

We also hope that this association plays a role in the cases that have been filed against the regime and puts pressure on the organizations of the United Nations, in order to change their policies.

As victims affected by sarin gas and other toxic gases used by al-Assad's regime, we call upon everyone through your platform to resist defeatism and start taking action.

■ **Ibrahim:** When the regime commits those crimes and gets away with it, they're sending a message to all the parties of the Geneva Conventions, including the big actors, that, "Hey, I can break laws that you've written down and I can get away with it." So it's a power-flexing exercise. There is this sense of, "I will not be caught." This sense of impunity exists and has existed for a very long time. Perpetrators always thought they could get away with it. I want to prove that saying wrong.

When I spoke at the Security Council recently, I told them, "You know, it has been said, Mr. Chair, that if you kill one person, you might end up in prison. But if you kill tens of thousands, use chemical weapons, and forcibly displace millions, you end up in

a peace conference. You get invited to the table as a party, as someone who can get a solution to all the crimes that you've done." And I personally want to prove that saying wrong.

■ **Fritz:** Evidence suggests that the ground offensive accompanying the sarin gas attack on Al Ghouta on August 21, 2013, was led by the Fourth Armored Division of the Syrian army. Maher al-Assad, President Bashar's brother, and arguably the second most powerful man in Syria, is the commander of the Fourth Division, also one of the most powerful units of the Syrian regime's armed forces, if not the most powerful one. Some say Maher's influence even extends beyond just a Fourth Division, with Bashar letting his brother, unofficially, command the whole army. There's a reason why groups like SCM, the Syrian Archive, and the Justice Initiative are so focused on the cases that could lead to holding the highest-ranking members of the Syrian regime, like Bashar and Maher, accountable. It is because they bear so much of the responsibility for the huge level of criminality that Syrians have suffered throughout the war. Their responsibility as state representatives should be to protect their civilians, not to kill and terrorize them. The criminality stretches back decades, even before the war, to the very beginnings of the family who is now at the heart of the Syrian regime: The Assads. The Assads are one of the biggest pieces of the puzzle, fundamental to understanding why Syria is where it is today.



CHAPTER

# 5

## THE HOUSE OF ASSAD

Season 1 | Episode 5 | October 28, 2022<sup>1</sup>

*The violence that Syrians have witnessed and endured since 2011 did not come out of nowhere—it has a history, a background, and roots. To better understand what has happened in the country in the past 11 years, one needs to travel further back in time to the beginnings of the Assad family rule in Syria.*

*This chapter uncovers how the pillars of the Assad regime were constructed.*

<sup>1</sup> This episode was hosted by Fritz Streiff with Kristina Kaghdo, and produced by Sasha Edge-Lindner, with editorial support from Mais Katt. Translation of guests' Arabic words was provided by Alaa Hassan.

■ **Kristina Kaghdo:** One of the things that stuck with me is how I would go to the stationery shop at the beginning of each school year. It was located in my street, and just like all stationery shops in Damascus where I grew up, you could find pictures of the symbol of the party as well as pictures of the ruling family, namely Hafez al-Assad as he was in power at the time. We were supposed to get some of those pictures and glue them into our notebooks and on their covers, specifically the Civic Education Notebook.

Civic Education was a story by itself because it was one to two hours per week, fully dedicated to learning about the power and beauty and how great and amazing the ruling party is, and to glorifying the ruling family and the ruling father, Hafez al-Assad at the time.

I remember we had this teacher who would skip civic education classes. I never knew why she did that. We used to have something called an inspection committee—a committee that comes from the Ministry of Education to check on different schools. I think it was a surveillance tool among other surveillance tools, aiming at making sure that the school looks, sounds, and behaves as it should. Whenever there was an inspection coming, the teacher would, over two days, make us fill our Civic Education notebooks with whatever she wrote on the board, without going through it with us, just to make sure that the inspectors could see our notebooks filled upon their arrival. Obviously, I never felt comfortable enough to ask about the reason we were doing this because it was an order, and we just executed orders.

■ **Fritz:** It must have been a risk for her too, since schools were a clear institutional example of where the state surveillance system could have a substantial structural influence. I really believe this is a small but potentially impactful example of civil disobedience.

■ **Kristina:** I totally agree, especially since there were 50 kids in our class, and kids talk. We could just go home and tell our parents, “You know what we did today? We filled our Civic Education



notebook with stuff we didn't learn anything about." That would definitely sound alarming to many parents.

■ **Fritz:** Alarming indeed, because by the 1990s, Syrians had become used to the cost of disobeying the Assad regime.

So far, we've mainly tackled the crimes committed in Syria since 2011—the violent suppression of the Revolution and the devastation of the ensuing war. But this violence didn't come out of nowhere. There's a history and a basis to it.

Since the beginning of the Assad family rule in 1970, when Hafez al-Assad, Bashar's father, seized power in Syria, the regime had been built on one fundamental principle: Eliminate any opposition and any threat to the family's rule, no matter the cost. When 2011 arrived and huge numbers of Syrians began calling for a regime change, Bashar al-Assad followed this guiding principle to the letter. Protesters chanted "Ash-shab yurid isqat an-nizam," which translates to "the people want to bring down the regime." For the Assad family, this posed a clear and unacceptable threat to their power.

To truly understand the violence and the criminality that has occurred in Syria since 2011, we need to go back to the beginning and uncover how the Assads built a regime centered around them, and how they have held onto power for over half a century.

■ **Uğur Ümit Üngör:** I'm a sociologist and historian at the University of Amsterdam, and I'm mostly interested in the modern and contemporary history of mass violence, mostly mass violence against civilians.

■ **Fritz:** After centuries of occupation by the Ottoman Empire, the modern Syrian state emerged after the end of the First World War.

■ **Uğur:** The Ottoman Empire lost the war. Several states emerged from it, including Syria, Iraq, and Jordan. Syria then

became part of the French mandate, 'mandate' being basically a fancy word for colonization. This is important because in this period—from 1923 to 1946—Syrians had little control over their own fate. Some of the violent practices of the Assad regime later in the 1970s, 1980s, and up until now find their roots in the Ottoman Empire, but a lot of that violence escalated during the French colonization of Syria. Then after independence, in 1946, Syria saw almost a dozen coup d'états in a period not extending longer than a decade or a decade and a half. That political instability also deeply destabilized the society. Later in the 1960s, the Ba'ath Party seized power. Then in 1970, we had Hafez's coup d'état.

■ **Fritz:** Hafez al-Assad was among a group of Ba'ath supporters in the Syrian army who seized control of Syria in 1963, before assuming power himself in 1970. Hafez was elected President in 1971 as the sole candidate in the running.

■ **Rime Allaf:** I'm a Syrian-born writer and researcher who's been focusing on Syria for the greater part of the last 25 years.

Hafez al-Assad, who was an Air Force officer and a Minister of Defense, took power with a group of his army and Air Force buddies. And, you know, we never got rid of the Assad dynasty. It's been 52 years; we've entered the second half-century of Assad's rule, and they have merely managed to entrench themselves.

■ **Uğur:** What defines the state and the regime in Syria is the way violence and the threat of violence are used against their own citizens as a pillar of governance and functioning.

■ **Rime:** Hafez al-Assad was at the beginning what one might call a benign dictator or so people hoped, because they were a little bit tired of coups and counter-coups. He tried to present himself as someone listening to his people at the very beginning. That was in the early seventies. However, things deteriorated very quickly.

■ **Fritz:** After Hafez took power, any other political parties had to come under the umbrella of the National Progressive Front, a political alliance headed by his party, the ruling Ba'ath Party. It was a dangerous game to be politically active outside of this alliance.

■ **Faraj Bayrakdar:** If arrest and exile were considered occupations, then I have worked for 14 years as a detainee and 17 years as an exile. I hold a university degree in Arabic literature, but I never got the chance to put it to use. As for poetry, I don't consider it a job, rather a hobby.

■ **Fritz:** Faraj is a Syrian journalist and award-winning poet. He was a young adult in 1970 when Hafez al-Assad became the president of Syria.

■ **Faraj:** The regime started displaying the maximum possible brutality. Even though I knew I was just a poet, I could not morally and purposefully ignore this anymore. My friends were being killed or locked up in prison left and right until God knows when. I knew that poetry on its own could not create any change. Collective work had to be done. That's when I got involved with the Communist Labor Party.

■ **Fritz:** The Communist Labor Party operated basically illegally outside of the National Progressive Front Alliance.

■ **Faraj:** You do not witness a whirlwind in a clear sky without reason. Under Hafez al-Assad, killing and massacres became not exactly normal, but not a big deal. Assad's predecessors were bad, yet he descended to their level and even lower with his repression. It turned from bad to worse, until he was willing to massacre anyone to protect his throne.

■ **Fritz:** How far the Assad regime was willing to go in order to hold on to power became shockingly clear in 1982.

■ **Rime:** There was a kind of insurrection and defiance of the Assad regime, by the only real political force visibly fortifying

itself on the Syrian scene at the time, the Muslim Brotherhood. This culminated in the terrible massacre in Hama in 1982 when Hafez al-Assad sent his brother, Rifaat al-Assad, head of the Fourth Division, the army at the time. They entered the old part of Hama, went from house to house, and took out many leaders of the Muslim Brothers. If we consider the most accurate figure of casualties to be 30,000 people killed, those were not 30,000 Muslim brothers. There were civilians, women, children. There were doctors, teachers, and professors. The artillery bombed its way through Hama, demolishing the city, which was later rebuilt. Syrians understood very well that any defiance of the regime would be brutally repressed. It was the Assad regime's warning to the people: You stay quiet and show us docility, and we will not bother you. But if you dream that any other system would even be allowed, you are wrong.

■ **Kristina:** What happened in Hama stayed with people for generations. After the Revolution started, I realized that a lot of people took to the streets driven by the desire not to be bystanders as their parents were during the massacre in Hama. They wanted to be on the right side of history. This is truly remarkable because people from very different backgrounds cited this as one of their motivations for participating in the protests. There seemed to be a deep sense of guilt they wanted to wash.

■ **Fritz:** Hearing this from you now only solidifies my belief that this was such an incredibly dumb failure of justice. The justice system—in this case, that of the French—let go of Rifaat al-Assad, the uncle of the current President who was in charge at the time of the Army operation against Hama. He was in Paris and had multiple cases against him, one of which was a criminal case, but he was able to flee the country and return to Syria where the French justice system could not reach him. There is also an ongoing case in Switzerland against him, but the likelihood for it to lead to actual justice is now extremely low. When he was still in Paris, action could have been taken. This is an example of how the significance of a

certain case can be underestimated by international legal systems unfamiliar with its cultural context.

■ **Rime:** Hafez al-Assad depended on his family, and Rifaat himself was very enamored by his position of power. This, in fact, led to his downfall. When Hafez al-Assad became quite ill in the mid-eighties, Rifaat attempted to seize power but his attempt failed. A deal was made and he was required to leave Syria immediately.

■ **Fritz:** Which is how Rifaat happened to be in France in the first place, within the reaches of the French justice system.

■ **Uğur:** If we take a look at the structure of the Assad regime since 1970, and we focus only on people with the last name Assad, we find a significant number of them in very influential positions, starting with Hafez al-Assad, who appointed his own brother Rifaat al-Assad as Head of the Praetorian Guard—the Defense Brigades—in the 1970s. That's not insignificant, and in many societies, you wouldn't be able to appoint a first-degree family member to a highly influential military or paramilitary position. But he could and he did. Of course, this led to the growth and further empowerment of the family, especially within the security forces, the intelligence agencies, the army, and the elite troops. This is where the Assad family built their power base, including, of course, the in-laws. Al-Assad's mother is from the Makhlouf family, a family who was also deeply influential in Syria and still is. There is a disproportionate number of people from these two families—al-Assad and Makhlouf—who are in exceptionally sensitive and powerful positions, and this has been the case since the 1970s.

■ **Rime:** The Assads have often been described as a family in power, but I think this view is a bit too simplistic because they have become much more than a family. You can describe them as a clan or a clique. There were others too who happened to be trusted by Hafez al-Assad, people from the small Alawite community in Syria. Hafez al-Assad built a lot of the army and the intelligence, and the officers came from there. It really is a pyramid of power.

The Ba'ath indoctrinated young Syrians from school onwards, and young Syrians learned very quickly that if you wanted to be part of anything and have any of the fringe benefits of being openly loyal to the regime, you had to become an active member of the Ba'ath Party.

■ **Fritz:** The Assads knew that in order to maintain their rule, they could not rely solely on indoctrination and placing family members and trusted allies in top positions. Anyone could turn on you as Rifaat's bid for power had shown Hafez. More pillars of power were needed to keep the Assad regime standing. And so, as with many authoritarian regimes, the intelligence system came to play a key role in Syria. The Syrian intelligence system is more commonly referred to by its shorthand, 'the mukhabarat'. It has always held its tentacles tight around the Syrian society and still does.

■ **Rime:** Of course, the main role of the intelligence branches was to terrify the population and to instill fear among Syrians. You know, when you hear the word 'al aman'—Arabic for 'the security'—you become terrified and start rethinking everything you've done and said, wondering whether you made any faux-pas or dared to provoke anyone.

■ **Uğur:** There are four major intelligence agencies in order of influence: the Military Intelligence, the Air Force Intelligence, the Political Security, and the State Security. The Branch—in Syrian Arabic, the 'fera'—is generally a grim grey building in the middle of the city. Everybody could walk around it, but nobody even dared to look at it. Often, the building had a couple of stories above ground, housing administration staff and sometimes the archives of the Branch. Below ground, extending three to five stories, were the cells, where arrested individuals would be detained. Very often, the torture chamber was also underground.

These four agencies, sometimes collaborating and at other times competing against each other, function like a vacuum cleaner. They

infiltrate the Syrian society, extracting people on any grounds—posting something on Facebook against the regime, attempting to set up a political party, for entirely random, or even no reason at all. The intelligence agencies can extract you at any time, taking you to the Branch where they torture you and keep you for days, weeks, or months. Later, you would either be released or processed and sent to the next phase, often ending up in the second dimension of the gulag—one of the three major prison camps.

■ **Fritz:** In 1976, Faraj Bayrakdar was spending some time back home in Syria after studying in Budapest on a scholarship from the Syrian Ministry of Higher Education.

■ **Faraj:** During that time, Syria invaded Lebanon and my opposing stance was clear and public. They retaliated by canceling my scholarship and dragging me into the military. During my first referendum in the military in 1978, I said no to Hafez al-Assad and was accordingly arrested by the Air Force Intelligence Directorate. Completely cut off from everything for four and a half months, I was eventually released because they could not pinpoint anything on me. On my second day of freedom, I was arrested again by the internal branch of the State Security Intelligence. I was not in for a long time, though. My third arrest came later, by the Military Intelligence Directorate. This was my longest arrest, as I was locked up for 14 continuous years. For the first six and a half years, I was completely isolated from the outside world, allowed no visitors, and my family did not know anything about me or my whereabouts.

■ **Fritz:** Faraj continued to compose poetry throughout his detention, using any tools available. After an international campaign on his behalf, he was finally released from prison in 2000, during a brief period of political respite known as the Damascus Spring.

■ **Uğur:** In Syria, imprisonment by the mukhabarat and a journey through the prison system is the foremost fear of the people. It spreads terror. Those who suffer violence and torture

in prisons are released with long-lasting traumas. Even people who haven't been tortured, or those who have nothing to fear, understand that this country has a couple of these intelligence branches in each city. They know that people are being tortured underground and that they will have to behave in a certain way to avoid landing in one of these torture chambers. The regime and its prison system are like a finger and a nail. They have grown so much and welded together in a way that makes it extremely difficult to extricate these two.

■ **Kristina:** In Syria, we had the saying that “Elhitan laha athan”—Arabic for “walls have ears.” I’ve been brought up with this notion, always knowing implicitly that whatever you hear at home can never ever be repeated outside because it’s dangerous. I remember thinking back then that people are not safe, and that the world is not a safe place to be. Obviously, this created complex challenges regarding trust, how I perceived others, and how I perceived myself in relation to others.

Up until now, I’m still working on my capacity to trust the world, to trust that the world can bring a lot of good things and that not every person has some evil plan to destroy you. I’m exaggerating now a little bit, but it’s just to show the huge impact of such tiny things, like this short expression that keeps being repeated to you day after day, year after year, until it really shapes you from within as a human being within society.

■ **Fritz:** I would be interested to hear from you, having first grown up under al-Assad senior, Hafez, and then growing into the age when his son Bashar took over. Do you remember the time when that happened?

■ **Kristina:** I remember the day when Hafez al-Assad died. An important contextual information is that Hafez used to be called ‘the eternal’—‘al khaled’ in Arabic. What that meant to me as a child is that he’s going to be there forever. When Hafez al-Assad died, I was visiting my mother’s family in Lithuania, and I remember they



had this very big TV in front of which I was standing and listening to the news that Hafez al-Assad, the President of Syria, died. I remember thinking that this was the end of the world, because what would happen to the country? I mean, he was supposed to be there forever, and now he's not going to be there anymore. I remember spending that summer away and then coming back to Syria. Many adults in my surroundings back then were talking about the fact that Bashar al-Assad was coming into power and that he was different, young, and educated, you know, these very cliché things that were said and still are said about Bashar al-Assad.

■ **Rime:** I was there the day Hafez al-Assad died, and I was also there when Bashar al-Assad came to power. I knew, like most Syrians, that there was no option other than Bashar. The original heir was Bassel al-Assad, Hafez's eldest son who was being groomed for power. Bassel was killed in a car crash in January 1994. This is when Bashar al-Assad, whom nobody had ever thought about and who was beginning his studies in the UK, was brought back. By seeing Bashar al-Assad suddenly promoted to very high ranks in the army and suddenly becoming active and appearing in the media—only in Syrian media, of course—we all understood that he was going to be the future leader.

In the first few months of Bashar al-Assad's reign, and I always call it a reign, there was a sense of hope and positivity among many Syrians—not me though—who dared to hope against all odds that finally this was their time. Syrians finally were going to live a better life. Nobody imagined that it was going to be like living in Switzerland or, you know, the E.U. or the U.S. Everyone knew how things worked. But at least they hoped it would be like other Arab countries with dictatorships, but where daily life was easy. This was the hope that Syrians had with Bashar al-Assad. And very quickly, it became clear that even that was absolutely not to be imagined for most of them.

From very early on, it was clear that Bashar al-Assad had an enormous ego. Not that Hafez al-Assad was modest by any means, but Hafez ruled the old way. Bashar on the other hand wanted to be everything at the same time. He wanted to be the modern, cool guy with, you know, an educated Western wife. He was young, like several new young rulers in the region, and he wanted to be admired.

■ **Fritz:** Here's an excerpt on that from Sam Dagher's book "Assad or We Burn the Country."

"Bashar craved the rewards of engagement with the West, but also fully embraced Iran, Hezbollah, and the so-called axis of resistance against the West. He was the moderate Muslim and protector of Christians and minorities, but also the one who mobilized Islamist extremists when it suited him and his regime. He urged the mukhabarat to be less intrusive but also expected them to crush any hint of a threat to his power. He wanted to be seen as legitimately elected and a non-sectarian president for all Syrians but accepted the reality that his survival depended on his clan and sect. Core elements of the system bequeathed to him by Hafez."

And then came 2011. With the violent suppression of the peaceful Revolution and the ensuing war in Syria, Bashar resorted to his father's playbook with its central principle: Do anything to hold onto power.

■ **Rime:** You know, the expression "Assad or we burn the country" was created by the loyalists from the beginning. In Arabic, it's "al-Assad aw nahrek al balad." That was a reminder that they would do anything even if the country was damned; they would burn the country in order to keep him. Well, in the end, it was "Assad and we burn the country."

■ **Kristina:** Often, especially in the initial two years of the Revolution, I found myself unable to sleep at night wondering: What is Bashar thinking at the moment? What does he do in his day-to-day life? How does he wake up and decide, "Today, I'm going

to kill people who are defying me, those who dare to picture a different society and a different country that doesn't include me on top?" We often think of Bashar and all the people in power as very distant, almost inhuman beings. However, they are human beings with their fears and their will to prove things. One of my theories is that Bashar has been trying to prove to his mother that he's worthy of power, just like his father was. It might be as simple as that, as he was always considered the least powerful or the least potentially powerful member of the family. Then one day, he obtained power, and there was his mother telling him how he needed to man up and live up to the responsibility that his father had left him with. It might be as simple as that, although of course with a lot and a lot of other layers. I think these are very important questions to ask if you really want to understand the nature of violence that has been gripping the country.

■ **Fritz:** You know, one family member who undoubtedly played a huge role alongside Bashar's mother is his brother Maher, considered the most important figure in the army and heavily involved in executing much of the violence. This may have also enabled Bashar to keep some of his image as the more civil, emotional, and sensitive face of this criminal regime. Violence is an important factor in how this regime retained power. Another factor we shouldn't forget is the response, or lack thereof, to incredibly violent actions such as the chemical attacks on the suburbs of Damascus, on August 21, 2013. That kind of attack would undeniably come from the absolute highest echelon of the hierarchy. Something like that wouldn't be the decision of a low-level commander, except in the very unlikely event of it being an accident, which the evidence does not support at all. So there was a deliberate decision to execute this attack. I think, at that moment, Bashar al-Assad and his inner circle realized that they could go really far with the violence they were ready to employ in order to stay in power. These methods seem to have worked. The regime is still in power, and it is not going anywhere.

■ **Kristina:** I really think that all these years of Assad's rule were basically a constant struggle between the people of Syria, to whom this land belongs, and one family. And it's crazy when you look at it in this very simplistic way, it's an entire population versus a family.

■ **Faraj:** The responsibility for my arrest and everyone else's lies with no one other than the Assad regime. Its prison system was not well known during our time. Some people even questioned our opposition. No one does now. Assad's dirty laundry is out in the open.

■ **Fritz:** I think this is one of the main reasons why so many people we've worked with or heard from believe the absolute top priority and overarching goal of this whole effort for justice and accountability for Syria is to have Bashar al-Assad and the inner circle on trial. That's the ultimate goal.

■ **Rime:** I think most Syrians, even though they don't dare to say it anymore, know there can be no justice as long as the perpetrators of these crimes against humanity retain power and freedom; because even if we were to turn a blind eye to that, I think it just teaches everybody else that you can easily get away with murder.

■ **Faraj:** The regime is ultimately a hellish machine that crushes everyone in its way. I believe it will crush the largest head as well. The same hellish machine will crush Bashar al-Assad. But for now, it seems it will happen later rather than sooner.

■ **Fritz:** It is theoretically possible that at some point Bashar's own regime could turn on him and arrest him. They could then either put him on trial in Syria or extradite him to stand trial at the ICC or at a specialized tribunal for Syria. Although neither of these are options at the moment. It could happen, but for now, the more likely scenario is that Bashar will stay in power, and as a serving head of state, he enjoys immunity from national prosecution, which means another country's legal system cannot prosecute him in their courts. Even if he may be holding onto his presidency through illegal means,

even if his regime is a dictatorship, as long as he is the president of Syria, Bashar al-Assad is pretty much untouchable. But despite the complications of holding the highest-ranking regime members accountable, those working in the justice and accountability space are trying to get as close to the top as possible. One example is the chemical weapons case discussed in Chapter 4. Other examples are the arrest warrants against Jamil Hassan and Ali Mamlouk, former head of the Air Force Intelligence Directorate and former head of the National Security Bureau, respectively.

There is also an interesting case that barrister Toby Cadman is working on against Asma al-Assad, Bashar's wife.

■ **Toby Cadman:** The case came out as a result of trying to identify ways to pursue accountability. One of the areas we looked at was those individuals who were either encouraging, inciting, or glorifying acts of atrocity crimes. We started examining the role of the first lady, Asma al-Assad, as a British national. She was born in the United Kingdom, and her parents live in West London, where she met Bashar. She's a dual British-Syrian national. I don't want to see her stripped of her citizenship, but I want her to spend the rest of her life in prison for the crimes that she committed.

What we had argued is what is known as conventional offenses. Chemical weapons come under a particular category of conventional offenses, and it's all to do with encouragement and incitement into those acts. We looked into conduct that she had been involved with as a result of being the First Lady, where she had met members of the military who had subsequently carried out chemical weapons attacks and where there had been statements of glorification as to the military's conduct in carrying out bombardment and, again, chemical weapons attacks. These are all matters within the jurisdiction of English law. The finding was made in 2021. Additional evidence has been provided and we continue to investigate. The challenge is going to be whether the Crown Prosecution Service, having jurisdiction to prosecute,

deems there's a sufficient evidential basis to prosecute. Of course, we need to get her before an English court. I'm aware of the associated challenges, but I'm also confident and hopeful that one day there will be a Syria without Bashar and Asma al-Assad at the helm. They may leave the country at some point, be arrested, and hopefully brought before an English court.

■ **Fritz:** Despite the stories, evidence, cases, and trials, the Assad regime not only remains in power in Syria but also seems to be making a slow return to international politics. Paul Conroy is a war photographer who was in Homs with his colleague, the war correspondent Marie Colvin in 2012. The makeshift media center they were staying in was attacked by the regime, killing Marie and others, although the regime denies any involvement. Quoting below from a testimony Paul gave in 2022 at the People's Tribunal for the Murder of Journalists:

"There's this creeping rehabilitation of this murderous regime back into the international community as if, you know collective amnesia is coming over the world and we're going, Oh, well, maybe they're not so bad. You know, maybe we could do business. Damn right, he's bad. They are murderous animals and they should not be rehabilitated by anybody into any international bodies or organizations. They should be where they belong with the Russians as outcasts and pariahs until they stop the killing and they acknowledge the killing. And there's justice for the people who were killed."

While the Assads may, for the time being at least, be out of the grip of international legal systems, Syrian organizations along with partner lawyers are continuing to build cases that attempt to hold high-ranking Syrian regime officials accountable. A key driving force behind this continued effort is to counter, as Paul Conroy said, this creeping rehabilitation of the Assad regime and their attempts to rewrite the past 11 years. Syrian case builders, journalists, poets, and many others are fighting to keep the memory of the regime's criminality alive and to keep the Syrian file on the justice and

accountability table. As time passes, these efforts become even harder and more of a struggle as people forget, those responsible die, and the dynamics of the regime in Syria shift. After all that has happened in the past 11 years, Syria is different today. Can the slow-turning wheels of international justice remember past crimes and also keep up with the new crimes?





CHAPTER

# 6

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## THE REGIME TODAY

Season 1 | Episode 6 | November 4, 2022<sup>1</sup>

*What position is the Syrian regime really in today? How does it function? And how, after 11 years of war, and with sanctions placed on the country, is the regime making money?*

*Chapter 6 of The Syria Trials looks at the attempts to stop the normalization of the Assad regime, and the cases that attempt to hold it accountable for more recent crimes.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt. Translation of Arabic words was done by Alaa Hassan.

■ **Rime Allaf:** Yes, Bashar al-Assad is in power today, but it's a very different kind of power. For the average Syrian, of course, you are still terrified even more than before by the intelligence and by the army, because now they're everywhere in your daily life. You are scared because the resources are scarce, there are sanctions on the country, and life has become extremely difficult. Inflation is through the roof. These are all different matters to worry about.

■ **Ibrahim Olabi:** The conflict shifted a couple of years ago. Front lines are now relatively stable, the country is split, and the number of crimes committed on a daily basis has been severely reduced. Many witnesses and victims are now abroad, across Europe. Many refugees are getting citizenship, which gives them more rights, and also more obligations. I think that for the next ten years, the focus will be on those abroad because the solution won't unfortunately come from inside Syria. We moved from an uprising to a civil war, to a proxy war, and now to an international conflict. Now, if a Russian moves they kill a Turk, if a Turk moves, they kill an American. It's no longer Syrians on the battlefield. Therefore, an international solution is needed.

■ **Fritz Streiff:** Syria is different today. As the years since 2011 multiply and the darkest and most violent days of the war recede further into the past, the danger of forgetting what happened in the country grows. The likelihood of Syria being rehabilitated to some degree into the international community grows stronger too. There are signs of this already. In 2021, Syria was readmitted to Interpol, the international policing body, a system sometimes used by autocratic states to pursue political opponents. Denmark has deemed the Damascus region safe for refugees to return to, and official trade records seem to show that Spain, Poland and Italy, among others, have all begun importing Syrian phosphates—a key component of fertilizer. In January 2022, the U.S. backed an energy deal between Egypt, Jordan, Lebanon and Syria.

■ **Ibrahim:** Had it not been for the great human rights work done by so many actors, victim groups, and NGOs over the years, we would have seen attempts at normalization five years ago. From a human rights perspective, the regime is not in a good position at all. They are trying to argue the ground as much as they can, but they are struggling. In terms of accountability, we always have to think about what the perpetrators care about. Can we establish a consequence for their actions affecting things that matter to them, hence ensuring they cannot benefit from whatever they care about? For example, the regime cares about its international legitimacy, as a state, and as a legitimate actor capable of entering into legal relations with other states. That's what we're trying to push against, because, you know, the regime is part of the problem, not part of the solution.

■ **Fritz:** Many of the cases being built in the justice and accountability for Syria space focus on the past including past crimes, and rightfully so. From the torture program to chemical weapons, there's a lot to address when it comes to the regime's criminal record. But with this focus, could it be that the new crimes the Syrian regime is committing are being neglected? Are legal efforts being made to deal with the way the regime is currently operating?

Although Syria may have changed Dramatically after 11 years of war, has the way the Assad regime functions changed much? Has the Syrian regime, in fact, changed at all since the days it was led by Bashar's father, Hafez al-Assad?

We will attempt to address these questions with insights from Syrian writer and researcher Rime Allaf, historian and sociologist Uğur Üngör, Syrian poet Faraj Bayrakdar, Syrian lawyer and founder of the Syrian Center for Media and Freedom of Expression (SCM) Mazen Darwish, Joumana Seif, legal adviser at the European Center for Constitutional and Human Rights (ECCHR) and Middle East correspondent for the German weekly Der SPIEGEL Christoph Reuter.

■ **Rime:** From my perspective, that has always been the case. Bashar al-Assad was merely Assad regime 2.0. It was a continuation, there was no change.

■ **Uğur:** Consider someone like Ali Mamlouk, for instance. He was Hafez al-Assad's right-hand man for a significant time. When Hafez al-Assad died, Ali Mamlouk became a very important adviser to Bashar al-Assad and acted as the head and lord of the intelligence empire. When you look at the meetings that Bashar al-Assad had with the Iranians or with the Russians—for example when he met Vladimir Putin—Ali Mamlouk is always present, carrying a suitcase. God knows what type of documents and files are in that suitcase.

■ **Faraj Bayrakdar:** Old guard and new guard are terms coined during Bashar al-Assad's inheritance of power. I do not know how accurate they are. I know some people from the old guard, as in from the days of the father's rule. Ali Mamlouk, of the Air Force Intelligence, was my main interrogator. He was a lieutenant colonel, and his assistant lieutenant was Jamil Hassan. These two are still there even in the present day. Ali Mamlouk shows up sometimes in Turkey and other times in Iran. It means he's still working. Jamil Hassan was laid off and he retired, but after 2011, he was behind the idea of the barrel bombs. What should we call him, old or new guard? I don't think al-Assad cares about these labels. He only cares if you are with him or against him.

■ **Fritz:** Jamil Hassan has been one of the most loyal members of the Assad regime—who we could call part of both the old and new guard. Mazen Darwish has been constantly targeted by Hassan.

■ **Mazen Darwish:** Jamil Hassan is one of the very important security service generals in Syria. He led the Air Force security service, responsible for a huge number of crimes and violence. I think Hassan and his department are the most important players in shifting the civilian uprising of 2011 to a civil war. I was arrested

in 2011 twice. But the third time, they attacked the office and arrested all SCM's team members who were there. They took us to Mezzeh airport, to the investigation branch for the Air Force.

■ **Fritz:** After his imprisonment at the Mezzeh airbase, Mazen was transferred to an underground prison run by Maher al-Assad's Fourth Armored Division. He was tortured and suffered abhorrent conditions. In the Autumn of 2012, Mazen was back in the custody of Jamil Hassan's Air Force Intelligence Directorate. From Sam Dagher's book, "Assad or We Burn the Country":

"On the outside, the building looked like any government building or police station. Jamil Hassan's office was on one of the top floors. The prison was two floors deep underground. Mazen was led into a tiny cell that was supposed to be for solitary confinement. But there were already five people there."

■ **Fritz:** A prison guard came to see him two days later.

"You are the lawyer, right?", said the man. "Happy holiday, and His Excellency, the General Jamil Hassan, has sent a special gift. Please come with us." He was led out to the hallway. There were already seven guards standing there with batons, chains and steel rods. All seven attacked him. He was unconscious minutes later. He woke up in a bathroom with the shower running over him. Blood was coming out of his mouth and nose."

■ **Fritz:** Mazen was one of 200 prisoners, all peaceful protesters who were released by the Assad regime in August 2015, in the framework of a so-called pardon. After his release, Mazen was visited by Maher al-Assad's aides, as well as businessmen close to Ali Mamlouk. The regime wanted to get him to unite and work with them against Daesh, the so called Islamic State. Mazen decided to flee Syria.

Once he was in Europe, Mazen met with the European Center for

Constitutional and Human Rights (ECCHR). They traveled to the town of Karlsruhe, where the German Federal Public Prosecutor's Office is located. Here, Mazen gave his testimony.

■ **Mazen:** This was the first time for me to communicate directly and in person with the prosecutor in Germany. This was the first time I was not the person who documented the violation. I was the victim, and these were two days in Karlsruhe dedicated to talking about everything that had happened to me as a victim, not as a lawyer or documenter. This meant a lot and I learned a lot from it.

■ **Fritz:** What did it mean for you, that you were able to speak as a victim?

■ **Mazen:** To be honest with you, I'm not comfortable speaking about what happened to me, not even to my family. I'd just say "I'm fine. I'm okay." You need it. You need to see that you can do something, that you are not just a victim and that's it.

■ **Fritz:** In June 2018, the German authorities announced they had issued an arrest warrant against Jamil Hassan, marking the first public warrant Germany had ever issued against a high-ranking Syrian official. This was after ECCHR filed a criminal complaint on behalf of Syrian torture survivors, including Mazen. The crimes addressed in the complaint, including killing, persecution, and torture, were committed between September 2011 and June 2014 in five Air Force Intelligence branches in Damascus, Aleppo, and Hama.

■ **Mazen:** This is the first practical result. So for me, it's a need, a necessity. I personally need something practical, and I need to say that yes, we can.

■ **Fritz:** Joumana Seif, legal adviser at ECCHR, worked on an additional case against Jamil Hassan.

■ **Joumana Seif:** In June 2020, along with my colleague, we filed a criminal complaint and submitted it to the German Federal

Prosecutor on behalf of seven survivors. We partnered with the Syrian Woman Network and Urnammu, two Syrian NGOs. The investigation is still ongoing. Our main demand was to add sexual and gender-based crimes as a crime against humanity to the arrest warrant of Jamil Hassan, and to prove it was committed systematically and in a widespread manner alongside other international crimes. We all know that these crimes have a long-lasting, harmful, and deep impact on the survivors. I think it's important for justice for all these crimes to be also mentioned, and to be recognized as a crime against humanity.

■ **Fritz:** Despite the international warrant for his arrest, Jamil Hassan has traveled abroad on at least two occasions since it was issued in 2018. He was admitted to the American University Hospital in Beirut, Lebanon, in June 2018 after suffering a heart attack, just around the time the warrant was issued. In early 2019, German officials received information that Hassan was undergoing treatment at the same hospital's cardiology department. However, by the time Germany sent an official extradition request to Lebanon, Hassan was long gone.

The tactics the Assad regime uses to stay in power have sometimes been referred to as mafia tactics. One such tactic is the systematic and brutal use of violence. Another mafia tactic the Assads have used is 'to always keep it in the family,' elevating only close family members and a small number of trusted confidantes to the highest positions of power and keeping them there, as with Bashar's brother, Maher al-Assad, and Jamil Hassan. But the Assads have also shown a very mafia-esque willingness to eliminate their own if necessary. It is rumored that Bashar may have even had his brother-in-law, Assef Shawkat, his elder sister Bushra's husband, assassinated, after he showed signs of opposition. Another member of Assad's inner circle who has more recently fallen out of favor is Bashar's maternal cousin, Rami Makhlouf.

■ **Rime:** Just as Bashar took power from his father, you have to also consider that most of the other influential figures in the

regime inherited their positions of privilege from their fathers. It's exclusively from fathers, yes, we had no women in such influential positions. So just like Bashar became Hafez 2.0, Rami Makhoulouf became just like his father.

■ **Fritz:** Rami Makhoulouf inherited his father, Mohammed Makhoulouf's influence on the Syrian economy. At one point, Rami was rumored to be the richest man in Syria, reputed to take a commission on every serious business deal in the country.

■ **Rime:** I've always referred to Rami Makhoulouf in my writings and discussions as the regime's portfolio manager. He wasn't only enriching himself but was enriching the entire regime and the Assad family, of course. It's very easy to make a lot of money in Syria when you are the only one allowed to have a franchise or an import license for any desired product. And that's why the mobile and telecommunications business was entirely in Rami Makhoulouf's hands. Instead of belonging to the government, the sector functioned as the regime's more or less private corporation, under Rami Makhoulouf's control.

The day I acquired a mobile phone in Syria, I had to pay the equivalent of \$1,200, just for having a SIM card!

■ **Fritz:** But in 2020, Rami posted videos on social media showing himself under house arrest. The regime had accused his companies of owing \$180 million in back taxes. Rami was forced to hand over several of these enterprises, including Syriatel, Syria's telecommunications company. With Rami Makhoulouf who previously ran the show financially in Syria, now sidelined, one wonders whether the regime has found other ways of making money.

■ **Christoph Reuter:** Well, if you have to resort to producing Drugs as your main source of income for the government, for the system, then you have reached a rather low level of governance.



■ **Fritz:** It would appear that the Syrian regime is now employing another mafia tactic by involving itself in the illegal Drugs trade, particularly in the trade of captagon, an amphetamine banned in most countries since the 1980s.

■ **Christoph:** It's a very potent amphetamine originally developed by a German pharmaceutical company. It is known to boost fighters by blocking any feelings of pain, and it increases people's endurance to party all night without feeling tired.

■ **Fritz:** During the conflict in Syria, smugglers and militant groups took advantage of the situation and started to supply captagon, often laced with caffeine to fighters. The idea is to boost their courage and help them stay alert on the front lines. Normally, captagon is mostly used and found in the Gulf area, including Saudi Arabia, UAE, Qatar, and others. In April 2020, Romanian Customs officials at the Port of Constanta discovered 2.1 million captagon pills hidden in a shipment destined for Saudi Arabia, with a street value of €43.5 million.

■ **Christoph:** The fascinating aspect was that the captagon wasn't smuggled to Europe to be sold and consumed there. It was all just a detour aiming at covering the origin because if the container arrived in Saudi Arabia or Dubai, originating from Latakia, Saudi customs would rip this container apart, to the last bolt. Hence all the efforts to cover up the origin of the captagon.

After 2012, small-scale production started on the Syrian side. But what was confiscated now amounted to several tons, clearly indicating it wasn't produced in a small Drug kitchen somewhere in a valley, but rather on an industrial scale. Plus the shipments originating from Latakia port, completely controlled by the family of Bashar al-Assad, led us to our working hypothesis that this could only occur with the consent of the Syrian regime. Multiple sources including witnesses confirmed it's this cousin of Assad's who has the license to produce and to export captagon.

■ **Fritz:** There probably aren't any official licenses to produce and export captagon. It is more likely that these cousins received unofficial but necessary permission from the top members of the Assad family.

■ **Christoph:** It seems it's the most important cash cow, the primary source of hard currency income. As estimated by the U.N. agency UNODC fighting counternarcotics, and the American Drug Enforcement Agency, the value of Syrian-produced captagon exceeds the value of legal exports. Syria hardly exports anything legal anymore. But because there is no pressure from counternarcotic investigators or the police, Syria has become a narco country. Captagon production is extremely cheap, and it doesn't need to be hidden or covered, resulting in immense profit margins. It is the most important source of hard currency income for Damascus.

■ **Fritz:** Alongside Christoph Reuter and his team's investigation into the Syrian trade of captagon, a criminal investigation was also underway in Germany.

■ **Christoph:** Finally, we were lucky that during the confiscation operation in the Port of Constanta in Romania, investigators found the contact details of two Syrians who had been in charge of booking the space on various ships for the containers to be shipped from Latakia to Europe and then back from Europe to the Gulf. These individuals were investigated by the German police.

■ **Fritz:** The trial took place in Essen, a city in West Germany, and concluded in September 2022. Four men, including three Syrians, were sentenced to up to ten years and nine months in prison.

■ **Christoph:** In the court, one person who had been arrested as well became a kind of crown witness and testified about the connections with Maher al-Assad and the regime. How all shipments and production and everything would be facilitated

by what remained or could be called authorities in this anarchic dictatorship.

■ **Fritz:** So the court accepted the evidence presented by the prosecution that the defendants had ties to the Syrian regime, specifically to the Fourth Armored Division of the army headed by the President's brother, Maher al-Assad.

■ **Christoph:** It's the first case where you have court evidence that the regime is involved in this business. So, it's one important step in a much longer process of bringing the regime to justice.

■ **Fritz:** Alongside cases dealing with war crimes and crimes against humanity, more technical cases like the captagon trial contribute to putting together different pieces of the justice for Syria puzzle. The evidence in the captagon trial pointing to the involvement of senior members of the Assad family is another hurdle the Assad regime has to overcome in its attempts at legitimacy and normalization.

■ **Christoph:** In the longer term, this may block Damascus' attempt to reintegrate into the world order because you have these court cases that no politician can simply ignore.

■ **Fritz:** All of these efforts to document crimes through case-building investigations, trials, journalism, and even art installations, serve to counter the narrative that Syria is a normal state. They also keep the memory of those killed or disappeared by the regime.

In October 2018, investigative judges in France issued international arrest warrants, including against Ali Mamlouk and Jamil Hassan, for complicity in crimes against humanity. The warrants came as the result of a criminal complaint filed by Mazen Dabbagh's brother, who was arrested with his son Patrick in November 2013. They were taken to Mezzeh military airport run by Jamil Hassan's Air Force Intelligence, the same place to which Mazen Darwish and

his colleagues were taken in February 2012. Mazen and Patrick Dabbagh have not been seen since.

The brutality of the Assad regime is not limited to the torture chambers of its branches and prisons. The torture is passed on and felt indirectly by the families of those who have been taken, as the regime withholds information about their whereabouts and fate. Huge numbers of the arrested are not heard from again; they disappeared, with no way of their families knowing whether they are dead or alive.

CHAPTER

# 7

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## FAMILY

Season 1 | Episode 7 | November 11, 2022<sup>1</sup>

*The suffering inflicted by the Assad regime reaches beyond the detainees held inside their intelligence branches and prisons. In withholding information about their fate, families are left in limbo—with no knowledge if their loved ones are dead or alive. This chapter is about those families.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edey-Lindner, with editorial support from Mais Katt. Translation of guests' original Arabic words by Alaa Hassan.

■ **Obeida Dabbagh:** I am 70 years old and recently retired. I have been living in France for about 40 years; I came here to study. I grew up in Syria. My mother is a French citizen, and my father came to France to study, bringing my mother along. I lived in Syria until I was 18, so it's been a long time.

My brother was such a kind person; he smiled all the time. To find him in the hands of such a regime is awful—I can't let it go. People ask me all the time, "Why are you doing this? You're attacking a regime that can hurt you; they can even come to France and get you." But my brother is dead, and if nobody did anything, what a horrible end. If I were in his place, I'd want someone to do something for me. I aim to find the truth one day. The truth needs to be known so that at least in his tomb, my brother will be happy and will know that someone was thinking about him.

■ **Mariam Hallak:** I'm from the Damascus countryside. I am just over 70 years old and I had three sons. Now, I have two; the third is a martyr named Ayham.

I feel that those mothers, who couldn't tell their stories, have entrusted me to help spread their message. I wanted to talk about their pain and suffering. By telling my son's story, I'm also telling their stories. What happened to Ayham happened to many other young men who wanted to do something for their country and ended up dead or tortured.

■ **Fritz Streiff:** How was Syria then, how was the life?

■ **Obeida:** Syria was a very beautiful country. We were happy. After my studies here, I wanted to return home.

■ **Fritz:** In a way, you were lucky to come to France.

■ **Obeida:** My wife said, "God likes us because you came here." We had this chance, but my brother Mazen, and my nephew didn't get the same chance.

■ **Fritz:** When Mariam lived in Syria, she worked as a teacher just outside of Damascus, the Syrian capital.

■ **Mariam:** When I became the principal of the school, the security services became part of the job. They'd ask me questions about other teachers: "Which ones are praying? Which ones are talking?"

My mother passed away, and we held the funeral at my brother's house. He was a well-known media figure, so the security forces surrounded the house and the garden where people were giving their condolences. We asked what was going on. They responded that we didn't have a license. A license for what? My mother had just died! You see, no matter what we did, security had to control it.

■ **Fritz:** Like Mariam, Obeida's brother Mazen Dabbagh also worked at a school in Damascus. He was an educational advisor at a French international school.

■ **Obeida:** Mazen liked Syria very much. He had the opportunity to visit France two or three times. He said, "No, I don't like this. I prefer to go back to Syria." And you see what happened to him because he loved Syria. You know, the people who like Syria are killed in that country.

■ **Fritz:** What kind of person was your brother?

■ **Obeida:** Mazen loved life. He always smiled and made jokes. Patrick, my nephew, was in his second year studying psychology. He was also a very kind boy.

■ **Fritz:** When was the last time that you saw them?

■ **Obeida:** In December 2010, three or four months before the uprising. We went to Syria to see the family. It was the last time I'd seen my brother and my nephew.

■ **Mariam:** Since he was a kid, Ayham was interested in volunteering. He was a very gifted student and would bring his

friends over to tutor them. Then in 2006, when there was a big wave of asylum seekers from Lebanon, he was one of the volunteers at the refugee camps. At the beginning of the Revolution, he had just finished his degree and was studying for his Master's. He immediately volunteered and began working at the Syrian Center for Media and Freedom of Expression, documenting cases of murder and detention that happened during the protests. When he went to protests, he would come back with red cheeks, his eyes bright with the joy that we, the parents of these youth, never got to experience, because it was forbidden. It was forbidden to speak. It was forbidden to chant. It was forbidden to have any ambition. I was happy for him because they were able to achieve something; they were able to dream of something, but the joy was never complete.

■ **Fritz:** Mariam's son, Ayham, was first arrested when agents from the Air Force Intelligence raided the offices of the Syrian Center for Media and Freedom of Expression (SCM), in February 2012. The employees present in the offices at the time were imprisoned. Ayham, along with some others, mainly women according to Mariam, was released after three months. Others, like Mazen Darwish, stayed in detention for years.

■ **Mariam:** The suffering and torture he was put through made him even more determined about the Revolution, and that we need to dismantle the regime. Ayham was to complete his Master's degree in just a few months. He continued his studies, his work, and his activism. He even attended workshops on justice and citizenship in Beirut. He came back from one of these workshops on November 4, 2012. The next day in the morning, he went to university and never came back. He worked at a dental office on Baghdad Street. He was supposed to be there at three o'clock. The doctor's secretary called me and told me that Ayham was not answering their calls. I told her that he would still be at university. Normally, he'd put his phone on silent. I never thought that something bad had happened to him.



■ **Fritz:** Mariam's sister visited her that evening. She had found out that Ayham had been arrested at the university. Mariam spent the next months trying to gather more information.

■ **Mariam:** I left nowhere unchecked. I went back and forth to different security branches, sending messages and asking, but there was no response.

■ **Fritz:** Could you share, based on what you know, what happened to them?

■ **Obeida:** After three or four days, his wife phoned me. She said, "Mazen has disappeared. Some officers from the intelligence service of the Air Force Army came to the house." It was on All Saints' Day in Syria, on November 3rd.

■ **Fritz:** Which year?

■ **Obeida:** In 2013. They came and said, "We are mandated by the intelligence service of the Air Force Army to take Patrick for investigation only. We will come to you after we finish with him." They came back the next day at midnight—they operate at midnight, I don't know why!—accompanied by a lot of officers and soldiers. They said, "You haven't educated your son well, so we'll take you to educate you." They added, "Mazen, you can go and change your clothes and put on shoes." As he liked to joke, he said, "No, where I am going, I know I don't need clothes or shoes."

■ **Clémence Bectarte:** I am a French lawyer. I have been practicing law for 15 years now, specializing in international humanitarian law and international criminal law.

■ **Fritz:** Can you walk us through the Dabbagh family case, for example? How did it start and what kind of experience has it been?

■ **Clémence:** I would say this case started like many others. It is the individual story of the Dabbagh family intertwined with the bigger story of the fight against impunity in Syria. Obeida

Dabbagh learned very soon in November 2013 that his brother and nephew had been arrested by the Syrian Air Force intelligence and brought to Mezzeh, a very well-known detention center, notorious for having the highest mortality rate among all Syrian detention centers, in the hands of the Syrian Air Force Intelligence. They had attempted to alert the French authorities because Mazen and Patrick Dabbagh were also French citizens, holding dual national citizenship. He had absolutely no response, despite knocking on every possible door, including the French President and the Minister of Foreign Affairs.

■ **Fritz:** One of the Dabbaghs' neighbors was apprehended alongside Mazen but was released after a couple of days. He managed to share details about the initial 24 hours in custody with the rest of the family.

■ **Obeida:** When they arrived at the intelligence service, they were instructed to stand by the wall and wait. So, they stood there like that for 14 hours.

■ **Fritz:** Following these 14 hours, Mazen's son Patrick Abdelkader was brought into the same room as the neighbor and his father, Mazen. But the three men were quickly separated.

■ **Obeida:** They took Mazen to a cell. The last words I heard from him were, "Please, I don't want to go there. Please, I cannot breathe. Please." You know, in these types of cells, there are 60 persons. So those were the last sentences my brother and this person shared...

■ **Fritz:** The neighbor.

■ **Obeida:** ... the neighbor. And from that time, we had no information about what happened to them.

■ **Fritz:** At the time, did you know why they took them?

■ **Obeida:** They told us that from the university, Patrick had contacts of activists saved on his cell phone. They wanted to know

the relationship between these people. It was maybe because Mazen has what we call in French a “franc-parler”, he always says what he thinks. This might have played against him, I don't know.

■ **Fritz:** Three months after Ayham disappeared, Mariam received information that he had passed away, five days into his detention.

■ **Mariam:** We arranged a funeral, and many students and professors attended. They were deeply, and I mean deeply, disturbed by what had occurred because Ayham was among the first students martyred in this manner. The students and teachers wanted to protest his death at the university, but I completely rejected the idea. I told them, “No, my son is gone. But you are all my children. Take care of your lives because your lives are more important than anything.”

■ **Fritz:** A few months later, the uncle of Mariam's daughter-in-law was released from prison. He mentioned having seen Ayham and suggested that he might still be alive.

■ **Mariam:** Just like any family with a detained member, we clung to any glimmer of hope that reports of his death might not be true. Then, a very difficult phase began for our family, lasting for a year and five months. Every day, except on holidays, I moved between military courts, filing applications in an attempt to learn more about Ayham and what truly happened to him. I visited the military police, and they informed me they had no news. I went to every possible place, seeking any information that might give me news of him. I just wanted to know whether he was dead or alive.

■ **Fritz:** Mariam spent close to two and a half years searching for more information about what had happened to Ayham. Then, during one of her visits to a military court, Mariam met a judge. She told him about her son. He asked her to come back in ten days.

■ **Mariam:** I went back to see him after ten days. He handed

me a document saying that I had lodged a complaint against the Syrian Intelligence Service. I remember reading in the report that “the so-called Ayham Moustafa Ghazzoul has passed away in one of the security branches.” After receiving this document including evidence that my son was killed at one of the regime’s security branches, the judge banned me from re-entering the military court.

One month after getting the paper that stated that my son died in one of the security branches, a political security force came to my brother’s house in Damascus, where we lived. They ordered us all to leave within 24 hours and leave all our belongings behind us. They threatened us with guns and weapons. One of the security personnel was pointing a rifle at my eldest son’s chest, and another guard pointed the gun toward us. My son’s wife was five months pregnant when that incident took place, and we knew that she was going to have a baby boy. They were going to call him Ayham, after my son. But when she saw her husband humiliated like that, with a gun pointed at his chest, the fetus died immediately in her womb.

■ **Fritz:** Mariam and her family left Syria for Beirut, Lebanon. However, their asylum applications were not all accepted by a single country. Consequently, the family was separated. One of Mariam’s sons now resides in New Zealand, while the other lives in a town in Germany. Mariam herself currently resides in the German capital, Berlin.

■ **Mariam:** While I was in Beirut, I heard that a young man had filed a complaint in Berlin. I learned that in Germany, you can file a legal suit even if those involved in it don’t reside in Germany, and even if the incident in question didn’t occur on German soil. So, I contacted those responsible for filing cases and informed them that I had evidence and wanted to start a case.

■ **Fritz:** Back in France in early 2016, Obeida Dabbagh met Clémence Bectarte for the first time. They began putting together a formal complaint, aiming at triggering a judicial investigation and

the appointment of investigative judges. These judges conduct the pre-trial investigation. This means they lead the investigation, usually working with the police to gather evidence and obtain witness testimonies. Subsequently, they determine whether to charge a suspect and proceed to trial. Once this process is underway, victims are granted extended rights. For example, they receive access to the case file and can request specific acts of investigation from the judges.

■ **Clémence:** Because Mazen and Patrick Dabbagh were French citizens, we knew we could target top officials of the Syrian regime without being bound by one of the restrictive criteria of the universal jurisdiction law—i.e., the residency of a suspect in France. And Obeida knew it. I mean, he has always been very conscious that he was the lucky one because he was safe in France with his family and could do what hundreds of thousands of Syrian citizens could not. He was acutely aware that it concerned his brother and his nephew, but it extended beyond that—it was also the narrative of a case that we could significantly advance. Consequently, he was eager to initiate a judicial investigation for this reason and also because he sought a way to find out what had happened to Patrick and Mazen. You know, we had absolutely no news. And this is precisely how it happened with enforced disappearances. They vanished. They were arrested in very brutal conditions, taken to Mezzeh, and then, we knew nothing.

■ **Fritz:** Enforced disappearances are a tragic crime, and in terms of the law, extremely difficult to prove. This crime has never been successfully prosecuted as an international crime. For families to file an enforced disappearance case, either in the courts of their new home countries or with international legal bodies, they need to demonstrate that they took legal steps to inquire with authorities in the country where the crime occurred, about their disappeared loved one. Generally, without evidence of taking those steps, they cannot file a case for enforced disappearance. But in Syria, asking the authorities for information about a disappeared loved one can

be highly dangerous, and can even put you at risk of arrest. At the Koblenz trial, the victims' lawyers tried to include the crime of enforced disappearance in the indictment, but the prosecutor refused, perhaps because the crime is just so hard to prove and he didn't want to fail at proving it. The crime of enforced disappearance is one of the allegations in the complaint that Clémence and Obeida filed about what happened to Mazen and Patrick Abdelkader Dabbagh.

■ **Obeida:** I expected it would take time, maybe because the pace of justice isn't like the pace of real life. It will probably take many, many years. But even so, you know, you document the case of your brother with the hope that this documentation, one day, will yield something.

■ **Clémence:** We managed to file this more formal complaint in October 2016. It was followed days after by the opening of a judicial investigation. We had reached the level where investigative judges were being appointed, and many very courageous activists and witnesses, Syrian victims, came to us and proposed to testify, to bring in the result of their documentation, what they knew about Mezzeh, the conditions of detentions there, who was responsible of the detention center, how we could document the chain of command, etc. This lasted around two years. In October 2018, we managed to get the issuance of three international arrest warrants, one of which was against Ali Mamlouk. We were very happy about this one because you know, he was acting as number two of the regime. Of course, Bashar al-Assad could not be targeted by the French investigative judges, because he enjoys full immunity as a sitting head of state. The other warrants targeted Jamil Hassan, the head of the Syrian Air Force Intelligence, and Abdel Salam Mahmoud, who at the time, was head of the investigative branch of the Air Force Intelligence, and in this capacity head of the Mezzeh detention center.

■ **Fritz:** The investigative judges and the prosecutor, along with the advice of the prosecutor's office at that moment, can issue

those arrest warrants because they're convinced that if this case went to trial, a conviction would be likely. Is that fair to say?

■ **Clémence:** Yes, of course it is. The international arrest warrant is the equivalent of what we call in French “mise en examen.” It often translates as an indictment, but you know, they could not be indicted—brought as defendants into the case—because they are still in Syria. But otherwise, this would have been the judicial decision. And because they were not accessible to the French justice system, these arrest warrants were issued. It was of course a very strong signal. The prosecutor and the investigative judges made this decision because they knew that they would then be in the capacity of sending those three top officials to trial.

■ **Fritz:** Mariam also had success with the criminal complaint she was part of in Germany.

■ **Mariam:** My case was accepted because of the documents I had in my possession, in addition to the fact that my son died in detention. As a result of the complaint, an arrest warrant against Jamil Hassan, the head at the time of the Syrian Air Force Intelligence Directorate, was issued by the Federal Court of Justice.

■ **Fritz:** This is the arrest warrant that Germany issued for Jamil Hassan in 2018, which came as a result of multiple complaints filed by the European Center for Constitutional and Human Rights in Berlin on behalf of Syrian victims and survivors. So now both Germany and France have issued international arrest warrants for Hassan, but only the French warrant, as far as we know, also names Ali Mamlouk and Abdul Salam Mahmoud publicly.

As well as trying to hold the most guilty accountable, the building of these cases, especially when they concern an enforced disappearance, is also very much about families finding out what happened to their loved ones and in doing so, obtaining an official record of the truth.

■ **Clémence:** One of the turning points of the investigation in 2018 that I forgot to mention before the issuance of the international arrest warrants, was that Obeida was able to access the death certificates of Patrick and Mazen, at a time in 2018 when under the pressure of the Russian regime, Russians and Iranians, the Syrian regime started to issue death certificates for 20,000 individuals approximately, so nothing compared to the number of still disappeared and people in detention in Syria. But they started to issue these death certificates, and this is how Obeida was able to learn about the death of his brother and nephew. We just have a date, but we don't know what were their conditions of detention. Of course, we can only imagine how it went and that they died under torture. But we don't know where. We don't know how. And of course, Obeida didn't get also the bodies back and was never able and the family to bury Mazen and Patrick.

■ **Obeida:** This document said that Patrick was dead on January 21, 2014, one month and a half after his arrest. As for Mazen, he died three years later, on November 25, 2017. There was no explanation of the cause of death or what happened to them. I think Patrick was sentenced to death and maybe he was executed. Mazen, no. Maybe he died after because he had a blood pressure problem. I think they didn't give him the right medicine. But we don't know how they died. We don't know where they are buried. All this information is not available. So for me, it's like they are in disappearance. They have not died, they have disappeared like many others, and maybe one day they will come back. I hope they will.

■ **Fritz:** Between 2011 and 2013, tens of thousands of photographs were taken of corpses who had died in detention, by a Syrian military photographer. The photos were smuggled out of Syria by the man who is known only as Caesar. They were made available to investigating authorities like the FBI and its German counterpart, the BKA, which in turn verified their authenticity.



■ **Mariam:** Many families were able to recognize their beloved children, siblings, husbands, brothers, fathers, or friends amongst the Caesar photographs. I visited Mazen Darwish and we talked about these issues. We had the idea of founding the Caesar Families Association, which started with five families, and now includes around 55 families. The association brings together the families that recognized their loved ones in the Caesar photographs.

■ **Fritz:** It was through this kind of access that Mariam was able to find out more about the circumstances surrounding Ayham's death.

■ **Mariam:** A survivor of detention who had been with Ayham during his first detention, saw the photos and recognized Ayham in one of them. He was able to recognize him because his face didn't change much like other people who were detained for a long time and whose pictures were terrifying.

Most of the hospitals in Syria are named after Bassel al Assad, Bashar's older brother, who died. When Ayham died, the Free Syrian Army named a hospital in Dayr Atiyah city after my son. Since he was a doctor, I want him to be remembered by naming a hospital or another medical facility after him.

■ **Fritz:** You know, everybody always uses the word 'justice', but it means many different things, I think, to individual situations. For you and your family, what does this word mean?

■ **Obeida:** I think justice, for him, would mean showing all people that the regime was criminal, disregarding human rights and dignity. If these three individuals were ever sentenced, it wouldn't bring back my brother or nephew, but it would restore their dignity. It would acknowledge their suffering under the regime. I'd certainly be happy to see these three individuals condemned.

■ **Clémence:** The investigation on the Dabbagh case was closed a couple of months ago and now the prosecutors and judges are working to issue their final orders to send the case to

trial. It is possible in France to hold in absentia trials, which give also procedural guarantees that were inspired by rulings from the European Court of Human Rights, where the defendants, although absent, can be represented in court, and if they are arrested one day, they can be retried. They have the right not only to appeal but also to have a new trial.

■ **Fritz:** Which of course, is a huge difference to other jurisdictions, to other countries where this is impossible. And I can imagine that this opens doors in France, which can be a pretty exciting opportunity.

■ **Clémence:** It is an exciting opportunity. It will be also controversial, due to the nature of an in absentia trial, where defendants are not able to exert their right to defense. Of course, these trials are shorter because of that. Nonetheless, this will be a public trial, enabling a lot of victims to appear in court. It's always important to remember that we're engaged in a very long-term battle and that this is only a first step, but let's not deny that it is a significant step in itself.<sup>1</sup>

■ **Mariam:** The international community hasn't decided to support us yet, and this is what is stopping us. I think that when it decides to end the role of Bashar al-Assad, peace will prevail. We still have a lot of work to do. Removing weapons from people's hands will take a long time. But one day this will end, I'm confident.

■ **Obeida:** If God gives me life, I truly hope that a trial takes place to condemn Bashar al-Assad, especially him. I hope I will one day see this trial. I hope God gives me life to see this. It will be my happiest day.

■ **Mariam:** I still can't determine who should be held accountable

1 On 29 March 2023, the investigating judges of the war crimes unit of the Paris Judicial Court ordered the indictment before the Paris Criminal Court of three senior Syrian regime officials: Ali Mamlouk, Jamil Hassan and Abdel Salam Mahmoud, for complicity in crimes against humanity and war crimes in the Dabbagh case. The trial will take place in May 2024.

for Ayham's death. A long chain of people was involved in his murder. But can we truly hold all of them accountable?

■ **Fritz:** Mariam raises an interesting question. Because of the sheer scale of crimes, not every single person who committed a crime in Syria will be tried in a criminal court. There are simply too many people to prosecute. This is one of the main reasons why so many of the case-building efforts by Syrian civil society organizations, lawyers, activists, and so on are concentrated on targeting the highest-ranking officials—even if they are still in Syria and won't be caught anytime soon. Nevertheless, holding accountable those who carry out the crimes rather than those who give the orders remains important, as part of the complex justice and accountability for Syria puzzle. This is already happening in European courts, but there remains one group that is often overlooked. These men, violent thugs responsible for carrying out much of the regime's dirty work, are called the shabiha. The shabiha only unofficially work for the regime and so are hard to tie directly to them, which also makes it difficult for the law and investigators to pin them down.



CHAPTER

# 8

## GHOSTS

Season 1 | Episode 8 | November 18, 2022<sup>1</sup>

*Many men carry out the Assad regime's bidding, from soldiers in the army to the intelligence officers of the Mukhabarat. However, there's another group known as the "shabiha", roughly translating from Arabic to "ghosts". These individuals undertake much of the regime's clandestine work but are only informally linked to the Assads.*

*Who exactly are these "ghosts"? Where did they come from, and what crimes are they responsible for? This chapter will attempt to answer these questions.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edey-Lindner, with editorial support from Mais Katt. Translation of guests' original Arabic words by Alaa Hassan.

■ **Ammar Daba:** I am a comedian, writer, screenwriter, and podcaster. I was born in Damascus in 1978. Damascus and Syria were very strange because we lived under the rule of Hafez al-Assad, the father of Bashar al-Assad, and it wasn't very nice. It wasn't nice at all, to be honest. I left the country in 2005. Yeah, five years of Bashar al-Assad was enough for me.

I believe the term and the actual visibility of shabiha seamlessly slid into our consciousness and our lives. We always saw oppressive people who could do whatever they wanted and were above the law, although dressed like every other civilian. There was no law, it was like the jungle. So when the shabiha became more visible, it wasn't very strange. We were like, "Okay, now we have this on top of everything else."

■ **Fritz Streiff:** The Assad regime has a vast coercive apparatus, with numerous tools at its disposal used to instill fear and inflict violence. We've heard about some of these tools already, as well as the cases being built around them: the army and its use of barrel bombs and chemical weapons as well as the Mukhabarat, and its systematic use of torture and enforced disappearance. But there's another tool that the Syrian regime uses, one that has gone largely under the radar and more easily evades the reach of international legal systems. It is a group of men who carry out violence for the regime, yet their ties with it are unofficial, opaque and difficult to establish. This group is many things at the same time; perhaps the best way of describing them is as a phenomenon. Who are the shabiha?

■ **Ammar:** I started hearing about the shabiha from my friend in school. His mother was from Latakia, and he used to tell me what he saw when they went there. He was talking about these huge gangs headed by the cousins of the president, Fawaz al-Assad and Hilal al-Assad. These guys were involved in smuggling, running guns, Drugs, and everything. So, these gangs used to fight in Latakia, in the city, and there would be shootings. It was just crazy.

■ **Fritz:** The Assad family has its roots in Latakia, a coastal area in the west of Syria. They are from the village of Al Kurdaha, in the mountainous region of Latakia.

■ **Tarek Azizeh:** I am an author and a researcher from Syria. I was born in Latakia in 1982. I studied law at the University of Damascus and graduated in 2006. I shifted towards journalism, then academic writing. I had to leave my home country towards the end of 2014 because of my political stance. I have been living in Germany for a few years now.

I remember from childhood that the word shabiha was the name given to the thugs who worked for some members of the Assad family, specifically to those who were notorious in Latakia for doing illegal business like smuggling. These men were outside the reach of law because of their connections to the Assads.

Young men in the area saw an opportunity for a job if one can call it that. The coast was one of the most impoverished regions, with few job opportunities and low income averages. Some people wanted to be close to the power of the Assads, so they started working as drivers or bodyguards, eventually leading some smuggling operations or even committing crimes like murder.

■ **Ammar:** We didn't see that in Damascus. But over the years, we started seeing more and more of this, and it wasn't entirely unfamiliar to us. We've seen people dressed like everybody else, not in uniform, carrying guns, wielding AK-47s, walking on the streets.

■ **Tarek:** They moved around like the gangs you see in the movies with bodyguards, fancy cars, black attire, and dark glasses. They used a specific Mercedes car model, nicknamed the Ghost back then.

■ **Ammar:** shabiha comes from "shabah," which was the nickname we used for the Mercedes 500 SEL. This was a big, fancy car that the corrupt bosses used to roam around in, followed by three or four more Mercedes.

■ **Fritz:** In the eighties and nineties, the term shabiha was associated with corrupt men, mafia-like men, and the thugs who worked for them. All of these men were linked to the Assads in opaque ways. Like any other gang or mafia organization, they did not wear uniforms or insignia. They did not have any official ties with the regime. So how did regular civilians know who was a member of the shabiha and who wasn't? Were there other ways to identify and recognize these shadowy figures?

■ **Ammar:** Well, puffed-up guys with guns. They aren't easily mistaken. They are just there, big people... When I was growing up, tattoos were not a thing. If you had a tattoo, you were considered a badass. Now, those guys had tattoos, mostly symbols of the Alawite sect from what I've seen. For instance, you see the sword of Ali, a religious figure symbol. They are hard to miss, they stand out.

■ **Tarek:** The Assads' shabiha came from different sects. As they depended mainly on the people of their region, there was a higher percentage of the Alawite sect. But within the close trusted circles of the Assads, some well-known individuals were not Alawites.

■ **Ammar:** I don't believe so, and that's my personal view. It's my opinion. I don't believe they originated from a specific town or region. There's this reputation that they all came from the coastal parts of Syria, which I genuinely disagree with because I believe the shabiha phenomenon became a culture, a part of the culture, a big concept. This concept is based on maintaining fear, preventing people from expressing or showing any kind of resistance. So, I don't believe they came from a specific part of the country. Anyone who tended to ride that wave would join.

■ **Uğur:** If you look at the makeup of the shabiha, it is an incredibly varied group. There are people from all walks of life who joined them. But there are two important distinctions we need to make when we look at it. On the one hand, we see the Assad family. A lot of these men in the leadership positions of shabiha are in



one way or the other related to the Assads, either by marriage or by blood. They have promised either explicitly or perhaps implicitly to support the regime with weapons when the need arises.

■ **Fritz:** Uğur Üngör is a historian and sociologist at the University of Amsterdam, whose main area of interest is the historical sociology of mass violence and nationalism.

■ **Uğur:** And on the other hand, you have the second profile of the shabiha, those people who join out of their own volition, kind of as vigilantes. And then they try to ingratiate themselves to the regime by committing violence for the regime. There are various possible reasons for this. I mean, they can believe in the regime, love al-Assad, and want to commit violence for him so that he stays in power. But they can also be opportunistic people, who just want to be close to the centers of power, and they think the regime needs people to help it stay afloat.

■ **Fritz:** There are many ways to describe the shabiha and how the phenomenon has developed over time. We could describe them as a gang of thugs or as mercenaries, as mafia henchmen, or as an armed civilian militia. Uğur Üngör believes that they fall under the definition of a paramilitary group.

■ **Uğur:** A paramilitary group is an armed group that does not fall under the official apparatus of coercion of a state, such as the army or the police, but that commits violence for that state. So, these are often semi-official groups that have intricate, indirect, and sometimes imperceptible ties with political leaders. The whole point of these ties being imperceptible or surreptitious is exactly for the uninformed observer or bystander, the violence that they commit can't be directly traced back to the state. And these paramilitaries crawl out of the woodwork, whenever there's a crisis or whenever the regime is challenged. They are armed and they are given carte blanche to commit violence against the adversaries of the regime and to repress or to stop the threat or, you know, repress the uprising.

■ **Fritz:** This is exactly what happened when the regime faced the most recent and greatest threat to its power for decades: the 2011 revolution. From 2011 onwards, what it means to be a shabiha changed.

■ **Tarek:** After the Syrian Revolution started in mid-March 2011, the regime mobilized all of its official and unofficial forces to confront the challenge. From the early days, Latakia was part of the Revolution, which was surprising, since Latakia has always been described as the stronghold of the regime. This drove the regime absolutely crazy.

The intelligence started to spread rumors between neighborhoods, warning that one neighborhood was about to attack another. Every neighborhood had someone connected with the regime. The person that was sent there was usually a member of the security forces or even a retired member of the security apparatus. They began to form what was called popular committees and justified them as protection for the neighborhood. We didn't know what they were protecting us from.

The regime didn't want people to go to the streets and protest, or even leave their homes out of curiosity to see what was happening. So, what is the best way to keep people in their homes? It is to scare them. The shabiha of the Assads took to the streets and went around the city shooting bullets randomly in the air. People didn't dare to leave their houses.

■ **Uğur:** When the uprising began and especially as it spread and escalated in the country in the spring of 2011, one could ask the question: Why would a regime that has recourse to so many different violence agencies like the intelligence, the army, the police, and the Special Forces, rely on a bunch of amateurs like the shabiha? They aren't trained in subduing crowds, nor in police, army, or military work. There are several reasons for that. First of all, of course, the regular army didn't want to do much of this

work. The regular Syrian army—the standing army—is a cross-section of Syrian society. And these men didn't want to shoot at the demonstrations. So as the number of conscripts and their influence in the army dwindled, the regime had to rely on another force, a loyal force that would do the things it demanded—and that was the shabiha.

■ **Tarek:** The security apparatus was not equipped to control the popular momentum. The regular forces were not enough. So the regime started bringing in militias like Hezbollah or other Iraqi or Iranian militias.

So those people invested in the phenomenon known as “popular committees”. They started to train and finance them. It was organized under a framework known as the National Defense Forces. The name shabiha was cast on all those forces who were not official state forces, but who would fight for the regime. Unregulated militia were later named paramilitary forces. On many occasions, Bashar al-Assad thanked the army and the paramilitary as well as his friends, by whom he meant his sponsors, the Russians and the Iranians.

A member of the shabiha took on another meaning. The phenomenon no longer means the same thing, but the general framework remains an entity unofficially connected to the regime, doing its dirty work, and committing illegal actions and violations that support its interests. So, the core is the same. The principle is the same.

■ **Uğur:** The second important reason why the regime relied on the shabiha is that they provided a facade of popular support. You know, when al-Assad was criticized for sending shabiha to repress the demonstrations, he said, “You know, I also don't like this idea, but they love me and the people want to defend me. I have popular support, and just as there are demonstrations against me, there are these vigilantes as well, they may be getting a bit emotional and kind of get carried away, but they support me.”

The third very important reason is the notion of plausible deniability. The regime could always say—and it did say a couple of times—that they had nothing to do with the shabiha violence. When reports came out in the city of Homs, for example, in April, May, and June 2011, of shootings, beatings, stabbings, mass killings, torture, and sexual violence perpetrated by the shabiha, every Syrian knew, of course, that the state was behind them, that the regime was behind the shabiha. The only reason these groups of young men, armed to the teeth, highly masculine, and often sectarian, could go into these neighborhoods and kill people is because the regime's official organs the army—the police and the Mukhabarat—allowed them to do this. The type of violence that was expected of the shabiha could not have been committed by the regular organs of the regime, because then that violence could have been traced back up the chain of command, right back to al-Assad himself.

■ **Fritz:** This lack of a chain of command, official organization, and hierarchy, makes it comparatively difficult for civil society organizations, police, and prosecutors to build cases around crimes committed by the shabiha.

■ **Uğur:** In many ways, you could argue that paramilitarism works. It has certainly been successful for the Assad regime. The shabiha phenomenon has been very effective because as of today, there are no examples of shabiha members arrested and tried in Europe or elsewhere. They are all free. That's also one of the reasons why Syrians, including me, are cynical about the prospects of justice.

■ **Fritz:** International criminal justice is a complex field of law. It tries to define and then establish at a trial the criminal responsibility of those participating in atrocity crimes like genocide, war crimes, and crimes against humanity. This can be pretty straightforward when there's a classic war between two states, like the war of aggression that Russia is fighting in Ukraine right now. Or when a violent suppression of a popular uprising turns into a civil war

between a regime and armed groups, that identify themselves pretty clearly with uniforms, emblems, a flag, and so on. But as the war in Syria has shown, it is not always that simple. And the law struggles when things become more complicated. To an extent, it can keep up with some of these complexities. Non-State groups, like formalized militias, can be fairly straightforward to prosecute. And this is already happening in the justice and accountability for Syria space. For example, there is a trial currently ongoing in Berlin, Germany, in which the defendant is suspected of being a member of the Free Palestine Movement, an armed militia fighting on behalf of the Syrian regime. The man known as Mouafak al D. is accused of having fired a grenade into a crowd of civilians in the Yarmouk refugee camp in Damascus, killing seven and heavily injuring three others.<sup>1</sup> Another case against a member of a pro-regime militia, Liwa Al-Quds, is being prepared and is likely going to trial in The Netherlands in the first half of 2023.<sup>2</sup> But as soon as these armed groups become more opaque, with unclear identity, leadership, and backing—exactly like the shabiha—the difficulty of investigating them and taking them to trial grows exponentially, even if some members are now living in Europe and are within the grasp of European legal systems.

**Uğur:** There's nothing more than just eyewitness testimony—often not even enough as there's no paper trail. The regime didn't write on a piece of paper anywhere saying, "We are now authorizing the shabiha to go and kill people." Such a document most likely doesn't exist. It was also exceptionally difficult for prosecutors to make the case. I know, for sure, of a shabiha member who was active in Damascus then fled to The Netherlands. He was recognized in the refugee camp. The police arrested him, and his case was sent to an investigative judge who dismissed the case because she said the

1 The Mouafak al-D. trial ended on 23 February 2023 with the Higher Regional Court in Berlin convicting the accused and sentencing him to life imprisonment.

2 On 22 January 2024, Mustafa A. was convicted and sentenced to 12 years imprisonment.

pictures of that man, his videos with an AK-47 at a checkpoint in Damascus, and the eyewitness testimonies, were not enough. The reason? first and foremost, the militiamen don't wear any military patches, so he was unrecognizable. You know, he doesn't fall under one or another organization. That's very interesting because the whole point of shabiha was to create distance, obfuscation, and organizational confusion as to under which command these groups fell. The shabiha phenomenon was set up to be undetectable and untraceable back to the regime. They committed a lot of violence and even fled to Europe. But despite the resources and the capacity of the European legal system, they couldn't tie him to the regime. The guy was freed and he's still free.

■ **Fritz:** This also raises the question of why are these men leaving Syria.

■ **Uğur:** I don't have a clear answer that covers all the cases, but I can give you some examples of individuals who left because they felt the conflict was too militarized. Because, you know, hanging out in your neighborhood with some AK-47s, driving around in a Mercedes and feeling powerful, terrorizing neighborhood residents, and asking for ID cards, all that was fun according to many of these people. But the moment the shabiha got called to fight at the front against battle-hardened armed opposition rebel groups, many of them gave up because they didn't want to go to the east of the country, in the desert, and die there. They preferred to stay in Damascus and just have a good life. For many Syrians who suffered the shabiha's violence, this is profoundly shocking. I've spoken to several Syrians in Europe who said that they saw shabiha torture others, at least they met men at the checkpoints, real tough guys who were bullying, terrorizing, and threatening them at those checkpoints, and then all of a sudden, they would see one of these in some supermarket in Amsterdam. This is deeply shocking and strongly undermines the process of asylum and certainly that of justice.

■ **Tarek:** The most important point is that the shabiha had a role in committing war crimes, or were members of forces that committed massacres and violations. They are present in Europe and when they get recognized by other Syrians, an effort should be made towards official procedures so that they can be put on trial and held accountable. We are starting to see this nowadays, and I think that this is one of the most important things that Syrians who are concerned with justice for Syria can do now. They shouldn't save any effort to push for that. When there is a member of the shabiha and someone recognizes him, or if there was a witness to some violation or a crime he committed, one should not hesitate to get in contact with the authorities working on the legal cases.

■ **Fritz:** Although eyewitness testimonies haven't yet worked to successfully send a shabiha case to trial, they are hugely important in international criminal case building. They are perhaps the most fundamental part of a case when international investigators do not have access to the crime scene, which has been a major challenge in the Syrian context. Contextual information and so-called crime-based evidence like verified videos, photos, reports or even samples, can all be extremely important as a basis for a case. But without direct eyewitness testimony about the crime and possibly the perpetrator, the case might fall flat. Witnesses are the lifeblood of trials like these. Legal proceedings can be very difficult for witnesses. They are questioned, repeatedly, asked to go over and over the details of what is often one of the most traumatic events of their lives. Witnesses then have to repeat their story in a courtroom, in front of an audience, this time to try and convince lawyers, judges, and possibly a jury that they are telling the truth, which is especially hard if the event in question happened years ago. It is a very tough process and one with an unknown outcome. Witnesses can go through all of that and still, at the end of this highly emotional and taxing experience, the accused can get away.





## THE BEAR WITNESS

Season 1 | Episode 9 | November 25, 2022<sup>1</sup>

*Witnesses are the lifeblood of criminal trials. However, legal proceedings can prove extremely difficult for witnesses. The act of recounting traumatic experiences can lead to physical and emotional exhaustion, with the constant risk of becoming re-traumatized forever looming.*

*This chapter delves into the firsthand account of a witness who testified at the Koblenz trial, in addition to the experiences of legal practitioners who put careful consideration for witnesses at the heart of the case-building work that they do.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt.



■ **Ammar Al Khatib:** The Syrian regime obliterates the facts and tampers the crime scenes, but the testimonies of witnesses bring the truth to the surface again. For instance, after the departure of the Syrian opposition and many of the residents of the Damascus suburbs, the Syrian regime removed some of the mass graves of the victims of the chemical massacre. They tried to state that the chemical massacre was fabricated by the opposition and that there were no mass graves in the first place. However, the witnesses had documented data on these incidents, including videos and pictures of these graves. They could testify about what they had witnessed while also providing actual evidence, videos, and pictures to back up their testimonies.

■ **Joumana Seif:** The survivors, the plaintiffs, and the witnesses play the most important role, and I believe the evidence they provide is the most important.

■ **Toby Cadman:** It is also very difficult for many of these individuals to meaningfully participate in this process when they're still suffering from the effects of the conflict. They still have family

inside Syria and are accordingly putting a lot at stake to ensure that there is a process of justice and accountability.

■ **Rowaida Kanaan:** It was one of the most difficult days I had experienced since my detention. They wanted to know the most specific of details. They would ask me about the distance between points A and B, or how big the room was. The details were so specific that for a moment, I felt I had returned to that place. I could smell it. I could hear the voices interrogating me. It was an extremely difficult day. Truly, truly difficult.

■ **Fritz Streiff:** Witnesses are the lifeblood of any international criminal case. But human memory is not perfect, especially when the events in question occurred long ago and were traumatizing to begin with. The emotional investment that is asked of witnesses can make testimonies and the cases being built around them a very taxing and fragile process, and one in which careful consideration for the human being is not always made the top priority.

■ **Rowaida:** I am Rowaida Kanaan from Syria. I currently live in France but I am from Zabadani, a city near Damascus. I used to work in Damascus as a mathematics teacher. My interest in politics emerged in 2008 after I traveled outside of Syria. It was a shock for me to witness how people outside of Syria lived more comfortably. This is when I began reading about the history of Syria and gradually entering the world of politics. And then the Syrian Revolution erupted.

I have been detained three times. The first time was at the end of 2011 due to my participation in a demonstration. It lasted three or four days. The second arrest occurred in February 2012. At the time, the regime was bombing the Khalidiya area in Homs. Our comrades informed us of the extensive casualties and urgent need for medicine. We gathered medicine from anywhere possible and stored it in my house. Around 1 a.m. one night, security forces surrounded the entire house, and I was arrested along with the medicine. Sadly, it never reached Homs.

■ **Fritz:** Rowaida was arrested again in June 2013. This was her longest detention, lasting around ten months.

■ **Rowaida:** I was arrested because of my press card. They did not know who I was working for. They just saw the word “press” on the card and automatically assumed that I worked for Al Jazeera, so they arrested me.

■ **Ammar:** When I was imprisoned, I recorded the names and information of the detainees I met. Other prisoners did the same. We used to memorize the names of the prisoners, their phone numbers, and their characteristics to be able to deliver this information to people outside the prison, namely their families.

■ **Fritz:** To protect his identity, Ammar’s real name has been changed. Like Rowaida, Ammar was arrested for participating in the Syrian Revolution. He was transferred across multiple security branches and prisons, including the notorious Saydnaya prison before being released.

■ **Ammar:** When I got out of prison, I was trapped and constantly harassed by the security forces. They kept summoning me and interrogating me. I decided to move out of Damascus to the north of Syria and embarked on a very dangerous journey where I was smuggled to Idlib. I subsequently moved to Turkey. There, I underwent courses in the field of documenting violations and taking legal testimonies. I started working at the Syrian Center for Media and Freedom of Expression (SCM) in 2018.

■ **Fritz:** Ammar now works as an investigator for SCM. He seeks out witnesses and documents their testimonies, ensuring they can be used in subsequent legal proceedings. He doesn’t only speak to people who are survivors of the Syrian regime’s crimes.

■ **Ammar:** We communicate with officers who have defected to gather as much information as possible. It’s not enough for us that the officer has defected from the regime to believe his testimony

and use it. We verify the authenticity of the testimonies of the defected officers to make sure that they did not take part in acts of violence against civilians or commit war crimes. We do that by scrutinizing their testimonies and the context of events, aligning this information with the dates of their defections, locations, military service areas, and the position or rank they held. It's worth mentioning that we have greatly benefited from the testimonies of defected officers.

■ **Fritz:** There are different ways to build an international criminal case. Some cases emerge from the witnesses themselves, what they have seen and experienced then forming the basis of the case. Other cases begin with a particular crime, such as an attack on a hospital. Civil society investigators like Ammar will then seek out witnesses connected with that crime.

■ **Ammar:** Sometimes we have an open case and start searching for possible victims and witnesses who can help us with proving the charges and supporting the evidence and the case we are working on. Other times, the victims ask us to help them build a case. Some cases have started with the testimony of one person who contacted us and told us that he saw a criminal he recognized somewhere. Here, we start investigating to get acquainted with the details and then we search for additional witnesses and open the case.

■ **Fritz:** After receiving a call that implied she might be ambushed and detained once again, Rowaida decided to leave Damascus. She undertook the same journey as Ammar, traveling first to Idlib in the north of Syria and then continuing to Turkey.

■ **Rowaida:** Let me tell you something. When I was in Turkey, I was with a friend I had also been detained with. We learned of a defected officer who used to work at the al-Khatib branch.

■ **Fritz:** The al-Khatib branch also has another name, Branch 251. This is where Rowaida was detained the first time she was arrested.

■ **Rowaida:** My friend and I thought that we could start collecting witnesses' testimonies. We teamed up with an organization working on justice and accountability. This was in 2016. We never imagined back then that there would be a court hearing.

■ **Fritz:** After three years in Turkey, Rowaida sought asylum in France.

■ **Rowaida:** When I got to France, my friend who worked with the European Center for Constitutional and Human Rights (ECCHR) called me and informed me that they were about to file a case against an officer who worked in the al-Khatib branch. It turned out to be the same officer we had learned about in Turkey: Anwar Raslan.

■ **Fritz:** This is the case that evolved into the Koblenz trial, making the first instance ever of a European criminal court prosecuting the Syrian regime's crimes against humanity.

■ **Rowaida:** In my first meeting with ECCHR, they wanted to determine if the date of my detention aligned with the time he worked at the prison. I initially thought that since I was detained at the branch for only four days, maybe it wasn't worth pursuing a case. I was also worried about my sister's safety in Syria, fearing potential risks from the authorities. We spoke at length about every aspect and I wasn't in any way forced to do anything. They were just putting all the options on the table. Ultimately, I agreed to testify.

■ **Ammar:** Many witnesses fear for their safety or that of their families. The witnesses' families could be subjected to harm, danger, or pressure if they live inside Syria, within the regime-controlled areas. Even the witnesses who live in Syria's neighboring countries can feel threatened and endangered. Our policies and the way that we work focus largely on the safety of the witnesses. And so, we have procedures in place aimed at protecting them

as much as possible. For example, we only communicate through secure channels. It's not our job to convince the witnesses. They have the ultimate freedom to testify if they want to or not. But we dispel their fears and try to be realistic. We explain the dangers of testifying, as well as the methods of protection the judicial system can provide. What we try to address is the frustrations Syrians feel, as most of them feel that their testimonies are worthless and won't change the reality.

■ **Rowaida:** During my testimony, I was accompanied by a German lawyer. The session also had a German-Arabic interpreter. Two detectives were present, and since I was being brought in by the French judiciary, two individuals from there also accompanied me. I already knew the lawyer assigned to me. He was very engaged in the case, and well-informed about the situation in Syria and this case specifically. They took care of everything, including the lawyer's payment, my accommodation, and my transportation.

It was a very long session. We started around 9 a.m. and finished around 6 p.m. We only had one break for lunch, and we were talking the entire time. It was an exhausting day on every level. By the end of the day, they gave me time to read the translated text. I made sure that everything was written accurately, and then that was it. A painful day was over.

■ **Fritz:** Witnesses are integral to cases. Yet, unlike crime-based evidence—such as videos that can be paused and replayed at will, or even blood samples that can be taken in and out of storage, examined, and re-examined repeatedly—witnesses are human beings. The physical and emotional exhaustion of retelling, in great detail, a traumatic event takes its toll, and the looming prospect of re-traumatization is always present. It is sometimes true that in the building of these cases, witnesses are side-lined and are not treated considerately as human beings with changing wishes, needs, and desires. Once they have given their testimony, it can happen that little aftercare is provided. This is partly why Leila



Sibai and Mariana Karkoutly, two Syrian legal practitioners, have put deep and careful consideration for their witnesses at the heart of the case-building work that they do.

■ **Leila Sibai:** I am a legal practitioner. Mariana and I started working together a bit over two years ago in 2020, and we've been developing our casework since then.

■ **Mariana Karkoutly:** I am Leila's colleague. As she said, we've been working together for two and a half years in legal investigations related to war crimes and crimes against humanity committed in Syria.

■ **Leila:** To Mariana and me, our work inherently revolves around the outcome desired by the individuals we work with. Without them, there wouldn't be a case. Witnesses are needed to make a strong case, but if they are not interested in this approach to justice, then perhaps it's not the right case. We constantly discuss how to prioritize their needs, acting as intermediaries—legal practitioners skilled in navigating the system—aiming to facilitate the form of justice they seek. That means building long-term relationships with the individuals we're working with. This approach is known as a survivor-centered approach, an aspect that's gaining more attention along with discussions on the ethical dimensions of our work. Prioritizing this aspect should receive more attention than it currently does.

■ **Mariana:** After we reach out to people, we constantly remind them, and ourselves, that they don't have to give their testimony. We are working on this case, but the decision is up to them. It is very tiring to constantly look for and talk to people who are not necessarily direct victims. This is where it becomes essential to remind oneself: this is not about me, it is about them. This fosters longer partnerships and creates a snowballing effect. When the individuals trust you and understand that everything you are saying to them is transparent, honest, and manages their expectations,

they can refer you to others and say, “I have a cousin who was detained there and who would like to speak to you.” As a result, more victims and survivors willingly speak to you and trust what you are working on.

■ **Leila:** We are working on the basis of informed consent, and we understand that the person cannot consent unless they know what they’re consenting to. This is why we spend quite a lot of time in each interview or conversation explaining to the individual what we can and cannot do, who we are, and that they have a right to stop the process and withdraw their testimony at any point. A lot of legal organizations take consent during the interview and based on that consent, share the testimony. We have that right but we don’t act on it. This means that we will not share any information with any legal body or anybody whatsoever unless the person has recently agreed to this specific information being shared with this specific entity for this specific case. As a result, if the person no longer feels interested in justice then no matter how important their testimony is, it will not be shared because we need to be constantly keeping them up to date on what we’re currently doing, and the time it takes to develop a case—because it takes years. Sometimes people consent thinking it is going to take six months, but we get back in touch a long time later.

■ **Rowaida:** I feel that I have a coping mechanism where my brain blocks out difficult parts of my life. I don’t speak or even think of them. But in this testimony session, the block was removed. When they took me back to those details, I felt this person and everyone associated with the system should face accountability. And now I had the chance to help that process. I even decided by the end of this session that I wanted to be a plaintiff.

■ **Fritz:** A plaintiff or a civil party is a survivor who has given testimony saying that they have been directly harmed by the defendant. As direct victims, many jurisdictions allow for these witnesses to take a more active role in the proceedings in comparison

with other witnesses. In a way, they officially join the prosecutor in the case against the defendant. Accordingly, they would generally have the right to stay informed about pre-trial developments, have access to parts of the case file, and file requests for adding more evidence and charges. Most importantly, though, they have the right to speak during the actual public trial, this time in a courtroom in front of judges. Rowaida traveled to the al-Khatib trial in Koblenz to testify.

■ **Rowaida:** I went in thinking not about what I would say in court, but about the fact that I will see that man again. I also thought about my friends who were with me in prison and whether this meant that justice would be served for us. Would they have been happy with this? I thought about all this until I reached the courthouse.

When I arrived, I had a different lawyer whom I had met one day earlier. His name was Sebastian. He wouldn't interfere with anything I said. It was more about being in the atmosphere than about being prepared. Having a prepared statement might risk muddling the facts and order of events. That is why they try not to engage in details, so the brain doesn't get lost in them.

■ **Mariana:** We do not write word by word what the witnesses say, instead we take notes of what they share. Leila can elaborate more on this. We report that the witness has mentioned this or that, as the memory is influenced by trauma.

■ **Leila:** Mariana explained it beautifully. What we are doing is just ensuring the notes we have reflect what the person said. Our notes are written in the third person, as a memorandum of our impressions of what the witness said, because this is what it is. There's no way that anyone can ever write everything said in an interview. Memory can be influenced by various factors such as trauma, conversations with others, or simply the nature of how memory functions; for instance, I might forget what someone

ate yesterday, which isn't a traumatic event but rather probably a great moment! We're just trying to reflect the very delicate role of memory in those testimonies, by leaving a bit of room for ambiguity or potential changes on the side of the witness, so that once they reach further stages and talk to the authorities or testify in court, if they say something that contradicts their initial statement with us, there is space for them to say, "Oh, it's Mariana and Leila's fault."

■ **Rowaida:** On the second day of testimony, it was difficult to enter with the Covid protocol. The judge had my testimony and she was making sure of its accuracy. She would try to ask unrelated questions to throw me off track, but I answered all of her questions. I had drawn a plan for the room where my first interrogation at the branch took place. I showed it on screen and she asked me more about the room where interrogations take place, and she asked where Anwar's<sup>1</sup> office was. After I finished my testimony, I went to the seats at the back. Anwar was right next to me. There was just a meter and a half between us. He was listening to the lawyer, the judge, and me, without any reactions. When I got closer, I realized that he just wouldn't look up. I looked at him directly and he wouldn't look back. I felt a sense of victory, knowing that I was in a place where I could hold him accountable, while he was once a person who tortured me and hit my friends.

In the branch, I was blindfolded. I had many interrogations blindfolded, not being able to see. And now I could see. I thought, I can look at you and you don't dare to look back. It was a beautiful feeling, but I was at the same time afraid to have wronged this person since he was a dissident, a defector. He deserved what was coming for him, but in the depth of my thoughts, there was a form of guilt.

1 Rowaida here refers to Anwar Raslan, the main accused in the Koblenz trial.

■ **Fritz:** Leila and Mariana’s approach to their case-building also takes into account how certain crimes can affect women differently, as well as the societal and cultural context in which the crimes happen. Mariana gave us an example of a woman breastfeeding her son while living in a besieged area and how she’s impacted by the siege differently than a man is. She can’t get access to formula or food to nourish herself and produce breast milk. These are problems men don’t face directly.

■ **Leila:** There are a lot of examples where these dynamics are at stake. They affect the crime in so many different ways, and this should constantly be on the mind of the person doing the investigation so that they also change, you know, which questions they’re asking, and how they are speaking to them. If you’re speaking to a woman, maybe ask yourself whether you should have a woman investigator or a Sexual and Gender-Based Violence (SGBV) expert.

Among the things Mariana and I faced is that we are often referred to men rather than women. It is understandable in this context because a lot of men were more visibly politically active or had a role. We kept being referred to men until we made a conscious effort on our side. It wasn’t an easy task to reach out to people who were not as publicly present, but who were there and witnessed some of the events we are investigating.

■ **Mariana:** We heard from many witnesses whose husbands divorced them because they were detained and because there was an assumption that they were raped. We also heard from witnesses who were raped in detention facilities, impregnated, and who left the detention facility. None of their family wanted to have any contact with them. There are also victims who until today, are asked by journalists or other people who are documenting human rights atrocities that happened to them, “So were you raped?” This is the kind of question Leila was referring to, and to the fact that

we need to be more aware of how we speak with victims of these human rights atrocities.

■ **Rowaida:** On my way to the final hearing, I was very depressed. I remembered everything that happened in Syria, not only in my detention—the bombing, the beatings, the displacement, and the arrests. And that I was on my way to the court hearing of a person who was a second-degree criminal. First-degree criminals like Jamil Hassan and Bashar al-Assad remain in Syria, performing the same violations.

When I arrived at the courthouse, the plaintiffs and witnesses had familiar faces. Many of us knew one another. When I saw the number of press representatives, I was very happy as I was shedding light on a Syrian cause. But on the other hand, I was worried that our justice would be framed as achieved through this one man's punishment when our cause is much greater.

Anwar Raslan is a man from the middle tier of the violators in Syria. But it is very good for the world to hear this narrative. The trial was for the actions committed by this one person, but it did feel as if the trial had an element of putting the system, the regime, on trial.

■ **Fritz:** Justice and accountability for Syria is, as we keep saying, a complex puzzle. Every trial, every case, every witness testimony is another piece of the puzzle that will hopefully help to bring about a sense of satisfying justice to as many Syrians as possible. Other tricky pieces of the puzzle also have to be taken into consideration, like the blockades on the International Criminal Court officially starting to investigate crimes committed in Syria. The fact that Bashar al-Assad is still in power and proper transitional justice cannot happen inside Syria, for the time being; the fact that other high-ranking Syrian regime officials are unlikely to leave Syria and so evade capture; all these pieces are big factors that explain the frustration many Syrians feel with the justice and accountability process. But frustration hasn't been

the only response to these tricky-to-fit-together puzzle pieces. The past 11 years have also seen incredible creative efforts, that try to circumnavigate these roadblocks and approach justice for Syria from innovative angles.





CHAPTER

# 10

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## INNOVATIONS

Season 1 | Episode 10 | December 2, 2022<sup>1</sup>

*Bringing justice to Syria demands creativity. Despite immense frustration due to the absence of an international legal solution for the crimes perpetrated by the Syrian regime, there has been remarkable innovation. This includes pioneering work methods, the emergence of new non-profit organizations, and various other advancements.*

*Chapter 10 is about these innovations in the justice and accountability space.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with editorial support from Mais Katt. The stringer in Syria was Muhammad Daboul.



■ **Speaker 1:**<sup>1</sup> You mentioned at least three colleagues from the newspaper who had been arrested, tortured, and disappeared. Did you ever attempt as an individual, a group, or a professional enterprise to seek any accountability for their death?

■ **Kholoud Helmi:** We've been fighting for their justice since 2011 and onward. Yes, we've been fighting for them, but unfortunately, we have never heard anything, neither from the Security Council, the regime side, or the international bodies and organizations. I don't know if this is a deliberate political decision by countries refusing to hold al-Assad accountable for all the crimes he perpetrated. No answers ever came from anyone. Only recently have we started to see tribunals in Koblenz and Frankfurt in Germany, but nothing beyond that. I have lost faith in any kind of justice.

■ **Fritz Streiff:** International criminal justice has faced some giant hurdles with the Syria file, and the International Criminal Court remains blocked by vetoes.

1 This question and answer is from the People's Tribunal on the Murder of Journalists Archive.

A Nuremberg-style specialized tribunal setup could be ideal. This was the International Military Tribunal created in 1945, immediately following the end of the Second World War, with judges from Britain, America, Russia, and France gathering in Nuremberg's courthouse to indict and try former Nazi leaders as war criminals

But the situation in Syria is nothing like that of Nazi Germany, where the perpetrators were defeated, the dictator was dead, allies had come in to de-nazify the country, and judges assembled to determine the defendant's fate. The Syrian situation is very different. Bashar al-Assad is still the president of the country, and although attacks are less frequent and the fighting has drastically diminished, the war is still ongoing to a certain extent. It is also very hard, if not almost impossible, to collect ground evidence in Syria.

This lack of an international solution to the overwhelming number of atrocity crimes committed in Syria has created huge frustration, but it has also created change and pushed for positive developments in the international accountability space.

The war in Syria possesses a crucial element aiding the justice and accountability process that the Second World War lacked—digital evidence. This conflict stands as one of the most extensively documented, and the new generation has leveraged its digital literacy to innovatively seek novel methods of documenting, preserving, and utilizing this evidence in legal proceedings.

Haneen Haddad is the project manager of the Syrian Archive. It was founded in 2014 by Hadi al-Khatib.

■ **Haneen Haddad:** The Syrian Archive is a Syrian-led project. Our main purpose is to preserve, enhance, and memorialize documentation of the human rights violations in Syria, committed by all parties of the conflict.

It was established first as a response project, working in close collaboration with Syrian reporters and documentation groups to

preserve digital information on the Syrian conflict. Our goal is to preserve and verify evidence and to provide them to the prosecutions. We make sure that these crimes and their corresponding evidence will not be lost or forgotten. The area is too dangerous to be investigated in person. But with the amount of documentation published on social media, we found ourselves equipped with a lot of evidence to conduct open-source investigations without being present in the area or facing danger.

■ **Fritz:** The archive has developed its methodology to organize, process, and utilize the collected digital materials.

■ **Haneen:** The first step involves collection, and for that, we have built a database of credible sources for visual content. We have identified thousands of credible sources to build our archive. Their content is automatically archived daily. We have preserved everything they have published on social media, which accounts for hundreds of thousands of new materials, and more than four million records for historical materials. So we deal with that, but not manually.

■ **Fritz:** Engineers at the Syrian Archive developed a software called Diwan, that automatically archives both new and historical open-source materials from their list of credible sources.

■ **Haneen:** We want to make sure that what we archive is credible and reliable for further work like for accountability, for justice. We don't want to be affected by propaganda or fake news as these have almost become a characteristic of the war and the conflict.

■ **Fritz:** After the data is collected and preserved, the next phase is to process it. Metadata from each material is extracted, including the source, a description of the content, and the media type—be it visual, audiovisual, or even a PDF document. This process facilitates easier filtering and searching of materials and holds

significant importance for potential verification of authenticity in court proceedings later on.

■ **Haneen:** The reason we want to preserve this material is not only for preservation's sake, but also to use it for further advocacy, work, or justice and accountability. We aim to support human rights investigators, media reporters, and journalists in their efforts to document human rights violations in Syria. We also receive confidential requests from prosecutors, the police, or crime units. In those cases, we are asked to provide information on different topics or themes related to different kinds of crimes like ISIS crimes and crimes by specific perpetrators or individuals.

■ **Fritz:** The Syrian Archive also conducts its own investigations.

■ **Haneen:** We decided to work on some of the most recent attacks on civilians that has been strongly attributed to Russian air forces. We investigated two incidents in Idlib in the north of Syria. One is in Jisr Al Shughour and the second in Hafsarja. Both of the attacks had a massive impact on civilians, with one of them killing more than seven civilians, including two children. The way we linked this attack to Russia was through the warplanes that committed these airstrikes. Also, in one of the attacks, there was cluster munition used in the attack, which is also used by Russia and is being used by Russia in Ukraine right now. So it's a further indicator that Russia was the perpetrator of those incidents.

■ **Fritz:** The evidence collected and processed by the Syrian Archive, as well as the findings of investigations they had undertaken, are now being used in ongoing court cases and case-building efforts. One example is the chemical weapons complaints filed in Germany, France, and Sweden between 2020 to 2021, along with SCM and the Open Society Justice Initiative.

It is quite remarkable how something born out of the context of a highly digitized conflict like the war in Syria has been the starting point for something much bigger. The methodology and workflow

pioneered by the Syrian Archive has also inspired other archives. There is now a Yemeni Archive, a Sudanese Archive, and most recently a Ukrainian Archive. They all come under an umbrella organization called Mnemonic, based in Berlin. Other Syrian groups are now speaking with civil society groups in Ukraine, sharing experiences and documentation methods, and helping Ukrainians prepare for warfare situations that they know from Syria, like Russian siege tactics and possible chemical weapons attacks.

The collection, preservation, and interpretation of these digital materials is an impressive and innovative effort in the justice and accountability for Syria space. However, this work of organizing and analyzing the evidence is almost a second step of the process. It's important not to forget those who recorded and gathered the materials in the first place, the people who were and still are on the ground in Syria, the evidence gatherers.

■ **Ismail Alabdullah:** I'm 35 years old and I am from Aleppo. Before 2011, I was an English teacher. Now I'm married with two daughters, and I have been a White Helmets volunteer since 2013.

At the beginning of the White Helmets' work, our job was to respond to the bombings, killings, and massacres committed by the Assad forces. We had no other task but to respond. At that time, I was involved in the rescue operation. I remember how they targeted people as they were trying to get out of Aleppo City in the early morning when Assad's forces hit them with barrel bombs and killed maybe 40 people. We then started documenting the crimes to make the world—the international community actually—aware of what al-Assad's forces were doing in Syria.

■ **Nadia:** I am the White Helmets Justice and Accountability Program Manager. I am a humanitarian worker and also an academic researcher.

With the deterioration of the humanitarian situation in Syria, a group of civilian and normal people formed volunteer teams to

respond to situations normally delegated to civil defense. These volunteers recover bodies, remove rubbles, rescue the injured, bury the dead, and mainly save lives. In 2013, these different groups started to organize their efforts. And in 2014, they agreed to form a single body, under national leadership, and the name of Syria Civil Defense. Later, the organization became known as the White Helmets because of the distinctive helmets used by our colleagues in the field.

I think it's important to highlight that the White Helmets started initially documenting the response to incidents as a step to ensure monitoring, evaluation, and quality assurance over our activities. In addition, this documentation served as a tool of communication through our social media, to speak about the situation on the ground and share about the violations we witnessed.

■ **Ismail:** Because at that time Russia and al-Assad's forces used their narrative to tell the world what was happening in Syria. They said many times they were targeting military basements, and armed groups in Aleppo city, but in reality, they were targeting civilians, killing kids, women, and elderly people. At that time, we didn't have the equipment to document. We mainly used our cell phones.

■ **Fritz:** Already a dangerous job, volunteering for the White Helmets became even riskier when the Syrian regime caught on to the fact that the attacks and massacres they were attending, were being shared on the internet for the whole world to see. The White Helmets then became targets themselves.

■ **Nadia:** We lost 294 colleagues, most of them because of double tap attacks.

■ **Fritz:** A double tap attack is a military tactic where armed drones or warplanes attack a site and then return to attack the same site again as people, like the White Helmets volunteers, carry out rescue work. This tactic violates international humanitarian law



when it intentionally targets civilians and those first responders who rush to help the wounded from the first attack. As well as being physically attacked, the White Helmets were subjected to a ferocious disinformation campaign. Russian and Syrian propagandists accused them of faking evidence of atrocities.

■ **Ismail:** We asked ourselves many times about the reason we've become targets for the Assad forces and Russian propaganda or disinformation campaigns. At that time, we started realizing it was because we were documenting those crimes. From that point, we contemplated ways we can serve justice and accountability, ways to give the victims and their families their rights and bring justice to them.

■ **Nadia:** The Justice and Accountability Program is one of the four programs of the White Helmets. We are working mainly on documenting the violations in the field. Due to their role as first responders, my colleagues in Syria can document incidents in detail through their high-resolution cameras. Our colleagues are well known for their GoPros found in their helmets or on their chests. They record videos, and pictures and provide relevant international partners with samples of the remnants of war. They identify cluster munitions and unexploded ordnance.

■ **Ismail:** Imagine you are about to document a bombing, and you see a woman burning alive. You know, this has happened, and I remember it. She was burning alive. No one, trust me, no one will immediately document that. That is why in the beginning, we couldn't document 50% or 40% of the crimes, due to brutality and blood... How can I document this? You look left, a child has lost his hand; you look right, a woman is burning; on the other side, a man without a head; people screaming for help. Your human nature will respond immediately to help others. GoPro is somehow a solution because we turn it on from the center and upon returning, we turn it off and upload, etc. Sometimes we even forget to turn it on as we

go, and it has happened to me many times. When you get a call for a response, your mind stops working. You get in the car in seconds, and head to the scene to help. After you finish responding, you ask yourself what happened. You don't know why you didn't turn it on; It just happened.

■ **Fritz:** Unlike when the White Helmets first started recording videos on their phones and uploading them online, the material they now collect needs to be handled very carefully for it to be admissible as evidence in legal proceedings.

■ **Nadia:** Over the years, as we gained experience and expertise in the field of justice and accountability and human rights in general, we learned that collecting potential evidence on international humanitarian law and international human rights law violations is a very complex process. Often, how the visual material is collected and handled might even create a gap in future legal proceedings which may allow the perpetrators to deny their violations. For this reason, we started investing very seriously in this field to ensure violations are properly documented and processed following international standards. One of the most important components when it comes to using evidence is the chain of custody. We know who collected the evidence, transferred it, and processed it. This process ensures that the data provided remains original and authentic—of course, without interference. If this chain is broken, the evidence may be rendered inadmissible in court. This is a strong element and an added value that the White Helmets can provide to the justice process for Syria.

■ **Fritz:** Ten years ago, it would have been very rare for civil society case builders and evidence gatherers, like the Syrian Archive, SCM, and the White Helmets, to even get an appointment with prosecutors. But since the war began in Syria, an important and very welcome change has occurred in the justice and accountability space. Now, war crimes units of national police authorities and prosecutors are actively seeking out this contact, in the hope

of accessing information and witnesses that they cannot find themselves, especially in the framework of an ongoing conflict.

National jurisdictions like Germany have now started so-called structural investigations into international crimes—investigations into a situation without a specific suspect in mind—but this is relatively novel. This is usually something the International Criminal Court would do. The more frequent use of universal jurisdiction is an innovative effort in itself. Before 2011, universal jurisdiction was not being used that widely, but the principle has enjoyed a kind of renaissance because of international atrocity crimes committed in Syria, and the international blockades to investigate and prosecute them.

Another innovation that has taken place is CIJA, the Commission for International Justice and Accountability. In essence, CIJA is an NGO specialized in international criminal investigations. Its investigators go to places to collect evidence that others, like U.N. missions, won't or can't go to. Trials like the one in Koblenz and some cases related to Syria that have been brought to European and American courts have greatly benefited from documents that CIJA has.

Former U.S. Ambassador at Large for War Crimes Issues, Stephen Rapp is the chair of the U.S. Board of Commissioners.

■ **Ambassador Stephen Rapp:** From 2012 onward, CIJA continued to grow and benefit from the availability in areas of Syria that had fallen to the opposition—the moderate opposition, the Free Syrian Army.

■ **Fritz:** After the peaceful uprising turned into an armed conflict, opposition forces known as the Free Syrian Army took control of various areas, including Aleppo and Idlib.

■ **Ambassador Rapp:** This made available hundreds of thousands of pages of regime documents that were abandoned.

CIJA became focused particularly on bringing those documents and scanning them in searchable ways. Eventually, they developed a facility capable of searching up to 3 million names and places.

■ **Fritz:** Syrian evidence gatherers on the ground took on the highly dangerous role of going into places abandoned by the regime, collecting the materials left behind, and getting these often-incriminating documents out of Syria.

■ **Ambassador Rapp:** I've met members of the team of 30 investigators or so who have worked with CIJA, who are Syrians, lawyers and ex-police, and others who have been on its staff now for eight or nine years. Those individuals describe a process that varies from place to place. The largest troves of documents were the physically available ones, the ones security agencies left in file cabinets and boxes. Those were packaged and brought to the border and eventually brought over. To be frank, that's a long process. I think there are still maybe 200,000 documents waiting in certain places for transportation, safely, because we're talking about a kind of material that would cause great harm to individuals if they were to be stopped by Syrian authorities.

■ **Fritz:** CIJA is essentially doing the job that should be done by the ICC or specialized tribunal investigators with an international public legal mandate. The fact that a private organization has had to step in and secure these documents, under great risk sometimes to the health and life of its investigators on the ground, says something about the degree of frustration that was widely felt in the early years of the war.

■ **Ambassador Rapp:** It's clear to me that if CIJA hadn't been there, a lot of this material would have ended up burnt for warmth during the winter, and would not be available today. Keep in mind this indicates that a great many of the documents have been obtained before the regime began to retake places with Russian support, like Aleppo. But this has provided information on a great

many crime scenes beyond the places where the documents were obtained. Because to a large extent, this regime almost seems crazy in its process of collecting information on its own conduct. One often sees that in the way documents are circulated broadly about events and other places, including decisions made at a high level, and documents in which the representatives of various parts of the Syrian security services, from Air Force intelligence to Military Intelligence to State Security, have placed their signatures.

■ **Fritz:** I call this “atrocious bureaucracy”. It’s mind-boggling, yet fairly typical for oppressive regimes, to document their crimes. Why? It could be people trying to get a stamp on a document to cover their backs, wanting to prove to their superiors that they executed their orders. It could be that different security agencies want to make sure that what they’re doing is seen and recognized by other agencies. As Ambassador Rapp mentioned, there are hundreds of thousands of these documents. CIJA analyses those in its possession and creates what could be described almost as pre-trial briefs, dossiers prepared almost as if they were going to trial. This work and information has contributed and continues to contribute to several criminal trials, with representatives of CIJA even having given witness testimony.

■ **Ambassador Rapp:** And so if somebody wants to look at criminal responsibility in Homs, for instance, they can come and read our Homs brief, talking about the crimes committed generally there in 2012, including the killing of journalists Marie Colvin and French photographer Remi Ochlik. This information was of enormous value in the civil case in the United States in which her family achieved a \$302 million judgment against the Syrian state in the U.S. District Court in the District of Columbia.

■ **Fritz:** The case of Marie Colvin’s family against the Syrian state was built by lawyers at the San Francisco-based Center for Justice and Accountability, or CJA, not to be confused with CIJA. It took them years of information gathering and legal analysis, but

in 2019, the U.S. District Court ruled in favor of the family. This decision was the first judgment in open court that heavily relied on documents and legal analysis provided by CIJA.

■ **Ambassador Rapp:** People can be very impressed with the 1.3 million pages of documents that each has, but they aren't just sitting in boxes. They were used to build a structural investigation. The Syria Mechanism, headed by Catherine Marchi-Uhel also now speaks of their structural investigation. The process involves building a case around numerous people you don't have, enabling you to fit those that you do have into the broader picture and hold them responsible for what they did directly, but also, and sometimes much more importantly, for the things that they made happen indirectly.

■ **Fritz:** The mechanism Ambassador Rapp refers to is the International, Impartial, and Independent Mechanism for Syria (IIIM). The IIIM was established by the United Nations General Assembly in 2016 after vetoes in the U.N. Security Council prevented the referral of the Syrian situation to the International Criminal Court. The IIIM is like a specialized tribunal for Syria but without any judges or trials. Because creating a tribunal with judges and putting on trial high Syrian government and military representatives there, would be seen as an infringement of the sovereignty of the Syrian state. According to the U.N. Charter, this is a power that only the Security Council has—which was blocked by vetoes. So a coalition of states, fed by an active and creative civil society, pushed for this mechanism which investigates crimes and provides information from its analysis to actual prosecuting authorities. This kind of mechanism has never existed before, but it has since been replicated for other situations as well, due to its success formula to circumvent international political blockades.

There have also been other efforts outside of case building and official legal processes that have perhaps felt more meaningful to the justice process for some Syrians. In May 2020, the case of

Nabil al-Sharbaji was heard at the People's Tribunal on the Murder of Journalists in The Hague. Human rights activist Kholoud Helmi was there to testify.

■ **Kholoud Helmi:** It's not an official tribunal. It's an effort by human rights organizations and media organizations to start these tribunals in memory of journalists who lost their lives documenting events in countries such as Syria. The tribunal is made up of human rights activists, judges, and journalists who listen to the testimonies of the people regarding every journalist. I was there for Nabil Sharbaji, co-founder of Enab Baladi.

■ **Fritz:** Enab Baladi was the newspaper Kholoud and Nabil Sharbaji, along with several others, founded in 2011. It was created to report what was really happening in Syria, including how the peaceful protests were being met with violence, and how huge numbers of people were being detained, including Nabil. Nabil was killed in detention in Saydnaya military prison, on the 3rd of May 2015.

■ **Kholoud:** We believe that the evidence collected at the end of the tribunal can turn into valid evidence to be used in any future official tribunal. It's about telling Nabil's story—how he was killed and why, envisioning what could have happened had he survived to this moment, which change we could have seen had we not lost so many of them at the early stages of the Syrian Revolution. Most of them were influential, with remarkably great personalities. Had they been alive now, the entire face of the Syrian cause would have been completely different. By telling his story, telling our story to the people, and having it recorded, I feel that my message may survive through the persons who listened to it and may share it with others on a different occasion. But until we have genuinely serious tribunals, I don't think I'm going to be silent. I am alive and I have my memory—not my full memory as I lost so many parts of it due to getting old and traumatized. I don't know when I'm going to die, but as long as I hold tight to my memory and theirs, I have

a mission to keep telling and narrating their stories through any means possible.

■ **Ambassador Rapp:** Well, I hope there will come a day when al-Assad will stand trial. How do things like that happen? Eventually, there will be a transition in those countries. Eventually, that particular leader will become “radioactive”, even to his own supporters. The case against him is strong and strengthens every day. I’ve said before, thanks to CIJA and Caesar, the evidence that we have is frankly stronger than the evidence against the Nazi leaders in Nuremberg.

■ **Nadia:** I believe that holding the perpetrators accountable is the first step toward any democratic process in Syria. This first step is very important and decisive for building a new country committed to human rights and the rule of law. For this reason, it’s very important to keep hope. We are aware that the justice process might take years.

■ **Ismail:** We believe that our work and our efforts in justice and accountability will hold those who committed crimes against civilians in Syria, accountable. Whether it occurs today, tomorrow, after a year, or after 10 years, we hope that justice will be enacted and served. You know, this happened in history, where criminals were held accountable for their crimes twenty years later. We hope that one day we will bring to account those parties—al-Assad’s forces, and al-Assad himself—for the crimes they have committed.



CHAPTER

# 11

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## JUSTICE

Season 1 | Episode 11 | December 9, 2022<sup>1</sup>

*This chapter of The Syria Trials delves into the question of where we currently are on the path to justice for Syria. What lies ahead? And what does justice truly signify to Syrians on an individual level?*

<sup>1</sup> This episode is hosted by Fritz Streiff and Kristina Kaghdoo, and produced by Sasha Edge-Lindner, with editorial support from Mais Katt.



■ **Kristina Kaghdo:** I have learned plenty of new ways of thinking about the Syria case. Before working on this series, I used to think of justice as something that isn't very tangible yet is at the same time very big. I thought that because it's not very tangible, seeking it or achieving it is an impossible matter, especially in the Syrian context. We spoke earlier about the concept of justice for people who lived under a dictatorship for 50 years. But listening to the witnesses, their stories and testimonies, hearing about the cases that are being worked on at the moment and have been worked on during the past years, about the efforts of different people who are in different parts of the world, still there, present, working hard, and connecting together to get the best possible results in the current geopolitical context. All of that has made me not only more informed but also much more hopeful. I am not necessarily more confident that I will see Syria the way I would like to see it in ten years, but I am confident that the Syrian people have been through so much, but they still have the willpower, strength, knowledge, networks, and a fervent desire to get justice for themselves and the people who are still in the country, or in exile.

■ **Fritz:** I am happy to hear that from you as a Syrian yourself, having grown up in Syria and looking at this from a different perspective than me, as a lawyer working on these issues. I have to be hopeful; otherwise, there's no sense in the work I do. But it's great to hear this from you, and we've learned in this season that not everybody feels the same. There are some, like you, who regain hope and strength the more they learn about the justice and accountability efforts that have been undertaken. But I think we've also definitely heard that there is a sizeable group that is frustrated and doesn't or isn't able to gain any new hope from these ongoing efforts.

■ **Syrian woman living in Syria:** These trials are very important for sure. They help in reaching justice inside and outside Syria and holding the war criminals and those who committed violations against the Syrian people accountable. I believe the trials are beneficial in terms of reaching justice, even for me, as someone who lives in Syria. They help expose real criminals or criminals who participated in displacing, killing, kidnapping, detaining, or forcibly disappearing Syrians.

■ **Syrian man living in Syria:** The trials in Europe of the criminals who committed massacres against the defenseless Syrian people are not enough. There must be more effective ways and methods to affect the regime and the criminals in general. There's no life without justice. But in real life, justice is absent because some criminals are being punished and others remain free. Therefore, justice is rarely served. The effect of the trials is minor on the Syrian regime and those who committed massacres against the Syrian people, but we cannot deny that they have some kind of effect in the Syrian context.

■ **Fritz:** We will probably see in 2023 a regime-related case going to trial in The Netherlands against a former member of the Liwa Al-Quds Brigade, which did a lot of the dirty work for Assad's regime. We will likely see a very significant case going to trial in

France against Jamil Hassan and Ali Mamlouk. It will be a trial in absentia—without the accused being there—which will open a whole new kind of discussion. This will be the first time that very high, significant individuals from the regime stand trial, without being there in person, but with all the evidence being presented in public, in Paris. I assume it is going to be a big one.

■ **Ismail Alabudllah:** The most important thing, for me and everyone in northwest Syria and all of Syria, is that all parties that were involved in the killing, bloodshed, displacement, and destruction of Syrian lives will be in the future held accountable for their crimes. All the parties who ruined even one Syrian life. Without any accountability, there is no possibility for a future in Syria. If there is no justice in Syria, as you see now in Ukraine, history will keep repeating itself.

■ **Syrian man living in Turkey:** The deliberate killing of civilians, besieging them, cutting off supplies such as food, and preventing the entry of medicine, as well as preventing people from expressing their opinion, and imprisoning them if they do, are all crimes. But equally, the existence of Bashar al-Assad and not prosecuting him in the international courts is a crime in itself.

■ **Leila Sibai:** The countries in which these cases are currently taking place are countries that may have wanted Bashar al-Assad to leave, but they're not acting to enable that form of political transition that would allow a broader and more meaningful form of justice for people. And so, it's a bit like giving a little bit so that people feel there's something that's happening, something that's going in the right direction. But in practice, does it change anything? That's very personal. In terms of enabling justice and accountability in a larger sense, we're very, very, very far from it. And we're talking about countries who are somehow normalizing relationships with Syria on the side or discussing refugee return. You're discussing these horrendous crimes in courts, you have a structural investigation into all of the torture facilities of the Syrian

regime, and yet you believe that you can safely send refugees back. I mean, I'm amazed. I have no words for that.

■ **Kristina:** All these efforts of criminal justice, do you think they directly affect the regime from a legal perspective? And if yes, how? Because this aspect is hard to see sometimes. People say, "Yeah, cool, it gives me a sense of justice, maybe on a personal level, but the regime is still there", and that's where the frustration comes in. Can you comment on that?

■ **Fritz:** In Damascus, they realize that these trials are going on and that more of those will happen. I don't know, but I assume that they are well-informed about it. Assad himself has commented on the Koblenz trial in interviews—I think one or two times. He kind of dismissed it as unimportant and kept repeating that there is no such thing as torture in Syria. From a legal perspective, I guess they know this is building a legal record against them, against the regime. Court decisions that are coming out now are also all looking at each other, the Frankfurt court and the Berlin court, what they will be doing in the court in The Netherlands next year and in Paris, and in other places where cases will go to trial. Of course, they will look back at Koblenz and the other decisions that have already been handed down. They may not be direct legal precedents, as in they may not be able to legally rely on those as additional evidence for a conviction. But this is contextual information they can look at, and eventually, when Assad and his top officials stand trial—and I say when because I believe that will happen in the next ten years—whichever court or tribunal will see that trial, they will look back at these judgments in Koblenz in 2021 and 2022 and recognize those as the first ones that officially determined that this regime, by violently suppressed the peaceful revolution, committed crimes against humanity.

■ **Kristina:** You sound very confident when you say that Assad will go to trial. For a lot of people, this sounds very unrealistic, because Assad, his family, and the people around him are still in

power. Syria is destroyed economically, politically, and socially. The sense of justice is very absent, the prospects are very dark, and you say he's going to court. Do we have any historical cases or examples in which a dictator or war criminal, who at certain stages was even part of international negotiations, was put on trial? Do you have something to base your hope on?

■ **Fritz:** I think that's why I say it so confidently. The historical comparison that I like to study is the one with the former leaders in the former Yugoslavian republics, particularly in Serbia—the Bosnian Serbian leader Karadžić, and the Serbian leader Milošević at the time in the nineties. They were taking part in political negotiations as the war was still raging, when the massacre, for example, in Srebrenica was happening, when the peace agreement in Dayton was signed and the years after. They were participating in these political processes and attending international summits. People were talking to them, accepting them for the time being as their equals, which gave them a certain confidence in thinking they were back. But history teaches us that political transitions can happen in sudden ways. Milošević was suddenly arrested by his own people, and extradited to The Hague. He stood trial there, but unfortunately, he died before the judgment was released. The same goes for Karadžić, who had to hide for more than ten years, only to be eventually arrested and also extradited to stand trial. That happened 25 years after the massacre in Srebrenica. I think the fact that we are seeing this political process going into a direction where Assad is to a certain extent successfully normalizing this regime and participating again in international affairs does not mean that the justice efforts will be muted and won't continue to pursue the goal of eventually holding this guy accountable. That can happen, and I think it will happen before the end of the year 2032.

■ **Kristina:** What you are saying makes me think of the importance of taking a very deep breath when it comes to justice, especially transitional justice for societies that have suffered so

much and so many atrocities. It is also important not to expect that singular cases by themselves will do much, but if there is a logical strategy combined with collective efforts, things can go somewhere.

■ **Ibrahim Olabi:** I would like to see many of the actors that were there from very early on take a step back and strategize. What we've been mainly doing over the last ten years was reacting. Killing of protesters, bombing of hospitals, the use of chemical weapons, forced displacement, Security Council resolution this, General Assembly resolution that. We couldn't breathe. We couldn't strategize properly. It felt wrong to sit and draw a strategy of what you want to do in the next five years, because you were always on the back foot, trying to be there for an emergency human rights response. Now that things have calmed down, for better or worse, it allows us to think and reflect, "Okay, where am I going?" We need new blood. We need people to ask, "Where should we go in the long term?"

■ **Kristina:** But I also see how that can be very difficult from a survivor's perspective or from the perspective of families who are still looking for missing people whom they haven't seen for, I don't know, ten years, and have no idea if their loved ones are still alive. I think that it's only natural that if we speak to such people about taking a deep breath, being hopeful, strategizing, and seeing how all of those efforts that are happening now can lead somewhere, their reaction would be dismissive. Because in the end, what they need is very immediate. Telling them that maybe in 10 or 20 years a big shift is going to happen, sounds like a joke to many people, and rightly so. It makes sense that they would have such a harsh reaction to it. I think this is where the idea that Syria is a lost case comes from. We will never get our lives back. We will never see the country the way we would like it to be. Assad is going to be there forever.

■ **Uğur:** I see a widespread acceptance of the continued injustice and the lack of any form of transitional justice for the regime's



crimes. That is dangerous because these low expectations also mean that people have become cynical, lazy, or they don't want to pursue justice anymore. When a pro-regime militiaman is arrested, in Europe for example, many potential witnesses would think about the good it would do if they go and give their testimonies, expecting nothing good to come out of it anyway. He's still sitting in his palace in Damascus. They ask, "What is my tiny little experience going to contribute to justice?" This cynicism is very difficult. It is a profound long-term impact of the regime's violence on Syrian society, and it is going to be very difficult to break, also because really large and lofty ambitions of tribunals in The Hague and the ICC have, of course, fallen flat. Many Syrians have accepted this, grudgingly, and they've moved on and forgotten about any form of justice.

■ **Leila Sibai:** How effective is what we are doing? We don't have an answer. It's an important question to ask oneself, in part because criminal proceedings target only individuals, so does the political system at the national or international level allow you to pursue the cases that you would like to see pursued? Does this entail any form of social change? I have doubts about all of this. It's not like I have an answer.

■ **Ibrahim:** I wouldn't put a time frame on things. When you speak with a lot of countries, they ask, "How long will this take?" It depends on what you want to get out of it. If convictions are what you're after, then yes, they will take some time. But the moment you're stating that you're starting a case, or holding X to account, you're already achieving it. With some of the initiatives I am working on, I am asked, "What's your timeframe for this? This takes 10 to 15 years." I answer, "No, it takes tomorrow."

■ **Fritz:** If the eventual goal is to hold Assad and his top officials accountable, and if it still takes 10 or 20 years, that is unacceptable. It should have already been the case. But I do believe that this is realistic. And between now and then, there's a whole space

that can and will be filled with small steps and efforts, hopefully satisfying some of these survivors and families. If we consider the opportunities in that space, I think that if states and international organizations start engaging with Assad again, but in a different manner, there might be room to ensure that the justice file, containing a whole dossier of court decisions emerging now, has a place on that table. These states could then assert, “We understand your desire to rebuild your country and your relationships. Let’s discuss it. However, here is the justice file, and it’s non-negotiable because the courts have spoken. If you want A, B, or C, there’s a condition—you need to be forthright with the families, release political prisoners, and take substantial steps demonstrating multidimensional efforts. It’s not one-dimensional, and we won’t just let you do whatever you want without reciprocity. If you want a seat at this table, you must take action too”.

■ **Ammar Daba:** We have to understand how cruel this world is. And through this understanding, we know that we will not get everyone. Many of those guys will get away with what they have done. I believe that true justice lies in prevention. We create a system that prevents this from happening again. How do we do that? By practicing justice and the pursuit of justice. When we start doing this, we will understand. How do you understand silence? By not talking for a fair amount of time, during which you think and look at the sky and just listen, and then you understand the importance of silence. I believe that we did not practice justice for a very, very, very long time. We lived in a country with no institutions whatsoever, including the judicial system. It was a joke, a big one, so we lost faith in those institutions. Now it’s time to understand that there are systems that might help us get justice. But we also need to understand those systems and that it’s an integral part of them that they have flaws and limitations, and they will not get us everything we want. It’s not a magic wand.

■ **Fritz:** This concept reoccurs frequently, especially in my work within international criminal justice, known as transitional justice.

Everyone constantly references this term. But my question is, what does it truly mean? If you were to define it, what does it represent to you?

■ **Kristina:** I think it's a process in which a society that has been witnessing war crimes, crimes against humanity, and different kinds of atrocities, finds its way to live together and heal collectively while shaping their society the way they wish. But in this definition, there are so many complex aspects. What kind of society do Syrians want? Do we have this vision or idea? Do we agree on this vision? How can such a process happen while the regime is in power? Do we wait for it to stand trial in 10 years, as you said, and then we sit and talk about how we want to move on? If we do not wait, is it possible for a large part of this society to move forward? Can a parallel process be initiated, where the legal system does its work and the court cases and trials keep happening, while we concurrently engage in a process of healing and rebuilding? I have no idea, and I think these are very big questions.

■ **Joumana Seif:** To be very honest, what we have achieved is very important, but very limited as well. We know it's not justice, but maybe the first step in this way. You know, I think the real justice for Syrians is at least seeing a genuine international political will to push for a real political solution, and a real change toward democracy. Perhaps from there, step by step, justice could unfold in our country, in Syria, when we are all there.

■ **Leila:** I have doubts that criminal justice alone, and especially under universal jurisdiction, is a complete form of justice. Because it isn't. It's a partial, incomplete form of justice but that is the justice we have access to today. And it's the one through which we're trying to facilitate very small changes in the legal and social spaces.

■ **Mariana Karkoutly:** Another point is that there is no particular solution to the situation in Syria. It's been ongoing for more than ten years now and there is no one solution. So if I were

to express how I perceive the matter, it's just the different efforts people are making in their different places. All of them collectively can come up with something because, again, we're working on atrocity cases that happened seven or eight years ago, but there are current injustices that are happening against people. Some people are trying to provide humanitarian aid. Some people are trying to support refugees in their countries of residence. People are trying to support families. People are trying to work on education. All that matters and is part of the solution. Legal remedies are a part of it as well, but they aren't the only answer. It's not one singular solution. It's one of many.

■ **Kristina:** When I think of transitional justice now in the context of Syria, the first thing that comes to mind is that we probably have hundreds of thousands of people who are hungry every day in Syria, who do not have gas or electricity, and whose kids are not safe to go to school. Their primary concern is their day-to-day income, let alone all other political and societal aspects. When you are not safe and your basic needs are not met, you don't have space to think about how to heal and come to terms with the recent or more distant past, or how to look into the future. It's very important to have this in mind in the Syrian context. Rebuilding starts with feeding oneself and one's children, with knowing that I'm safe, warm, full, and not thirsty. I think this is a major priority. I cannot imagine any transitional justice without this component.

■ **Ismail Alabdullah:** Justice in Syria would mean being able to return to my home and to get my life back. Every family, every person needs to get his rights and get back home safely. For me it is to get back to Aleppo, see my neighborhood and my neighbors, you know, get my life back without any threat, without fearing anyone including the police or any official from the government. It is to get to those who disappeared in the prisons, to see them again alive, and to know the destiny of those who were killed. This is home for me.

■ **Kristina:** I hear a lot of people say they want their lives back—the way they lived, their lands, their houses. Although it's a very painful thought to have, I think that as long as we cling to how our lives were back in Syria years ago and we say that unless we get them back, we will not be able to live our lives fully, be fulfilled, or get a sense of justice. I think it's important to understand that a lot has changed in the past ten years and things keep changing every day, which means that probably none of us will get anything back. Even if Assad stands trial, and people get to come back to the country, they will find their country different—its streets, the way people are, the social interactions, the political climate, everything. The passing years cannot just be erased, and we cannot start from where we left. Once we let go of the idea of wanting things back, it will be easier to look into the future. I can see how that is very difficult, especially when people have lost their sense of self, identity, or belonging. You want to go back to what made you feel you, to what made you belong somewhere. I think we need to reimagine our sense of self and the ways we belong in different places, including Syria.

# Part II

## WHO IS AL-HALABI?

Season 2 | Episode 1 | October 23, 2023<sup>1</sup>

*On June 13, 2015, a diplomatic car traveled from France, passing through Germany and entering Austria, its final destination. Inside the car were members of the Austrian intelligence services, and a man identified only as “White Milk”—the cover name for a senior Syrian intelligence officer who had worked within an intelligence system known for its violence and brutality. Why was White Milk—real name Khaled al-Halabi—effectively smuggled between European countries?*

*This chapter and the ones following it will unravel the story of al-Halabi’s work within the Syrian intelligence system, his role in violently suppressing the peaceful Revolution, and his escape to Europe after his city fell out of regime control. Who is al-Halabi, and why hasn’t he been arrested yet?*

*Please be aware that this chapter contains descriptions of torture.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.





■ **Fritz Streiff:** On the 13th of June 2015, a diplomatic car left France. It traveled out of the country and into Germany, before making its way to Austria via the Walsertal crossing. The vehicle arrived inside Salzburg, a city not too far from the Austrian border with Germany, where hotel rooms had been booked for the group traveling in the car as well as some additional guests. The group included members of the Austrian intelligence service, known at that time as the BVT, and a man known only as White Milk. White Milk was the cover name for a Syrian Brigadier General. Back in Syria, the man had been the Head of a State Security Branch. This was one of the highest-ranking positions within the Syrian intelligence services, a brutal system of oppression used by the Syrian regime to control its population.

■ **Steve Kostas:** Overall, we think of an intelligence or security branch that was involved in detention as a place of significant criminality. There's lots of detention and torture of civilians.

■ **Thaer Dandoush:** Life was heavily influenced by the presence of the intelligence services. If you wanted to do anything in life like

getting married or opening a falafel restaurant, you had to consult the intelligence and get their approval.

■ **Fritz:** White Milk's real name? Khaled Muhsen al-Halabi. So what was Austria doing, smuggling a man known to have played a central role within the Syrian intelligence into the country?

When I first came across the case of Khaled al-Halabi in 2018, I was working for an NGO called the Open Society Justice Initiative, in their New York office. There were several Syria cases I was investigating, including the al-Halabi case, and I've been following it ever since. It is a fascinating case. In a lot of ways, it is the Syria case that embodies so much of why chasing justice for Syria has been and continues to be such a frustrating struggle.

■ **Muhammad:** I was born in 1981, and I am 42 years old. Being born in the 1980s, during Hafez al-Assad's rule, I was aware of the world around me. I was against the idea that only al-Assad and his regime could govern us. I questioned why, out of 22 million people, there couldn't be anyone else to lead us.

When I graduated, I tried to find employment and I realized that corruption was deeply rooted within the system. You had to pay bribes to those who had been placed in positions of power by the regime. The system itself was corrupt, and I knew I was not alone in experiencing this. Millions of people in Syria were suffering from the same circumstances.

■ **Rashid Satouf:** I was born in 1958 in Raqqa, and I have been a member of the Communist Labor Party since 1975 or 1976. In the 1970s, the destruction and dismantling of unions, political parties, and state institutions happened incredibly quickly and the security services became the main power in Syria. Within three or four years, there was a strong security grip over the country. The role of the state institutions regressed in all of their legislative, legal, and executive affairs.

■ **Rouba Choufi:** I am an activist, this is how I like to introduce myself. It was very difficult for a woman living in Syria, because living in a country of dictatorship, women are subjected to two kinds of violations—by the regime and by the patriarchal society.

■ **Diana Khayyata:** I am from Aleppo, Syria, and I have lived in the Netherlands since 2015. The older generation has this belief that “walls have ears”, as per the saying. You need to be careful not to say anything against the government because you will be arrested or kidnapped. And one other fact I remember from my childhood is that my mother and father used to make sure that at an early age, I wore hijab and covered myself, not to attract the eye of a military man. If a military man is walking, for example, with his car in the street and sees a beautiful girl, they get to kidnap her without anyone being able to reclaim her or do anything.

■ **Abdallah:** I am a Syrian activist from Raqqa City.

■ **Fritz:** Did you have any direct interaction with intelligence or security before the revolution started?

■ **Abdallah:** No, never. I was scared of them. I wouldn't even get near their centers, never.

■ **Fritz:** Before, even?

■ **Abdallah:** Before too. I was really scared of them.

■ **Fritz:** Because of what your parents told you?

■ **Abdallah:** Yes, and also because of the friend of my father. I remember I was a kid when this nice man came to visit my father and brought me some gifts. I have a good memory of this uncle. They arrested him for, I don't know, 20 years. I am scared of them coming and arresting me.

■ **Fritz:** The Syrian revolution began in 2011, as part of a wave of protests calling for freedom and democratic reform that swept

through the Middle East and North Africa. These protests came to be known as the Arab Spring.

■ **Abdallah:** At that time, we were too young. We didn't think a lot about it. We just joined the revolution, the peaceful revolution. The old people, our parents or uncles, were scared of the Assad regime. They know them, my parents told me the regime will destroy the country. We didn't listen. And, you know, as youth we joined.

■ **Fritz:** How old were you then?

■ **Abdallah:** 30 years old.

■ **Thaer Dandoush:** I am a civil activist and a school teacher from Raqqa governorate. There was a sense of frustration among the Syrian society and the Arab society in general. It was a state of anger, a feeling that as individuals and citizens, we were unable to express ourselves freely. We lacked any kind of liberties. In 2007, when the Arab Spring began, all those feelings that we had been hiding came to light.

■ **Leila al-Shami:** I am a British-Syrian human rights and solidarity activist. When the Syrian revolution began, I remember a lot of people still believed that Bashar would implement reforms and that he would listen to some of the demands from the protesters on the streets. I was not under any such illusions. I had a complete fear of the regime's response. I knew that the way it dealt with dissent involved absolute brutal repression.

■ **Fritz:** Leila was right. This was how Bashar al-Assad's regime reacted when the protests began in 2011. The regime swiftly engaged its intelligence networks, its security branches, and its intelligence officers known as the Mukhabarat, as well as the Syrian army, nondescript militias, and a group called the shabiha, who can be described as a band of thugs connected to the Assad family. These groups were all used to violently attack, detain, and kill peaceful demonstrators.

■ **Steve Kostas:** I am a lawyer at the Open Society Justice Initiative. By 2012, demonstrators were being shot in the street. Anyone known to communicate with international media was arrested, sometimes by raiding their houses. Peaceful demonstrators ran the significant risk of arrest, being brought to one of the branches including the State Security Branch, and tortured.

■ **Fritz:** State Security is also sometimes called General Intelligence. The two mean the same thing. These branches are places where detainees are kept, interrogated, and frequently tortured. Lab technician and activist Muhammad was one of those arrested and tortured.

■ **Muhammad:** Pliers were used to remove layers of flesh from my back, creating excruciating pain. They accused us of supporting terrorist groups. I still have scars on my back from the torture.

■ **Fritz:** Activist Abdallah was arrested in his hometown of Raqqa.

■ **Abdallah:** They put me in the middle, naked, and about ten officers beat me with electricity and their wood sticks until I, you know... sometimes I can't remember. They took me to the solitary room, and there was blood everywhere. I spent a week or so in this situation. It's really hard, you know, sometimes they, you know, they...

■ **Fritz:** Crucify.

■ **Abdallah:** Crucify. Two hours. Three hours, sometimes a day. Naked. And they put cold air conditioning on you. Sometimes they put the electricity on sensitive places in your body.

■ **Fritz:** I am sorry to hear that.

■ **Abdallah:** It's okay.

■ **Fritz:** Well, it's not okay, but it's..

■ **Abdallah:** Yeah, it is. At least we tried. You know, we tried to change for a better future for our country.

■ **Leila al-Shami:** The regime's response was so brutal to that protest movement. So many people involved in the protests were rounded up and detained. There was gunfire from the security forces at protesters. I suppose from that sense, it was inevitable that people took up arms to protect themselves.

■ **Fritz:** As the violence worsened, partly to defend themselves, some peaceful protesters began to form armed opposition groups. Soldiers, who were unwilling to shoot at their fellow Syrians, began to defect from the army and form opposition factions, too.

■ **Leila:** I think that's how the armed struggle began. It didn't start as any kind of collective decision or unified army. It was like young men in their villages, in their communities, taking up arms to protect the protesters and their communities from assault by the security forces. And, of course, violence has its own inevitable momentum. In the end, this resulted in a major armed conflict between forces of the opposition and the Syrian regime.

■ **Fritz:** By June 2015, as General al-Halabi was being driven across European borders, Syria was in the grip of a catastrophic war.

■ **Steve Kostas:** In 2013 and 2014, as the conflict in Syria significantly intensified, everyone was sort of grappling with how to address the level of criminality, violence, and humanitarian crisis.

■ **Fritz:** There was a resounding call amongst Syrians, both still inside Syria and those who had fled, as well as human rights lawyers and organizations in the West, that something needed to be done.

■ **Steve:** So OSJI, along with many organizations, was trying to understand what accountability work concerning all of this criminality would look like.

■ **Fritz:** OSJI is the Open Society Justice Initiative, the NGO I used to work at. Steve leads the work on Syria Accountability at OSJI.

■ **Steve:** In 2016, we started a collaboration with a group called CIJA.

■ **Fritz:** CIJA stands for the Commission for International Justice and Accountability. It's a group that collects information and carries out legal investigations into international crimes.

■ **Steve:** We supported them in establishing a track and trace team and identifying who are the highest-ranking people in Europe. Ex-Syrian government officials in Europe against whom a strong criminal case can be built. Al-Halabi's case was in a way like a test case for whether this process could work. For CIJA, he was case zero, or the proof of concept.

■ **Nerma Jelacic:** I am one of the directors here at CIJA and I've been working with this organization for the last eight years.

■ **Fritz:** With regard to the case we are particularly interested in, the Halabi case, do you personally remember the moment you first heard about him?

■ **Nerma:** I think it was quite early on, in 2014 probably. Not in the context that he was in Vienna because he wasn't in Austria at that time. But from the beginning, from 2011 and 2012, we were running teams in places like Raqqa, Homs, and Aleppo. Raqqa's team was very strong in the early years, getting a lot of documentary evidence from security and intelligence architecture.

■ **Fritz:** A key part of how CIJA works is the teams of evidence gatherers they have on the ground. In Syria, as places fell to opposition forces, CIJA's evidence gatherers would swoop in and collect any files they could—anything at all that was left behind as the regime officials left, often in a hurry. Some of the documentation they gathered came from former intelligence branches.

■ **Nerma:** By 2014, we were already building a case, a legal brief, and of course, his name came out at that time because al-Halabi had such a high-ranking position as the head of the General Intelligence Department branch in Raqqa. I think we finished that legal brief in 2014 or early 2015, and his name was on the list of individuals identified. I wouldn't call him a small or medium fish in general, and even if all of the pool of potential accused of the Syrian regime was open to us, he wouldn't be a low-level person. In terms of individuals we managed to identify in Europe, he was the highest ranking and remains so to this day.

■ **Fritz:** Thaer Dandoush was detained at State Security Branch 335 in Raqqa, the branch al-Halabi was in charge of.

■ **Thaer Dandoush:** I think someone must have informed on me. Maybe they were forced to. I don't know for sure. They put me in the car and started beating me with their batons until we reached the branch. At the branch, they took me into solitary confinement.

There were punishments and torture every day. They would interrogate me, demanding to know who participated in the protest and who was I coordinating with. It was always like this. One guard used the car wheel and the flying carpet torture devices on me.

■ **Fritz:** These are two torture devices known to be used in Syrian regime detention facilities. Detainees are forced to cram their body into a car wheel and the flying carpet, called *bsat al-reeh* in Arabic, is a type of wooden board that folds in the middle, causing excruciating pain to the person strapped to it.

■ **Thaer:** They would take me, put me under the shower, and pour cold water on me. There was an electric baton too. They would electrocute my soaked body with it, especially my chest, causing me to jerk back a meter or two and fall to the ground.

■ **Fritz:** Our editor and researcher Mais Katt spoke to Thaer.

■ **Mais:** What do you consider al-Halabi's responsibility to be



for these torture operations, since you do not seem to have seen him and he was perhaps not present during your torture?

■ **Thaer:** He has every responsibility for it. First of all, he's responsible for the State Security Branch and he is part of the Joint Security Committee. If I, Thaer, am to be transferred to the Joint Security Committee, his approval is required. So even if he wasn't present during my torture at the State Security Branch, he would have been at my torture at the Joint Security Committee.

■ **Steve Kostas:** In addition to the security committee, Raqqa had a Joint Investigations Committee, set up after the beginning of the conflict. Its general function was set by an order from the Central Crisis Management Cell (CCMC), based in Damascus, in response to the uprising. The CCMC was made up of officials from each of the intelligence directorates, plus the Criminal Security Branch, and they would sit in or conduct interrogations of detainees. Any "higher value" detainee would be interrogated by the Joint Investigations Committee, and those tended to be quite brutal interrogations. Reports of the interrogations were then disseminated to the heads of the intelligence directorate. al-Halabi received reports from his subordinate who attended those interrogations. I guess that is another way in which al-Halabi was involved in the sort of control over the treatment of detainees.

■ **Fritz:** Why would you say does al-Halabi's case matter specifically?

■ **Nerma:** Because his role was very important. His influence in Raqqa from 2011 to 2013, when he left, was enormous. He influenced what happened to a lot of individuals. For these individuals, the case is important. As the Head of General Intelligence in Raqqa and as head of the Security Committee, he held a leading role in determining what happened to the individuals who got arrested and ended up under the auspices of his department, which included interrogations, torture, and death. In Raqqa was one of the darker stories of the torture that people had gone through and the

descriptions of the cries and noises coming out from the branch in which his office was, are incredible. But the point in this case is that there is enough documentary evidence that he cannot say, "I didn't know, I was just like the top guy and no one told me what was happening." It was documented, beyond reasonable doubt, that he was in charge.

■ **Fritz:** In his specific case, what makes him a criminal?

■ **Abdallah:** His position, and I think that's enough. For his position as the Head of the State Security Branch in Raqqa. This is still scary and was intensely scary at that time. He gave orders. He led the worst place and gave orders. There was a guy among the officers under his lead, called Abu Jafar. I don't consider Abu Jafar a human. He was under Khaled al-Halabi and he got orders from him. That is enough.

■ **Fritz:** Why was al-Halabi, if indeed guilty of all that is alleged here, being effectively smuggled between European countries by the Austrian intelligence? Did he have a secret importance? Had he perhaps defected from the regime and fled Syria, switching sides to help bring down Assad?

■ **Steve Kostas:** It's a shockingly long time to have been the head of an intelligence branch located in your country, with a dossier of evidence showing their alleged responsibility for horrific crimes, and yet, it has taken more than six years to investigate the case. It's shocking.

■ **Fritz:** In this second part of The Syria Trials, we'll be pursuing the cat-and-mouse game of justice being played between al-Halabi and European and Syrian legal investigators. Asking who is General al-Halabi, and why has he not been arrested yet?

■ **Nerma:** We were... I wouldn't say kept in the dark by the Austrians, as we never demand to be constantly informed by our law enforcement partners, but with this one, there was just such a level of deafening silence that there was something odd about

it, and we couldn't understand why nothing was happening. When the actual leak of that whole Operation White Milk came out, it became clearer, even though very confusing! Right. Even when told as a story, it's just quite fantastical in certain elements of it, it doesn't make sense.

■ **Fritz:** But as well as following his story with all its surreal and fantastical elements, as Nerma calls them, we'll be following the stories of the victims and survivors, the stories of the Syrian activists who, in the most challenging of circumstances, rose to demand their freedom and faced devastating consequences in the process.

■ **Diana Khayyata:** I love Aleppo. I love a lot of things about it, and I dream of walking in its streets someday. But I am also trying to prepare myself to accept that what was in my head when I left Aleppo is not there anymore.

■ **Fritz:** Our podcast is all about trying to make sense of the complicated landscape of justice for Syria, a country that has endured unimaginable suffering over the last 12 to 13 years. In many ways, the Halabi investigation is exemplary of how complicated the pursuit of justice for Syria can be, especially when justice has to be pursued in countries outside where the crimes happened. The law, in the end, is often a limited tool in this pursuit.



CHAPTER

# 13

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## JUST A CUP OF COFFEE

Season 2 | Episode 2 | October 23, 2023<sup>1</sup>

*Syria, the year 2000.*

*Bashar al-Assad has just inherited the dictatorship from his father. Syrians who have been hoping that this new President means a freer, more liberal Syria are about to be sorely disappointed. It's apparent that the intelligence services continue to hold sway over Syria—and this is where Khaled al-Halabi is about to be stationed.*

*This Chapter of The Syria Trials explores the centrality of the intelligence services in Syria, and how al-Halabi ascended the ranks. It includes testimonies from people who met him and uncovers the kind of person he is.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** In the previous chapter, we left Khaled al-Halabi, the Syrian Brigadier General, allegedly guilty of serious crimes against humanity, in a hotel room in Austria in 2015. Now let's go back in time. Back to Syria. To the year 2000. It's the turn of the millennium and the country is going through a moment of transition.

■ **Leila al-Shami:** The year 2000 was the time when the former president, Hafez al-Assad, died and his son Bashar inherited the dictatorship.

I am a British-Syrian human rights activist. I moved to Syria in 2000, primarily to get to know my family and the country of my father and to find out more about my heritage. I chose that time because my father was a communist and a former political prisoner in Syria. It was a time of openness and many exiles were returning to Syria from abroad.

■ **Fritz Streiff:** After seizing power in a coup in 1970, Hafez al-Assad's rule had effectively turned Syria into a police state.

Only one political party was allowed, the Ba'ath Party and one family was in charge—the Assads. An emergency reform had suspended the constitutional rights of all Syrians and greatly empowered the security forces. These intelligence services maintained strict control over the civilian population, using fear, threats, and actual violence to squash any inkling of internal political dissent.

■ **Rashid Satouf:** I was born in 1958 in Raqqa. I became a member of the Central Committee of the Communist Labor Party in 1982. By 1984, the security services were out to arrest me and I was being followed. I hid under a pseudonym and forged my papers until April 1987, when I was arrested at Al-Hijaz Café in Damascus. I was taken to the Palestine branch.

■ **Fritz:** Palestine Branch, or Branch 235, is one of the oldest branches in the Syrian intelligence services. It's in Damascus, the capital of Syria, and belongs to the military intelligence division, one of the sections of the Syrian intelligence services.

■ **Rashid:** Colonel Mazhar Faris was the head of the branch. He contributed personally to my torture. He was short and had a belly, and he jumped on my chest, breaking many of my ribs. I was handcuffed and naked, and I was transferred to the hospital twice while in a coma.

I was sentenced to 15 years. I spent 5 of them in Tadmor prison, and another 10 in Saydnaya prison.

■ **Leila:** Many of those people from my father's generation ended up in prison, never to be seen again. Every family had stories of people who had disappeared into the regime's detention centers, stories of horrific torture that culminated in the massacre of Hama, where estimates of some 20,000 to 40,000 people were killed when Hafez al-Assad sent his air force to crush an uprising there. For me, the Syrian state—the Assad estate—has always meant violence and repression.



■ **Fritz:** Whilst under no illusion that the Assad dictatorship would continue under Hafez al-Assad's son Bashar, many Syrians had hoped that with this new president, there would be an easing of the violent oppression and an acceptance of opposition thought.

■ **Leila:** Bashar was initially seen as a reformer. It was a period of hope at that time. People thought that he was a modernizer. In his inauguration speech, he certainly gave indications that he would open up the country. We later came to learn that these indications were meant on the economic level rather than the political one. So exiles were returning. There was the formation of some small civil society organizations for the first time in years, and I was part of that movement at that time.

■ **Fritz:** This period came to be known as the Damascus Spring. Rashid Satouf was still in prison as the dictatorship transferred from Assad father to Assad son. But as part of the apparent political opening, some political prisoners began to be released.

■ **Rashid:** The first time that leftist detainees were released was in the year 2000. All of our friends were released except for us—the eight or nine of us who made up the Central Committee of the Communist Party. We remained in prison until 2001. At the end of 2001, they took us to an interrogation branch and there was a security committee there made up of people like Hisham Bekhtyar.

When I first walked in, Hisham Bekhtyar was speaking. He was going on about the changes that the country was undergoing and that we would be able to see. I told him that I still saw this regime as tyrannical, corrupt, and unlawful. I remember that he laughed at me and he told me something I haven't forgotten to this day. He said, "You will go out and see for yourself that we no longer view any opposition as blasphemy." I was released at the end of 2001.

■ **Fritz:** While some prisoners like Rashid were released, and it seemed as if some opposition groups were being tolerated,

Bashar was not the liberal reformer many Syrians had hoped for. It became clear very quickly that Syria was going to be run as it had been before—with one ruling family, one ruling party, and a strict intolerance of any kind of dissident thought applied.

■ **Rashid:** Unfortunately, nothing changed within the structure of the regime. This was just the regime's attempt at improving appearances. Security forces were still the essential force of the regime and the mastermind behind everything.

■ **Leila:** The Damascus Spring didn't last very long, mostly for about a year. I think in the autumn of the following year, many of the key leaders of that movement had been arrested and imprisoned, including many colleagues and people I was working with. I was very young when I moved to Syria and very naive. I didn't understand the context very well when I first started working, but over time it became apparent how dangerous this work was, and how many of my colleagues were ending up in prison. I always felt somewhat protected by my British passport, but things got increasingly dangerous. I mean, I was being followed a lot. I felt the pressure, and that's mainly the reason why I left.

■ **Fritz:** So where was al-Halabi in all of this? Khaled al-Halabi had chosen a military path for himself, graduating from the Syrian Military Academy in Homs in 1984. He later earned a law degree from the University of Damascus in 2000, and in 2001, as the short-lived Damascus spring was underway, he was transferred out of the military and into the intelligence services. He first worked for the General Intelligence Directorate in Damascus. It's worth noting here the intelligence services in Syria are divided into four sectors.

■ **Steve:** The four are Military Intelligence, Air Force Intelligence, Political Security, and State Security or General Intelligence.

■ **Fritz:** Steve Kostas is a lawyer at the Open Society Justice Initiative.

■ **Steve:** The State Security or General Intelligence Directorate, they're the same, different names. General intelligence, as I understand it, was carrying out intelligence activities within Syria, for the most part about the political parties, the state employees, and coordinating with the other intelligence agencies. For the General Intelligence Directorate, there are something like 11 branches in Damascus and 14 branches in the governorates, i.e. 14 regional branches. Among the 11 Damascus branches, some have specialized functions and are engaged in espionage and other similar things. Al-Halabi is reputed to have worked initially at the espionage branch in Damascus. Then at some point, he was made the head of the Tartous branch of the General Intelligence Directorate. Tartous is an area of Syria that is very close to Lebanon. It's known as a very Alawite part of Syria, so it is very close to the regime.

■ **Fritz:** The Alawites are a religious sect who form a minority in Syria, around 18% of the population. The Assad family are Alawites, and they have often placed others from the Alawite sect in high-ranking positions within the regime structure and intelligence services. Despite holding the high-ranking position of head of an intelligence branch, al-Halabi is not an Alawite. He is a Druze, an even smaller religious minority in Syria than the Alawites. It's difficult to get accurate statistics, but the Druze form around 3% of Syria's population. Al-Halabi's roots are in the town of Suweida. As a writer and journalist, Kenan Khadaj's.

■ **Kenan Khadaj:** I'm a writer and a journalist. Suweida is a city just 100 kilometers to the south of Damascus. It's a small city, and it is demographically very different from the rest of Syria because it's the only city mostly populated by minorities. It has 90% Druze and 5% to 6% Christians.

■ **Fritz:** But does al-Halabi being a Druze, give us any insight into his personality or what kind of man and intelligence officer he was?

■ **Kenan:** We are known to be stubborn. The Druze are known to be stubborn in Syria. They are also known to be more of an isolated group. They have always lived in the mountains and they are an agricultural-based group. They are reliant on themselves. The regime depicts itself as a protector of minorities in Syria, but actually, they need the minorities to protect themselves. They only exist because of the minorities.

■ **Fritz:** Could al-Halabi have been loyal to the regime because he saw it as the protector of Syrian minorities such as himself? Is it unusual that as a Druze, he was in a high position inside the intelligence services, a position that might usually have gone to an Alawite? We can only really speculate the answers to these questions. So how much attention should we pay to the fact that al-Halabi is a Druze?

Bill Wiley is the executive director of the Commission for International Justice and Accountability, also known as CIJA. Bill has been investigating war crimes for nearly 30 years. He believes the sectarian narrative shouldn't be overemphasized.

■ **Bill Wiley:** The regime hammers anyone who opposes it. I know there's a belief in some parts of the opposition of the diaspora from Syria that the regime is harder on Sunnis. CIJA has more than a decade of expertise dealing with this, the regime hammers anyone who opposes it or is believed correctly or otherwise to be a threat to it. The regime is a power-based political structure. It is not a sectarian structure. It is dominated by Shia, in particular by Alawites. But anyone loyal to that regime has a place in it.

■ **Fritz:** In 2009, after two years as Head of the General Intelligence Branch in Tartous, al-Halabi became Head of General

Intelligence Branch 335 in Raqqa, also known as State Security Branch 335. Remember, they mean the same thing. Raqqa is a city in the northeast of Syria, the same city Rashid Satouf is from.

■ **Rashid:** Raqqa is located in the northeast of Syria. It's where the Euphrates Valley lies and there is a lot of wheat, cotton, and petroleum. It is one of the richest Syrian areas in terms of resources, but it was kind of neglected and forgotten.

■ **Fritz:** Lab technician Muhammad was born in Raqqa in 1981.

■ **Muhammad:** Raqqa is a relatively small city. Before 2011, the population was less than 1 million. The people of Raqqa are known for their kindness and their willingness to help others. There is a saying that we love strangers, and when a stranger comes to Raqqa, they receive a warm welcome and support from the people. We say that whoever experiences the waters of the Euphrates River feels a lasting connection to it. Everyone in Raqqa knows each other, as Raqqa is a tribal area, there has always been a network of connections and relationships that exists within and between clans.

■ **Abdallah:** I am from Raqqa City. I was born there, and I love this beautiful place.

■ **Fritz:** Tell us about Raqqa. What kind of place was it like, geographically, culturally, and socially?

■ **Abdallah:** Raqqa is like a small city. It is a quiet place, with open and simple people. It's a good place to live. I can't express a lot about that. You have to visit first and then we'll talk about it. At that time, the government doesn't care about the city.

■ **Fritz:** What do you mean they don't care?

■ **Adallah:** They just get what they want from the city. They don't give any service. They even didn't allow us to use the TV satellite before. They made it illegal. The intelligence can cut it

for you and put you in jail. There are many special rules for the Northeast. They run the northeast through military generals and intelligence. In Raqqa, there was a guy called Colonel Aziz. Most of the people still fear him until now, just by hearing his name.

■ **Fritz:** His move to be in charge of General Intelligence in Raqqa, how should we see that in terms of the power politics internally in Syria at the time—before the uprising started? Is that a promotion, a demotion, or a sidelining?

■ **Bill Wiley:** We have some information stating that al-Halabi hated Raqqa. It is a conservative part of the country. The outside of the city is sparsely populated. Al-Halabi likes drinking, and some party vibes, it is our understanding. Raqqa is not the place for that. The selection of nightclubs and nightlife options would be quite limited. I had never been to Raqqa before the war, but I'm guessing because there wasn't demand for that. He didn't move his family there. Is it a demotion? I don't think so. It's a serious post. First of all, he got promoted to Brigadier anyway. Brigadier Generals are a dime a dozen in the Syrian Arab Army. You can make him Brigadier General and in charge of nothing in Damascus. So you would not put someone in that post who was not trusted to look after the security interests of the regime.

■ **Fritz:** During the years before the revolution, had you heard of Khaled al-Halabi, had you known who he was?

■ **Abdallah:** Yes, one would know the heads of all the branches, the intelligence branches. One would also know the officers under them. You know Khaled al-Halabi, you know Colonel Jasem, the Head of the Political Branch. You know them from their cars, these Mercedes and Jeeps.

■ **Fritz:** You can see them.

■ **Abdallah:** You can see them, but you can't even look into their eyes at all.

■ **Steve Kostas:** So he was the head of the entire governorate and there was a main site in the town of Raqqa. And then there were, I think, at least five external branches in other towns. He oversaw all of that.

■ **Fritz:** But some lessen the significance of al-Halabi's particular position and branch.

■ **Thae Dandoush:** I am a civil activist and a schoolteacher from Raqqa governorate. Khaled al-Halabi did not have a presence in Raqqa like the dominant figures in the Military Security or Air Force intelligence had. These agencies had much more control and influence, whereas State Security had a more limited role. Individuals from the political security division, to be honest, have more of a criminal reputation. They are known to be oppressive and authoritarian figures, extortionists too. Khaled al-Halabi was not among the prominent figures known in the Raqqa region.

■ **Kenan Khadaj:** The head of a Branch in a city is very important. But let's keep in mind it's one of several branches of the Secret Service, and it's a remote city that was considered not as important as Homs for example, or another city.

My father is a mathematician. In the seventies, he was a communist and he was very politically active. My uncles were all in different parties in the left wing, and he spent his whole life being active against the regime. As a young child, I was somehow aware of how brutal this regime is, and how dangerous it is. But I was aware that one shouldn't talk. My uncles disappeared because they talked—they didn't do anything more than talk. There is this lame joke that is always repeated in Syria, "They will invite you for a cup of coffee, and this cup of coffee could take 20 years."

■ **Fritz:** It may be a joke, but it somewhat reveals how certain intelligence officers like to portray themselves. The friendly persona that some of them like to present to those that they were detaining

and interrogating, seems like an attempt to come across as more human. This is exactly the impression Rashid Satouf got from al-Halabi.

■ **Rashid:** One day, I got a house visit from an assistant who worked at the State Security Branch. Khaled al-Halabi was fairly new to town.

He told me that the head of the Branch wanted to meet me, that it would be just an introduction, and that he wanted to get to know the political figures in town. I refused to go to the Security Branch and he left. A week later, he came back and told me that the man in charge was insisting. He informed me that it would be casual since there was no problem with me at present. He left only to come back a third time. I felt that I did not need to make matters worse or to make an enemy out of someone I did not know. I finally agreed to go and see what he wanted.

This was my first meeting with Khaled al-Halabi. He was very polite. I remember he had a very long desk, but he got up from behind it and met me halfway across his office. He shook my hand and did not return to his desk chair, but rather sat in the chair opposite me. He introduced himself and said he was from Suweida. He talked briefly about his social status and personal history and about how he respects the peaceful opposition and sees it as necessary for any state. He said that if security decisions were up to him, he would not hinder any political figure from working peacefully. On the contrary, he would make room for political forces in parties. I told him my viewpoints and my position regarding the regime, how nothing has changed, and how the regime makes empty promises. That was our meeting. I mainly talked about the regime's corruption and the increasing suffering of the people.

■ **Fritz:** Was al-Halabi perhaps not as loyal to the regime as his position might have you think? Kenan has also heard that al-Halabi did not come across as a monster.



■ **Kenan:** As I heard from very different sources, he was very smart, intellectual, and polite, and he did not use a lot of violence in interrogations. I also heard that from some colleagues of his from the Army, and from people from Raqqa, including other prisoners who claimed he was somehow polite.

■ **Fritz:** What did people say about him? Like, did he have a specific reputation?

■ **Abdallah:** Most of them, when you go to sit with them in person, they will tell you stories about saving the country and they will be nice to you. The moment you go out, they will follow you. Exactly from the same moment.

■ **Fritz:** Double face.

■ **Abdallah:** Double faces, all of them. It's like this. For example, they put my friend's name on Facebook, stating he's against our country and stuff like this. He went with his uncle to meet Khaled al-Halabi and tell him he wasn't doing anything against him or the country. Al-Halabi replied, "Yes, we have nothing against you, you seem like a good guy, of course, you will not do anything against the country. We are proud of you." Two weeks later, they kidnapped him.

■ **Fritz:** In some ways, al-Halabi sounds like a typical Schreibtisch Täter, a desk criminal, à la Adolf Eichmann, a Nazi official who was one of the major organizers of the Holocaust. These types never get their own hands dirty. They seem like perfectly nice guys, and family people when you get to know them a bit. But the politeness masks the terrible, inhumane things that happen under their command that they are finally responsible for. Is that just generally the face of organized structural, bureaucratic evil?

■ **Steve:** Al-Halabi was the Head of the Branch and as we understand it, he was not only on paper in control but very much in control of the running of the Branch. Before the conflict, he

was involved in the Security Committee for Raqqa, which is an organization of the heads of each of the four intelligence branches, plus the representative from the governor's office and the Ba'ath Party. They would coordinate the security of the governorate or the province, including deciding who should be arrested, identifying sorts of house raids, and other security measures that should be conducted. And then obviously, if you're arrested, you're often interrogated in an abusive way.

■ **Fritz Streiff:** So what should we believe? Was al-Halabi a decent, polite, intellectual man or a cold-hearted intelligence officer in charge of a Security Branch, that was the site of brutal interrogations and torture? And couldn't he be both at the same time?

■ **Kenan Khadaj:** I would say nobody, no general in the Secret Service is innocent. It's a whole cruel structure that's based on corruption and arresting and suppressing people. It is a very cruel structure. It's hard for me to believe that there is a general in the Secret Service that's an innocent man, but maybe there is.

■ **Bill Wiley:** It's individual criminal responsibility. It's Khaled al-Halabi, he held this rank, he had this appointment. These things happened under his command. Is he individually criminally responsible for that? Yes or no?

■ **Fritz Streiff:** A year after al-Halabi became head of Branch 335 in Raqqa, in December 2010, anti-government demonstrations broke out in Tunisia. By early 2011, protests calling for freedom and democracy were rising not only in Tunisia but Egypt, Libya, and Yemen.

■ **Leila al-Shami:** Well, I remember when the Arab Spring broke out and I was in Palestine and, you know, we were watching stuck to the television, desperate for news of what was happening in Tunisia and Egypt. And I remember Palestinian friends asking me, do you

think this will spread to Syria? My response was that I thought the occupation of Palestine would end before Syrians dared to protest in great numbers on the streets.



CHAPTER

# 14

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## INSIDE BRANCH 335

Season 2 | Episode 3 | October 23, 2023<sup>1</sup>

*Spring 2011: Following the wave of peaceful protests that swept across the Middle East and North Africa, the revolution has now come to Syria.*

*Activists tell us what it was like to finally be able to shout out loud for their rights—the joyful days—and they recount how the regime quickly reacted with violence.*

*General al-Halabi was the Head of General Intelligence Branch 335 when the uprising began. How did his branch respond to the growing protests?*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** In early 2011, as protests swept across the Middle East and North Africa, many Syrians were waiting to see if a revolution would also rise in their country. Diana Khayyata was one of them. She was living in Syria's most populated city, Aleppo, the economic hub in the north of the country.

■ **Diana Khayyata:** Before the revolution, an important event led me to naturally become an activist, which is my divorce situation and experiencing how men had way more rights than women in Syria and by the Constitution. What broke me inside was that he decided to take my children away from me. I found myself divorced with nothing on me, not even a personality. And that's very crucial and essential for you to lead a path. You need to have a voice, you need to have analytical thinking, you need to have courage, power, etc... I just felt that I'm not strong. Until someone came to me and said, "Diana, you are weak now. Empower yourself and then bring back your children." That was my train track. Then the revolution happened and also naturally, I became an activist due to the gender injustice in Syrian laws. When I learned about the revolution and heard people protesting in the streets, that was my first go-to.

Shouting in one voice for your legal rights with people on the ground. That's the first step in my journey to obtain a character and to have a voice to speak with.

■ **Fritz:** Kenan Khadaj was at the other end of the country to Diana in Suweida, the hometown of Brigadier General Khaled al-Halabi.

■ **Kenan Khadaj:** At the beginning of the revolution, the whole ideology of the revolution was peaceful protest. We were going to do what the Tunisians and the Egyptians did, we were going to try to overthrow this regime peacefully, make a safe transition to democracy, and build a safer and less corrupt government.

■ **Diana:** It's an amazing feeling. I am sorry I am getting emotional, but it's amazing to just feel liberated, to hear everyone speaking one voice, demanding one thing: dignity and justice for all. It's amazing and also scary at the same time.

■ **Fritz:** Revolutionary sentiment was also building in Raqqa, the city in the northeast of Syria, where al-Halabi had been Head of State Security since 2009. Those eager to join the revolution began to coordinate like schoolteacher Thaeer Dandoush.

■ **Thaeer Dandoush:** The first protest took place on March 25, 2011, near Al-Firdous mosque. I was working in a bridal shop located across the street from the mosque. I was standing in front of the shop when all these young people came out of the mosque. One brave person, may he rest in peace, Abu Yam Mohammad Al-Shalash, was standing outside the mosque's door and started shouting out, protesting. When he shouted, I cannot describe the feeling that overtook me. I was ecstatic, trembling, and shivering. It was an incredible feeling, to be honest. During the first protest, I just walked with the people who were shouting. I thought I would shout, but I couldn't. I was frozen. But the important thing was that I started moving.



■ **Fritz:** Activist Abdallah also remembers the first demonstration in Raqqa. How did that feel? What was the feeling like, the atmosphere in the city?

■ **Abdallah:** You know...

■ **Fritz:** I see you smiling.

■ **Abdallah:** Yeah, because at that time I didn't believe people had this power to protest.

■ **Fritz:** So a lot of people came?

■ **Abdallah:** No, this is what made me laugh. There were like 20 or 25 persons. We started to coordinate and encourage people. We made posters about our rights, stating that we have to bring change, and to rethink our future, "if not you, for your children."

Demonstrations started getting bigger and bigger. 100, 200. And after that, I started choosing the place and time of the demonstrations.

■ **Fritz:** Do you remember a specific protest?

■ **Abdallah:** Yes. I remember telling my friends we had to demonstrate near the "amn daula" branches. This was the first time I got close to intelligence branches. They told me this was dangerous, but we had to do it. It was like telling people we're not scared of demonstrating there, so they become more open to the revolution and support it.

■ **Fritz Streiff:** What was that like?

■ **Abdallah:** I have one brother. He wasn't able to run much, unlike me; I was a good runner. I invited around 20 or 25 people, all of them in good shape to run because we expected the intelligence forces to come directly and attempt to arrest us. I also invited Amer, my friend, who had just been released from jail. I told him it would only be around 5 minutes, and we could flee. So, when the demonstration

started, my friends began filming. It lasted just 13 seconds. In that short time, the police arrived, and they arrested my brother and my friend, who had recently been released from jail. It all happened in just 13 seconds. That was the first time they shot at us.

■ **Fritz:** In the air?

■ **Abdallah:** No, they shot because I ran. There was a general who ordered his officers and soldiers, “Bring me that guy.” So I ran and they followed me to an empty area and they started shooting. It was the first time that they shot directly.

■ **Fritz:** They hit you?

■ **Abdallah:** No. They didn't catch me.

■ **Kenan Khadaj:** In the beginning, the regime faced us with extreme force. He would send his militias, he would send the army, and they would use live ammunition against normal protesters. Numerous massacres happened. We used to say that the main reason the revolution reached every city in Syria was the regime itself. The brutality of the regime has caused every single person in Syria to not want anything to do with it. Nobody wanted to stay silent in the face of such brutality. By 2012, if I remember well, the protests had reached every city in Syria.

■ **Diana Khayata:** The regime reacted violently. In the beginning, it was rubber bullets and then tear gas. And the arrests, of course, the violent arrests, using electric tasers for example.

■ **Fritz:** The reach and power of the Syrian intelligence services didn't diminish as the revolution took hold of the entire country. If anything, the powers were increased, as the Assad regime attempted to gain a handle on the protests.

■ **Muhammad:** The presence of intelligence services became more noticeable in the streets, particularly at night, especially since protest announcements were being shared on Facebook. If there

was a scheduled protest at a specific time, the entire street would be filled with security personnel, whether from the police, state security, political security, or military security.

■ **Fritz:** All the demonstrators were taking precautions to avoid being caught by intelligence services. Muhammad had even thought that he had an extra layer of protection. In early 2011, as protests were gaining ground in Raqqa, he had a personal meeting with al-Halabi, at State Security Branch 335.

■ **Muhammad:** On Facebook pages linked to the regime, they started publishing the names of the infiltrators as they used to call us in Raqqa. My name was one of them. It said that I, Muhammad, an employee at the blood bank, was inciting against the regime and calling for protests.

■ **Fritz:** Muhammad's uncle was a member of the Ba'ath Party, the only party allowed in Syria. He was seen as someone loyal to the party and the regime. He asked to meet with Muhammad.

■ **Muhammad:** He picked me up in his car. He said he was taking me to see Khaled al-Halabi, his friend. I asked who Khaled al-Halabi was and he told me that he is the director of the state security in the region. We entered his office and he welcomed us warmly, saying, "Welcome, welcome, welcome Abu Kinan." That's my uncle's name. He said, "This is my nephew, Muhammad. I mentioned him to you before." They engaged in some casual conversation, talking about various topics and some mutual friends. Al-Halabi asked, "What would you like to drink?" We said that we would like to have coffee. Al-Halabi then asked if I had any issues with anyone. I responded, "No, I don't have any problems with anyone." He probed further, asking me if I had participated in any protests. I said "No. Surely I wouldn't come to a State Security Branch and admit to joining a protest, especially when I am here with my uncle, who is your friend". He expressed disbelief, seeing that it was unlikely that my name would have been mentioned unless someone had filed a report or made accusations against me. He insisted that something

must be wrong. He wanted to know what my intentions were. Did I have revolutionary aspirations? I assured them I didn't want to do anything like that.

■ **Fritz:** Our editor and researcher Mais interviewed Muhammad.

■ **Mais:** How did you feel about him when you met him at that time? What were your impressions of his personality?

■ **Muhammad:** I absolutely disliked his personality.

■ **Mais:** Can you explain why?

■ **Muhammad:** I mean, you know when you sense that someone doesn't like you? He was very arrogant in his speech saying things like, "We have nothing on you, in our branch there is nothing against you." His appearance conveyed a sense of seriousness. He had a slight frown. He was of average height. Just like the majority of Syrian people. But as a person, he commanded respect. Before you even spoke to him, you could sense his authority as a security officer.

■ **Fritz:** Muhammad left Branch 335 that day knowing he had to act cautiously, but thinking he enjoyed some level of protection from the security services.

■ **Muhammad:** Having a connection with Khaled al-Halabi through my uncle seemed advantageous. Being associated with someone in the security field could have its benefits. He reassured me that everything was fine and there was no cause for concern. However, even with the Head of the Security Branch offering these assurances, it didn't guarantee my safety. A month later, I found myself arrested. And who was behind it? The state security.

■ **Fritz:** Muhammad had finished his shift at the blood bank around 3:00 in the afternoon. He was standing outside when a jeep pulled up beside him. There were four men inside.

■ **Muhammad:** They asked for my identification, so I showed it to them. Then the two men in the back grabbed me and shoved me

in the boot of the car. I had no idea who they were or where they were taking me. The car stopped. Then they instructed me to walk with my hands tied. My watch, mobile phone, wallet, and personal documents were confiscated. They blindfolded me. They led me to a room where I could only partially see through the corners of my eyes.

“Do you want to plot against Bashar al-Assad, Muhammad?” they shouted. I stayed silent. They made baseless accusations about me and my family using vulgar language and insulting remarks. “Muhammad, acting alone, wants to overthrow the regime? How weak do you think the regime is?” I told them, “I want nothing, Sir. I was just doing my job. You came and arrested me. Do you claim that I want to overthrow the regime? Where did you hear that? Where have I ever expressed such intentions? Someone must have fed you false information.”

They started hitting me, slapping and kicking me. They forced me to lie on my stomach and tightly tied my legs with a belt. My hands were bound behind my back. They continued to hit me repeatedly on my back, buttocks, thighs, and calves. “Will you confess?” they demanded. They kept on increasing the violence. I told them at the end, “Enough. Just write down whatever you want.”

■ **Fritz:** After being transferred to the Criminal Security Branch, Muhammad was released around a month later, but he was arrested again another month or so later. He was detained and tortured for eight days at Branch 335.

Abdullah al Khalaf was another protester arrested in 2011 and taken to State Security Branch 335.

■ **Abdullah al Khalaf:** I participated in the second or third protest in Raqqa on April 22, 2011. It was named the Great Friday. The police were present and I was arrested alongside my brother. They took us to the State Security Branch. Each of us was taken out alone to the branch chief. I was blindfolded. I could

not see a thing. I knew this person was the head of the branch. They called him Abu Saleh, but his name was Khaled al-Halabi. I do not remember very much about that moment, but he asked me questions about why I had joined the protest. It became physically violent. They threw me on the ground, raised my legs, and shouted insults at me, my family, and our cause. He was the one throwing out insults. I'm not sure if he was the one doing the beating since I was blindfolded.

■ **Fritz:** Thaer suffered horrific treatment at Branch 335.

■ **Thaer Dandoush:** There were two occasions when I was at the State Security Branch, and they put me on the flying carpet.

■ **Fritz:** Remember the flying carpet—*bsat al-reeh*—is a wooden board that detainees would be strapped to. The board is then folded in the middle, causing awful pain to the person on it.

■ **Thaer:** On one occasion when they started electrocuting me, I do not know for sure, but I think I was in the room of the branch manager. I was blindfolded and could not see anything at all. I could only hear voices.

■ **Fritz:** It seems from the accounts of those who were detained and tortured in 335, that significant and serious abuses occurred within al-Halabi's Branch, under his watch. Whether al-Halabi himself was implicated in the actual torture is more difficult to know.

■ **Muhammad:** Security personnel don't act independently. They require the approval of their superiors. There is no active security element without the commander's consent or authorization. When they arrested me the first time, it was impossible for Khaled al-Halabi not to know about it. During my second arrest, it took my family about a month and a half to find out where I was. How come al-Halabi didn't communicate to my uncle where I was?

■ **Fritz:** So where exactly does his criminal responsibility lie? CIJA director Nerma Jelacic explains how the regime responded to the growing protests and al-Halabi's role in all of this.

■ **Nerma Jelacic:** When the regime first tried to quash the protests with the use of some force and the existing apparatus, they were dissatisfied with the communication, or lack thereof between the military and different security intelligence departments. It was therefore decided to set up the CCMC, the Central Crisis Management Cell, which would report directly to the President. The president would approve the recommendations of the CCMC down to the governorates. As the protests continued spreading, Damascus kept trying to strengthen the structures that they were putting in place to quash the revolution.

■ **Fritz:** These structures included the creation of security committees.

■ **Nerma:** The security committees were ordered to be established in each of the governorates somewhere around autumn 2011. The security committees were composed of heads of different security intelligence departments, in addition to a military representative, and a Ba'ath Party representative. They were in charge of coordinating the response within the governorate and writing daily reports up to the CCMC, or to the head of the branch, depending on the type of report. They all had to be present, or their deputies.

In terms of al-Halabi's criminal responsibility, it would have to be restricted to the time frame when he was in charge of the General Intelligence Department, and to the areas of work he influenced. You wouldn't be able to hold him responsible for what the military or the security manning the checkpoints did. But what happens to the person when they are picked up at the checkpoint or in a house raid by the military and taken to the GID?

■ **Fritz:** GID, meaning General Intelligence Directorate or Department, which was the intelligence service al-Halabi was head of.

■ **Nerma:** Then, he is responsible because he's part of that infrastructure.

■ **Steve Kostas:** So there would be orders from Damascus. But each of the governorates or each of the officials in the governorates had to decide how they would implement those orders and whether that meant that they were going to arrest and torture peaceful demonstrators or not. Al-Halabi was at the center of those decisions in Raqqa. In some locations in the Raqqa governorate, in outlying areas, some officials did not want to apply those policies in a particularly harsh way. Accordingly, there were fewer arrests or less torture there. But in Raqqa itself, in the city itself, they were applied in a very harsh way, and there, roadblocks were set up, patrols of State Security and Criminal Security Branch officials that would go around the town, and everyone knew to fear them.

■ **Fritz:** Bill Wiley, another one of the directors at CIJA, doesn't mince his words when it comes to what he thinks regarding al-Halabi's criminal responsibility.

■ **Bill Wiley:** Well, the key characteristic is he's a murderer. I appreciate that he hasn't been charged and convicted yet, but I can assure you the evidence is overwhelming in this case. A great many people were victimized and indeed killed in his facility, and the facility wasn't that large, but rather a relatively small branch. We know that the interrogation rooms were within earshot of his office. So when people are being filled in and abused in myriad ways, we have witnesses who can testify that the screams, and crying, would bounce down the corridor and reach his office.

■ **Steve:** The additional information that we have indicates that all the types of torture that we've seen in Syrian detention were used in Raqqa and Branch 335, al-Halabi's branch, as well.



So beating the feet, the soles of the feet, the flying carpet where you're strapped to a hinged board and the board is folded to put pressure on your spine, hung from your wrists, from the ceiling so that you're barely touching the ground and then beaten, forced nudity, you know, quite a range of torture.

■ **Fritz:** As 2011 wore on, the regime had its hands and prisons full of dissenting protesters, and so it employed a myriad of tactics in an attempt to stop them. Charles Lister is a senior fellow at the Middle East Institute in Washington, DC. He directs their Syria and Countering Terrorism and Extremism Programs.

■ **Charles Lister:** There's also some history here in terms of the regime's willingness to infiltrate, manipulate, and weaponize jihadis. Wasn't it in the very early months of the peaceful uprising, whilst the regime was detaining and disappearing hundreds if not thousands of peaceful protesters, that it also decided to announce a series of prisoner amnesties, almost all of which saw Islamists and jihadist prisoners released? There was this kind of dichotomy that the regime was creating whereby it was wrapping up and disappearing all of the more secular, peaceful, nationalist protest leaders and protesters and sweeping them into prison cells, and then releasing all of the more dangerous Islamist and jihadist individuals who had been in prison for violent offenses.

■ **Fritz:** Why would the regime release Islamic extremists?

■ **Abdallah:** First, to let the revolution become more violent, where weapons are used against the government and stuff like this. The regime knows this game very well. The second reason is to let the Western country see the revolution as driven by Islamic people, and they will bring ...

■ **Fritz:** Violence?

■ **Abdallah:** Violence and a lot of terrorist stuff.

■ **Fritz:** So would you say that at that time they wanted to kill the peaceful spirit?

■ **Abdallah:** Exactly.

■ **Fritz:** And they wanted to show the world that they had a legitimate reason to fight the revolution.

■ **Abdallah:** Exactly.

■ **Charles Lister:** The regime knew what it was doing. You know, this is a regime that has survived for over 50 years. It has survived so long because it has designed a system of near-total control. And it has also understood exactly how it can manipulate its population into submission.

■ **Fritz:** And as time went on through 2011, 2012, could you see the development of the conflict getting worse?

■ **Abdallah:** Yeah. The first time the big demonstration happened was in March 2012.

■ **Fritz:** One year after the start.

■ **Abdallah:** Yeah. This marked a main turning point of Raqqa to the revolution side when they shot a guy called Ali al Babinsi. There had been a lot of shootings before, but they hadn't resulted in deaths. They would arrest people, send some to Damascus, throw others in jail, and beat and torture them. However, this was the first time they shot someone from about ten meters away. I witnessed it. The next day, when we carried him to the grave, we walked from Raqqa city center to the outskirts where the graves were. It was the first time I saw thousands of people. I believe there were more than 100,000. Even more.

■ **Fritz:** Wow.

■ **Abdallah:** Yeah. When we returned, people were angry, very angry. They gathered around the Hafez al-Assad statue intending to destroy it. That's when we saw numerous soldiers, from the military and various intelligence branches like the State Security Branch.

Suddenly, they started firing at us. They shot and killed my friend, Mustafa Al Zana. During that week alone, they killed about 41 people.

■ **Fritz:** So that was the big turning point?

■ **Abdallah:** Yes.

■ **Fritz:** And for you, how did things go on from there?

■ **Abdallah:** There was a meeting for coordination at a place in Raqqa city, and they attacked the place. They arrested us all, they were like a joint group from all the branches who came with the military. I quickly gathered all the sensitive information—like usernames, passwords for Facebook and emails, and streaming accounts—onto a small USB drive. When they attacked the apartment, I got very scared. They started shooting; I was on the third floor and considered jumping off the balcony to end my life because of the fear. The soldiers shot at the balcony from the street, forcing me to lie low. I managed to throw the USB away before they arrested me.

■ **Fritz:** We heard about Abdallah's detainment and torture in multiple intelligence branches in episode one. He was detained in Raqqa before being moved to a nearby city called Deir ez-Zor and was then moved on to the capital, Damascus. Being transferred to Damascus was what detainees feared most. It was a fate that often meant you would never return.

Whilst he was enduring horrific treatment in the underground cells of these branches, the conflict was getting hotter on the ground above. The skirmishes between the regime and the protesters were developing, getting increasingly more violent.

■ **Kenan Khadaj:** The transition started happening somewhere by the end of 2011. Bashar al-Assad's decision to involve the army in this conflict was a catastrophe because, first, everybody had to go to the army in Syria. From every family, when you're 18 when you've finished studying, you have to go, it's mandatory. And

some of those soldiers were forced to fire their weapons at their neighborhoods. And not surprisingly, they started not following orders. The regime being what it is, there were orders to execute anybody who refused to shoot at the protesters. Soldiers logically started leaving their posts and going back to the place where they came from or started building small groups to defend those protesters. And of course, it was unorganized, but it happened all over Syria and that was like the beginning of the Free Syrian Army.

■ **Fritz:** The Free Syrian Army may not have had the same military might as the regime, but it began to succeed in liberating areas of Syria from regime control, including Aleppo. Diana Khayyata was in Aleppo, still separated from her children in July 2012 when the city became a battleground. Rebel fighters launched an offensive to oust government forces and gain control over northern Syria.

■ **Diana Khayyata:** One incident I'll never forget was when the military plane, MEG, flew over Aleppo and began shelling the highest area—the radio station center. What makes this day unforgettable isn't just the fear caused by the sound, the situation, and even the smell of the air. It's also because my children's house was directly opposite the radio station building. They had to hide in the basement for at least six hours, and I couldn't see or talk to them because I wasn't allowed. When their father took them away, he made it clear that I couldn't see or speak to them without his approval.

I watched from my balcony as the MEG flew in, shelled the area, and then flew away. It was so scary. I wouldn't wish this experience to any mother. At exactly 7:15 a.m., they left the area.

■ **Fritz:** Despite the military power of the regime, the Free Syrian Army continued to make gains. East Aleppo was liberated from regime control and other parts of Syria also fell to the opposition. As 2013 came around, much of Syria was under opposition control and there was a real feeling that the opposition could win.

■ **Charles Lister:** The scale to which regional states intervened at first, providing finance and weaponry and some training thereafter to armed opposition groups, gave way in late 2012 and early 2013, a period in which the armed opposition held all the cards. Military bases all across the country were falling to opposition control, in a fairly rapid fashion. That period also gave way to the United States and Europe to join the bandwagon of providing support to the mainstream opposition.

■ **Fritz:** By the end of 2012, the Free Syrian Army had captured key parts of the road that led from Damascus to Raqqa. It joined forces with Ahrar al-Sham, an Islamist opposition group whose formation can be directly traced back to the regime's release of Islamist extremists from prison in 2011. The rebels had also joined with al-Nusra Front, another Islamist group who had close ties to Al Qaeda. This gang of militarized opposition groups was heading to Raqqa. Muhammad had been released from prison and was in Raqqa when the rebels approached.

■ **Muhammad:** On March 2, we were asleep, when suddenly around 4:00 or 5:00 in the morning we heard gunfire. It wasn't heavy shelling, just sporadic gunfire. They were on the outskirts at first then news started spreading. The Free Syrian Army was in the heart of the city. They had surrounded the State Security and Military Security forces.

■ **Abdallah:** This took like two or three days. Two days.

■ **Fritz:** Quick.

■ **Abdallah:** It was really quick. Because the Assad regime didn't send any support to them.

■ **Fritz:** It seemed that no one had felt that this city, considered loyal to the regime, would fall so quickly. Raqqa became the first provincial capital to fall to the rebels. It was a major gain for them, after two years of fighting the Assad regime for control of Syria.

What happened to the high-ranking regime officials who were in Raqqa when the Free Syrian Army came?

■ **Abdallah:** There was the mayor and the head of the Ba'ath Party in Raqqa, and they got arrested by the Islamic group Jabhat al-Nusra. I don't know what happened to them. Colonel Samir who was the head of the Military Intelligence Branch, fled to the 17<sup>th</sup> brigade, north of Raqqa. Most of the high-ranking generals and officers went to the 17<sup>th</sup> Brigade.

■ **Fritz:** The 17<sup>th</sup> Brigade is part of the Syrian Arab Army—the regime's army—that was responsible for northeastern Syria, where Raqqa is located.

■ **Steve:** In the first few days of March 2013, the opposition liberated Raqqa. They defeated the government forces and took control of the governorate and the city in particular. In the days before that, several helicopters with high-level officials from Raqqa retreated to Damascus, including key officials from Raqqa, from the security and intelligence directorates. Al-Halabi did not go, he didn't return to Damascus.

CHAPTER

# 15

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## ESCAPE FROM RAQQA

Season 2 | Episode 4 | October 30, 2023<sup>1</sup>

*March 2013: Raqqa is celebrating. Opposition forces have taken over the city and the Syrian regime is no longer in control. Intelligence forces, security branches, and the Head of State Security Khaled al-Halabi are all gone. As the citizens of Raqqa look towards a new future, where has al-Halabi escaped to?*

*Please be aware that this chapter contains some descriptions of torture.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.





■ **Thaer Dandoush:** It was truly incredible. We were singing and crying. I do not know what else to say, but those weeks and months were some of the best days of my life. You know, the regime had no control, and for the first time, everyone spoke their minds out loud without fear.

■ **Mais Katt:** You mentioned that you were singing. What were the songs?

■ **Thaer:** We would sing the Revolution songs, Mais.

■ **Mais:** Do you remember any favorites of yours?

■ **Thaer:** Paradise. Paradise. Paradise.

■ **Fritz Streiff:** The city of Raqqa is celebrating. For the first time in their lives, its citizens can walk in the streets expressing how they truly feel about the country they live in, and the ruling Assad family. They can sing and call out loud for freedom and democracy, something that mere days ago would have meant risking their lives.

■ **Muhammad:** It was an indescribable joy. You could walk freely without fear of a security agent coming at you from behind, or a car stopping next to you, and forcing you into it. I cannot find the words to express the feeling. These were the moments that I had been imprisoned for, the moments I had been dreaming of experiencing in real life.

■ **Fritz:** The people of Raqqa could do this because, in early March 2013, a group of opposition forces made up of the Free Syrian Army and various Islamist groups freed the city from the control of the Syrian regime. President al-Assad was no longer in control. There were no more security branches, no more intelligence officers, and no more Khaled al-Halabi. But while the heads of the other intelligence branches are known to have either been captured by the opposition or transferred by helicopters out of Raqqa and back to the safety of the capital Damascus, the head of State Security Branch 335 Khaled al-Halabi was nowhere to be found.

■ **Rashid Satouf:** Based on the information I have, there was a plan made with Khaled al-Halabi that he would defect from his position and leave the city.

■ **Fritz:** As these rebel forces encroached on Raqqa, those who worked for the regime, like al-Halabi, were forced to swiftly consider their options. Luckily for him, it appears that there were people in Raqqa who thought well of al-Halabi, even though he was the head of General Intelligence. People like Rashid Satouf, the Communist Labor Party member. Rashid had met al-Halabi in person at his office at State Security Branch 335 and found him to be a decent and polite man.

■ **Rashid:** Based on what I know, many members of the community in Raqqa had a positive impression of Khaled al-Halabi. He had relationships with public figures as well as social relationships. No one held a grudge against him or viewed him in a

very negative light. That's why many social figures and people from the opposition were ready to help him escape.

■ **Fritz:** It seems that al-Halabi, still relatively new to a city built on the foundations of deep tribal affiliations, would benefit from the kindness of the people of Raqqa. This brings to mind what lab technician and activist Muhammad said.

■ **Muhammad:** There is a saying that we love strangers, and when a stranger comes to Raqqa, they receive a warm welcome and support from the people.

■ **Fritz:** Activist Abdallah was in Raqqa when the regime lost control of the city.

■ **Abdallah:** When the FSA and Ahrar al-Sham entered the city, they went to the branches and surrounded them.

■ **Fritz:** The FSA, being the Free Syrian Army. Ahrar al-Sham was one of the Islamist brigades that banded together with the FSA and took over Raqqa.

■ **Rashid:** When the opposition's armed factions entered the city, the Security Committee was gathered in the governorate building.

■ **Fritz:** The Security Committee comprised the heads of the four intelligence directorates, plus a representative from the Governor's office and the local head of the Ba'ath Party—Syria's only political party. Since the uprising began in 2011, nearly two years prior, a key task of the Committee was to decide how they would carry out their orders from Damascus to arrest and torture peaceful demonstrators. Now, the Committee was being targeted. But as the rebels entered Raqqa and the Committee gathered, a notable absence was observed.

■ **Rashid:** Khaled al-Halabi didn't join them. His defection had already been planned. There were specific arrangements made

within the Branch. These arrangements made it necessary for al-Halabi to remain in the city until the last few hours. He was then smuggled out, thanks to the cooperation of certain figures from Raqqa. I will not say the names of the people who knew the details of his escape.

■ **Fritz:** Al-Halabi's friends in the Raqqa community had links with the opposition forces that were taking over the city now.

■ **Abdallah:** Khaled al-Halabi went to a family that he knows in Raqqa. Some members of this family were associated with the FSA. I remember he arrived carrying his weapon, and he sat down while placing his gun nearby. I know the family and know all about this story. I believe it was the wrong decision by the family to assist him. They justified it as a tribal custom to aid anyone seeking help at their door. However, I am against this because I view Khaled al-Halabi as a criminal.

■ **Fritz:** I've known about and even worked on the Halabi case for years and I still can't get my head around why he decided to escape Raqqa rather than retreat with his fellow intelligence officers back to the relative safety of Damascus. Maybe he thought he'd be punished for losing Raqqa to the rebels. Maybe he'd got fed up with his job and thought that now was as good a time as any to stop working for the regime. But it's also possible that as the rebels approached, al-Halabi had seen the inevitable coming. Kenan Khadaj is a Syrian writer and journalist, a member of the Druze religious minority, and he is from the same town as al-Halabi, Suweida, in the south of the country.

■ **Kenan Khadaj:** The city was going to fall. It was a matter of time. Maybe he gave it a push, but it wouldn't have survived more than six months. If you look from a more neutral perspective, I think his surrendering Raqqa avoided bloodshed. If I were in his shoes back in 2013, I would have done the same thing.

■ **Fritz:** As the head of the State Security Branch for the entire Raqqa governorate, an area run by military and intelligence generals like himself, al-Halabi held a lot of power. And if, as Rashid said, his escape had been planned before the rebels took the city, and as Kenan said, he wanted to avoid bloodshed, then could al-Halabi have essentially handed over the keys of the city to the opposition forces, saving his skin in the process?

■ **Kenan:** I spoke to this officer in the Free Syrian Army—I'm not allowed to say his name—but I gave him a call. "Do you know the guy?"; "Yes, I knew him"; "And when did you hear first about him?" He said, "When I first deserted I was in Deir Ez-Zor, a city near Raqqa, I heard that there was an officer from Suweida who was helping the rebels." He then proceeded to say "I was a good person, a nice person who had helped a lot of people, but also decided to stay in the shadows."

■ **Fritz:** But Abdallah thinks that al-Halabi arranged a deal with opposition forces simply because he hadn't managed to escape with the other regime officials in time.

■ **Abdallah:** I think Khaled al-Halabi didn't succeed in reaching the 17<sup>th</sup> brigade.

■ **Fritz:** The 17<sup>th</sup> Brigade is the division of the Syrian Arab Army, so the regime's army, that controlled the northeast of Syria. It was there that many of his colleagues escaped to, as the regime lost control of the city.

■ **Abdallah:** If he reached it, we would have seen him with the Assad regime now continuing his work.

■ **Fritz:** Despite the deep mistrust of anyone working for the intelligence services, Rashid has an idea why the opposition would have decided to help al-Halabi escape.

■ **Rashid:** He was treated as someone who was defecting from the regime and not running away from the city. At this point, any

defection was welcome. If an officer defected from an important position, he was welcomed by the opposition.

■ **Fritz:** Abdallah sees things very differently. He doesn't consider what al-Halabi did as a defection.

■ **Abdallah:** He didn't join the revolution, neither did he support it. He just ran away because he had no other choice at that time.

■ **Fritz:** Neither does his fellow activist, the lab technician, Muhammad, who had been held at al-Halabi's Branch in 2011.

■ **Muhammad:** He supposedly defected from the regime. But when did he defect? The moment the Free Syrian Army entered the city. This doesn't make him a defector. He served the regime, until the very end. After the Free Army arrived, what was he defecting from, brother? It was over for him, he couldn't do anything anymore.

■ **Fritz:** However he had done it, al-Halabi had managed to escape from Raqqa. But where did he go once he had made it out of the city?

■ **Muhammad:** We received information that Khaled al-Halabi had reached Tal al-Abyad.

■ **Fritz:** Tal al-Abyad is a two-hour drive from Raqqa. It's a town right on the Syrian border with Turkey, the closest gateway into the country from Raqqa. Was he planning on escaping Syria altogether? So he had some connections that helped him get out?

■ **Abdallah:** Yes.

■ **Fritz:** Do you know when he got out?

■ **Abdallah:** In March. When the FSA took control of the city, he spent some days there. Then he went to Turkey.

■ **Rashid:** He was smuggled out northwards to Turkey.

■ **Fritz:** So al-Halabi left Syria, leaving behind his family and a very high-ranking position within the regime. He seems to have

decided that whatever fate had in store for him if he stayed in Syria, was not worth the risk. He had decided instead to venture into the complete unknown.

Despite his whereabouts being unaccounted for, the people of Raqqa were not going to let one missing general stop them from celebrating their new freedom.

■ **Abdallah:** For the people who believe in the Syrian revolution, I think this was the most beautiful time of my life.

■ **Fritz:** Tell me, why was it beautiful?

■ **Abdallah:** Because no one was scared at that time. You would just think about the future, and how to build it. We formed 18 local councils and 43 NGOs in Raqqa. We felt free, you know. There was no intelligence, no police, nothing to be scared about. You know, freedom was the feeling at that time. I was free.

■ **Fritz:** And I can imagine because this was early March, so it was also springtime?

■ **Abdallah:** Exactly. Sitting on the street, smoking nargila (the waterpipe) with your friends, and planning for the future, with the Syrian flag everywhere in the city which now looked different.

■ **Fritz:** Like a flower blooming.

■ **Abdallah:** Fresh. Exactly.

■ **Fritz:** Thaer Dandoush, a schoolteacher and activist, was also celebrating in Raqqa.

■ **Thaer:** Those days were among the best days we ever experienced. There were so many beautiful things happening. We formed civil gatherings and brought together the civilian youth of liberated Raqqa. We even cleaned the city and started painting it.

■ **Fritz:** As Raqqa celebrated, news of the abuses that have been occurring in Syria since the uprising was beginning to seep out of

the country. Lama Fakhri started working at the international NGO Human Rights Watch in 2011, the year the uprising had started in Syria. As the conflict in the country deepened, she traveled to southern Turkey, where thousands of Syrians had fled.

■ **Lama Fakhri:** We spoke with a combination of defectors, individuals who had themselves been members of the army or different intelligence branches, as well as those who had been detained. We spoke to children, women, and men, all of whom described horrific torture. People described being held in stress positions, and being confined in overcrowded group cells, so overcrowded that people had to take turns sitting down or lying down. They described a device called “bsat al-reeh”, a wooden board that a detainee would be strapped down to. It was used to contort the detainee’s body while at the same time incapacitating them so they couldn’t protect themselves while being beaten. Electrocution, including of genitals, was reported. We documented cases of sexual assault and sexual violence in detention and also just suffering from deprivation. You know, people didn’t have adequate access to food, so their bodies were deteriorating in detention. They did not have decent sanitation, and diseases were spreading in the facilities. Even from the beginning, we started receiving reports of death in detention as a result of the ill-treatment and poor conditions that people are suffering from. One word that comes to mind is ruthless. The government was willing to do anything to eliminate the protest movement and to retain control of the country.

■ **Fritz:** As 2013 unfolded, Lama began conducting investigations inside Syria. The liberation of Raqqa provided a rare opportunity to explore a place that had been freshly vacated by the regime.

■ **Lama:** My first trip to Raqqa was in the spring of 2013, and it was shortly after Raqqa had fallen out of government control. I traveled from Beirut. I flew to southern Turkey, and from there we traveled down to the border. I was with a colleague and we also had



a videographer who was working with us. The three of us entered via the Tall al-Abyad crossing.

■ **Fritz:** The same crossing that al-Halabi had traveled through in the other direction, mere weeks earlier. The Human Rights Watch team arrived in the newly liberated Raqqa, a city that was still finding its feet.

■ **Lama:** It wasn't a planned part of the trip, but once we were in Raqqa, we passed by a couple of the intelligence facilities. We saw the facilities and asked, "Who was in charge of it? Could we enter?" And when we were told, "Yes," we decided that, you know, of course, we would have to go and see. And again, because I spent so much time documenting abuses in the detention context, I was very interested to see for myself what these facilities looked like and what more could we learn or understand about how this apparatus of torture and arbitrary detention was running.

■ **Fritz:** The Branch Lama and her team had come across was State Security Branch 335—al-Halabi's branch. It was located on a main road next to a roundabout. Lama was struck by just how normal the branch looked from the outside, just like a regular office building.

■ **Lama:** From the outside, you wouldn't necessarily appreciate what the structure was except for the name that was on the awning outside of the building. It was the first time I saw an intelligence branch, and when we entered, it was disarray. I remember seeing somebody kind of guarding it from the outside, half-sleeping in his chair. Walking in, there were reams of paper strewn across the floor, different files of individuals. There were empty weapons crates. There was graffiti on the walls, and, you know, trash and things upturned. It was clear that somebody had made a hasty exit. I was able to go as well and see the cells, places where people had been held, group cells as well as solitary confinement cells.

■ **Fritz:** These cells are where activists like Muhammad and Thaer were held.

■ **Lama:** One of the cells that I entered had a “bsat al-reeh” torture device in it. When people described this device to me, it was sort of hard to imagine. People described it as a crucifix that you would be tied to, and it would bend in the middle. There, it was lying, in the middle of the room, just discarded. Seeing the device there brought a reality to the abuse. You could see graffiti on the walls. People had written their names or messages. It was all just remnants revealing what had transpired.

■ **Fritz:** For Lama, being inside an intelligence branch for the first time brought into stark reality the stories that she’d heard from the Syrians who had fled the country. And it also presented an opportunity to collect evidence of the crimes that had occurred inside Branch 335.

■ **Lama:** The facilities were not secured. I don’t know who had access between the time the government left and the time of our visit. Among the things we were trying to press for in our work around these facilities was that the information inside is secured.

■ **Fritz:** This huge trove of documents spread all over the Branch, could hold damning evidence of what had gone on under al-Halabi’s command. But there was just too much inside al-Halabi’s Branch to look through all the files properly and catalog them correctly.

■ **Lama:** We were very reticent to take materials out of the branch. Our purpose was to try to encourage that there be an effort to secure the material through local officials, and some assistance to collect the documentary evidence that was there. For example, one of the documents that we saw was a list of everybody who lived in the city and had a college education. By being college-educated, they somehow were on the radar of the intelligence branch. We saw profiles of different individuals written up. In the State Security facility, we entered the office of the Brigadier General who headed

up the Branch and saw his business cards strewn across the floor, with the name of the General, Khaled al-Halabi, and his title and phone number. I have my business cards also sort of stacked up on my desk. You could tell that this had been his office, just a typical office of a mid-level employee in a government building with a large desk and bookcases behind and his business cards.

■ **Fritz Streiff:** For the moment, whatever evidence there was of what had gone on inside Branch 335 would stay there, including any evidence about al-Halabi himself. Outside the Branch, the citizens of Raqqa were still full of positivity for their new future. But with no one fully in control, Lama felt an increasing unease.

■ **Lama Fakh:** It felt hopeful. It also felt lawless. No clear authority was in place. Different armed groups were running around with different motivations and different backers. People were uncertain about what was going to come next.

■ **Fritz:** The Assad regime might not have put up much of a fight when the rebels first took the city of Raqqa, but they were flexing their muscles now.

■ **Abdallah:** The Assad regime started to bomb the city. I remember the day schools opened, the Assad regime targeted schools by warplanes and killed many kids.

■ **Fritz:** The regime had started to enlist the help of its allies, too. Charles Lister works at the Middle East Institute, an NGO based in Washington DC.

■ **Charles Lister:** Iran's decision to intervene quite aggressively in the spring of 2013, was a big turning point then. That showed really for the first time that the regime had a strategic partner or strategic ally in the region that was willing to go all in to defend the regime's survival. And that, of course, also coalesced with the beginning of the use of chemical weapons. I think that the period following the international community's failure to back up its red

line on the use of chemical weapons had a fairly consequential effect on the shape of the armed opposition in Syria.

■ **Fritz:** This was Obama's infamous red line on what could lead him to use military force in Syria. He had said, "If we start seeing a whole bunch of chemical weapons being moved around or utilized." But there was no military response from the U.S. or its allies after the Syrian regime used chemical weapons on several occasions, including the attack in Eastern Ghouta in August 2013. More than a thousand civilians, including babies and elderly, were killed that day.

■ **Charles:** The perception was that the West in particular had betrayed the revolution and the opposition, by not following through and upholding its red line, which was a boon to Islamists and jihadists alike. Groups on the more extreme end of the spectrum gained the advantage.

■ **Fritz:** The tide was turning as another force entered the war in Syria. The beautiful days of freedom in Raqqa were about to come to an end. The forces that took Raqqa from regime control were not just the Free Syrian Army. To be able to take the city successfully, the FSA had joined with Islamist brigades Jabhat al-Nusra and Ahrar al-Sham. But it was another Islamist group who was about to dramatically change Syria and the lives of the people of Raqqa, one that had been tied to Jabhat al-Nusra. ISIS, the so-called Islamic State, also known as Daesh.

■ **Charles:** ISIS and its leadership through Abu Bakr al-Baghdadi vehemently opposed Jabhat al-Nusra's more subtle, more pragmatic approach to dealing with the revolution in Syria. ISIS wanted its presence in Syria to be like its presence in Iraq. Its presence should stand for fighting the sectarian regime, the Assad regime, and establishing areas of control solely under the rule of ISIS and its extremist interpretation of Islam, not in cooperation with the Syrian armed opposition, which ISIS viewed as apostates.

So that break happened in 2013 and led ultimately to ISIS's brutal conquest of opposition areas, or at least its attempted conquest of opposition areas and ultimately its establishment of control in eastern Syria.

■ **Abdallah:** The first time I heard about ISIS, I was with friends sitting in a café called Apple Café in Raqqa City. At that time, I didn't know who ISIS individuals were. They wore masks and had heavy weapons with them. More than five cars and vehicles surround the Apple Café. I saw my friend Muhammad Musara, my uncle, and another friend there on their knees. I entered and asked, "Who are you?" They told me, "We are FSA." I responded that they weren't FSA members because most of the FSA people know us. They know all the activists. I got into a fight with the man. I told him you are not a Syrian, even your accent isn't Syrian. If you were a strong man, you would take off your mask. This was the first time I heard about the state. He told me, "We are the state." At that time I was shocked. Because when we say to anybody, "We are the state," thoughts go first to the Assad regime.

■ **Fritz:** This was about June 2013.

■ **Abdallah:** Yes.

■ **Fritz:** And when did ISIS take full control of Raqqa?

■ **Abdallah:** I think they took full control on January 14, 2014.

■ **Fritz:** So many changes happened from early 2014, as ISIS ruled completely, what changed in terms of daily life?

■ **Abdallah:** We started seeing some foreigners with different accents and different languages. At the same time, we witnessed them trying to force civilians to follow their rules. For example, once a girl was walking on the street wearing a veil, a normal cover. And this Tunisian guy, who was holding a yogurt with his hand, threw it on the girl and told her, "You are kafir because you don't

cover all your face.” It started to interfere with the lives of civilians. We knew things were getting worse.

■ **Fritz:** Abdullah al-Khalaf is a journalist who has lived in Raqqa since 2006. He hadn’t been in the city when it fell, first to the combined armed opposition and then to ISIS. When he returned to Raqqa in April 2014, he immediately noticed huge changes in the city.

■ **Abdullah al-Khalaf:** If you wanted to go to the market, ISIS militants would be there watching you, looking for any mistakes you made so that they could humiliate you. Say your beard wasn’t long enough or your attire was deemed improper according to their standards, they would berate you and lecture you on religious matters.

They’d argue that by opposing them, you are essentially opposing Allah and going against the divine law. They performed public executions. You would go out to the markets and come across a hanging head, just like that. It was a terrifying time. To be honest, I tried my best to stay confined to my home.

■ **Fritz:** How would you compare ISIS criminality generally to the experience before, of life under the regime? How would you compare those two?

■ **Abdallah:** They are the same. They both kidnap and arrest. They don’t believe in democracy. They don’t believe in change or sharing. Both of them kill the people. In my opinion, it’s the same, nothing much changed.

■ **Charles Lister:** I think there’s no question that on a crime-by-crime basis, ISIS was a horrifically brutal and cruel terrorist organization. That will always and forever remain the case. But we mustn’t forget that, statistically speaking, ISIS has been responsible over the past 12 years of Syria’s crisis for, I think, 2% or 3% of the civilian casualties. About 90% of civilian casualties have been

caused by the regime. So statistically speaking, ISIS's crimes, whilst horrendous, are just vastly overshadowed by the scale of the regime's scorched earth strategy. You know, the regime didn't come up with its "Assad or we burn the country" motto for nothing. They genuinely believed it at the time and they have genuinely practiced it ever since. Tragically, what we've seen is "Assad and we burn the country."

■ **Fritz:** The war in Syria was getting more intense and more brutal by the day. The regime was attacking hospitals and schools with barrel bombs, large barrel-shaped metal containers filled with explosives, and sometimes shrapnel. Syria's second-largest city and economic hub, Aleppo, was under siege by regime troops. Chemical weapons had been and were continuing to be used against civilians. After making Raqqa the capital of their so-called caliphate, as 2014 progressed, ISIS was attempting to spread its extreme Islamist rule into more parts of Syria.





CHAPTER

# 16

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## DESTINATION EUROPE

Season 2 | Episode 5 | November 6, 2023<sup>1</sup>

*Brigadier General Khaled al-Halabi managed to escape Syria and reach Turkey in the spring of 2013. This chapter of The Syria Trials traces al-Halabi's journey from Turkey to Europe—a journey much smoother than that of hundreds of thousands of other Syrians who were displaced by the war in Syria.*

*As al-Halabi enters Europe, he remains unaware that a nest of legal investigators is stirring, poised to address the crimes against humanity being committed in Syria.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** In the Spring of 2013, Khaled al-Halabi left behind his life as the head of General Intelligence Branch 335 in the city of Raqqa. We know that with the help of his connections in Raqqa, as well as certain members of armed opposition forces, al-Halabi was smuggled out of the city.

■ **Abdallah:** They took him to Turkey. Then he went to other places.

■ **Fritz:** But where did he go next? Steve Kostas, a lawyer at the NGO Open Society Justice Initiative, will help us answer this question.

■ **Steve Kostas:** I don't know from our investigations what he did, but I've seen reports that he then traveled at some point to Jordan and from Jordan to France, and that's where our engagement picks up.

■ **Fritz:** The reporting suggests that al-Halabi made it from Turkey to Jordan, thanks to a helping hand from the Lebanese politician and Druze leader Walid Jumblatt. Then, in February 2014, nearly a year after he had first left Syria, al-Halabi received a single-

use travel document and visa from the French Embassy in Amman, the capital of Jordan. According to the entry stamp, he landed in Paris on February 27, 2014. But al-Halabi had been a high-ranking official for a regime that had been widely admonished in countries like the one he had just landed in, for its violent crackdown on peaceful protests, as well as the brutal conflict that had ensued. And the war was getting even more ferocious by the day. So how had he been allowed to enter France? We addressed this question to Bill Wiley, Director at CIJA, the Commission for International Justice and Accountability.

■ **Bill Wiley:** It's in the public domain that al-Halabi was moved initially to Paris by one of the French security services. It was common practice—early in the conflict—for the French to move higher-ranking regime defectors to France to debrief them. Sometimes they would debrief them in the region, in Turkey or Jordan in particular. For whatever reason, al-Halabi was among those who moved to France. This aspect is not unusual.

■ **Fritz:** It was the French intelligence services, the DGSI, who had arranged for al-Halabi to travel from Jordan to France. The DGSI would have no doubt been aware of how the Syrian security services were run. Not least because in January 2014, a month before al-Halabi landed in France, photographic evidence smuggled out of Syria by a regime defector codenamed Caesar, had been released. These photos documented the killing of 11,000 detainees in Syrian regime custody and were later used—and continue to be used—as evidence in criminal cases being built by European prosecutors, including the French. So it was not despite of but because of his status as a high-ranking official within the Syrian regime, that the French intelligence seemed to have been willing to help al-Halabi. They considered him someone who could be useful. Perhaps he could reveal more about the inner workings of the Syrian intelligence services. But was al-Halabi truly someone who had given up the regime and switched sides? Was he truly a defector?

■ **Steve:** I think defections should be highly scrutinized. I mean, if it happened on the day that the town was liberated or the day before, it is not a defection in my view.

■ **Fritz:** Al-Halabi had left his position as Head of State Security in Raqqa simultaneously with opposition forces seizing the city from regime control. Working with defectors can be tricky territory, especially if there is reason to believe that they were involved with criminality, and in the presence of question marks over whether, like al-Halabi, they truly defected or had other motives. Opinions are divided. However, the French intelligence's plan for working with or utilizing al-Halabi is different from how legal NGOs like the Open Society Justice Initiative and CIJA approach the issue of including defectors in legal cases.

■ **Steve:** I think the answer is different for law enforcement than it is for a civil society organization like ours. For us NGOs, we should always be extremely cautious about involving a defector witness, particularly if there are concerns about their possible wrongdoing or criminality. Generally, our approach with defectors has been not to have contact with them if we think they were involved in criminal conduct. In cases where defectors were part of the Syrian government but defected without ties to criminal behavior, we've occasionally included them as sources or involved them as witnesses with their consent. However, overall, we're highly cautious about engaging with defectors.

■ **Fritz:** Regardless of whether his defector status was of concern to the French intelligence or not, there was also another reason al-Halabi could have been seen as potentially useful to them: The anticipation that the President of Syria, Bashar al-Assad, was going to lose the war.

■ **Bill:** There's debriefing defectors and then there's also identifying individuals to take over at different levels if the regime falls. It's important to keep in mind that the Syrian regime was

militarily losing the war until September 2015. Until that point, it appeared that the regime was going to be defeated militarily by the opposition. So it's natural that states with a strategic interest in Syria would engage in all manner of activities designed to protect their interests. If the Assad regime collapsed, somebody would have to be in charge. It was the same when Germany fell, and Japan in 1945. There weren't tremendous changes, save at the highest reaches of the political structure because you need to keep the countries functioning.

■ **Fritz:** Writer and journalist Kenan Khadaj agrees with Bill.

■ **Kenan Khadaj:** If you want to have a new government in Syria, you would use elements from the old regime. A lot of analysts talked about the huge mistake that the USA made in Iraq, that they didn't use any elements from the old regime which made the whole country collapse. You can't build a whole system from scratch. And it looks like he knew how to play his cards.

■ **Fritz:** Whatever usefulness al-Halabi might have held, the preferential treatment he seems to have received from the French intelligence is pretty disquieting. This man, allegedly responsible for serious crimes against humanity, was flown to France and given a visa when at the same time, millions of Syrians who had been displaced by persecution from their regime had to endure much harsher journeys to places of safety. The word that keeps coming to my mind is unjust. Look at Aleppo, for example. Syria's second-largest city in the north of the country. More and more people were fleeing Aleppo as the city was shelled by the regime while trying to oust the rebels from the parts they were occupying, like East Aleppo. Diana Khayyata was there. It was October 2012 and her children had already fled Syria a month earlier with her ex-husband. Diana decided it was time for her to leave too. She made it to a relative's house, where she called her brother. He came to pick her up. They hailed a taxi to take them to the border with Turkey.

■ **Diana Khayyata:** The checkpoint that was Bab al-Hawa. It was completely ruined, like a battlefield. It was shelled, burned, and looked all black with fire and rebels. It was so weird, like a movie, literally. The man just checked my brother's ID and said, "Yeah, God be with you." We just crossed. It was literally like shifting through a time zone in a kind of tube, shifting out from something super weird to natural life. It was a normal life. Everything was normal, crowded because it was Eid or some other occasion I can't recall, but everything in Turkey was filled. You couldn't find a spot on any bus. Yet, it was ordinary life.

■ **Fritz:** Diana didn't stop in southern Turkey. She continued with her journey.

■ **Diana:** Then I took a bus to Adana. From Adana, I took another bus to Istanbul and then immediately to the airport where I took an airplane to Cairo, Egypt.

■ **Fritz:** 48 hours after leaving Aleppo, Diana was with her parents in Cairo, where they had fled to a few months earlier. The family soon decided to move to Turkey to find more opportunities to work. They crossed by ship in February 2013, a month before al-Halabi himself arrived in Turkey.

■ **Diana:** I had many personal struggles with my family, and after two months of staying with them, I decided to leave. I cannot describe this day because it was a mess. I had to fight my way out of my family, for me to be able to be independent, live on my own, and start building up a career. But I didn't leave until I secured a job in Gaziantep.

■ **Fritz:** Gaziantep is a major city in the south of Turkey, not far from the border with Syria. As more and more Syrians fled there, the city became a central location for numerous international and Syrian NGOs. Diana found a job with one of them and moved to Gaziantep on her own.

■ **Diana:** I remember crying every night the first week. I had a small studio-like room, tiny with everything in it. Everything was within arm's reach, the towel, soap, food, it was all there one hand away. I was so scared and I needed to prove myself because I fought my way out of my family. I needed to succeed, there was no other option but to succeed.

■ **Fritz:** Despite having come so far, Diana felt a huge part of herself was missing. She was still separated from her children.

■ **Diana:** In my career, I was succeeding. A lot of people were saying, "You are living the dream life." But I wasn't happy. No. I am from day one, a mother, and I am very tired of the idea of being an on-hold mother. I want to be reunited with my children.

■ **Fritz:** As Diana was taking the first steps to an independent life, Kenan Khadaj also decided to leave Syria.

■ **Kenan:** I left Syria around 2014. By that time, the conflict was escalating and I had been wanted by the regime for two years already. During those two years, I lived in a very small circle, not leaving certain areas. And if I had to leave these areas, I had to go through a lot of planning. It was very dangerous to move. In the end, I felt like I was trapped.

■ **Fritz:** In mid-2014, Kenan moved to Lebanon. After just seven months there, he felt he needed to be closer to Syria. He decided to move to Gaziantep, the same city Diana was living in. Many Syrians have now fled to the city as the war inside the country escalated by the day.

■ **Kenan:** When I came to Lebanon, all my things were in a suitcase. I never unpacked because I knew I had a couple of months left in my passport and the regime would never give me another passport. Had I unpacked... Lebanon is a very small country, and the idea that my passport would expire and I would stay in Lebanon for the rest of my life was a big nightmare. So I never unpacked.



When I came to Turkey, I didn't speak any Turkish, and it was bigger than I imagined. It's a huge country, but very beautiful. I unpacked and thought, I'm going to stay. I was not so far from Syria, and I was willing to stay, at least until the conflict was over—something the naive young person in me thought would be a matter of a couple of months to a year.

■ **Fritz:** The opposition fighting the Assad regime had made major gains by this point of the war. But the conflict had also splintered. With the entry of foreign militias and extreme Islamist groups like ISIS, the war wasn't just between the Syrian regime and the armed opposition. And life under ISIS was turning out to be just as violent and dangerous as life under the Assad regime. Activist Abdallah was there.

■ **Abdallah:** I noticed that they would kill everybody against them. I hid and made sure not to sleep at my apartment. They tried to kidnap me multiple times. Then we decided with my friends to go together to Turkey. On January 18, 2014, I think, I moved to Turkey.

■ **Fritz:** How did you move to Turkey?

■ **Abdallah:** It's a long story, but we succeeded in going. I think ISIS knew we were leaving and they sent the guy to go with us to Turkey to give him the cover.

■ **Fritz:** At the time, Abdallah and his friends did not know that this guy was a member of ISIS. They thought he was like them, another activist. Abdallah thinks that the reason ISIS even allowed them to go to Turkey without any problems in the first place was to provide cover for this person.

■ **Abdallah:** He was responsible for receiving the Mujahideen—the fighters, the foreign fighters—in Turkey to then send them to Syria, helping them to enter. This guy was responsible for the three girls who came from the UK. He is called Mohammad Rasheed.

■ **Fritz:** Shamima Begum was one of the three East London schoolgirls who famously traveled to Syria in 2015 to support ISIS.

So they guaranteed your security in exchange for providing cover to this guy, so he can recruit in Turkey and bring back the Mujahideen?

■ **Abdallah:** Yeah, kind of. But they also sent this other guy with us.

■ **Fritz:** Abdallah and his friends were unaware that this other guy was also a member of ISIS.

■ **Abdallah:** He rented an apartment in the same building where I rented. They knew everything about us and kept an eye on us. At that time, they could kill anybody everywhere. They killed many activists in Ufur and Gaziantep, our friends.

■ **Fritz:** It's safe to say Abdallah, Kenan, and Diana all had a very different escape out of Syria compared to al-Halabi's. Although they had made it out of Syria and were with hundreds of thousands of other Syrians in Gaziantep, they couldn't let their guard down. Southern Turkey was busy with militants coming and going between Syria and Turkey, and the reach of the Assad regime even extended across the border. Kenan didn't feel safe, so he decided to continue his journey.

■ **Kenan:** I don't know if this was hysteria of the war, PTSD, or just being panicked. I just didn't think about it. I knew there was no way back. But I didn't know where I wanted to go, to which country. I gave some clothes away, sold my laptop, and had all my belongings in my backpack.

■ **Fritz:** Kenan and some friends left Gaziantep on foot.

■ **Kenan:** I crossed by boat to Greece, and then I walked the Balkans.

■ **Fritz:** A couple of months after leaving Turkey, they arrived in Budapest, the capital of Hungary.

■ **Kenan:** We found somebody to take us to Bavaria, like a smuggler. We had been on the road for two months and we were exhausted, hungry, and very cold. But you never trust a smuggler, so I asked my friend, “Who will take the first shift? Somebody has to stay awake in the car.” He said, “Yeah, don’t worry, I will take the first shift. You go to sleep.” I fell asleep, then I woke up to the smuggler saying, “Go go go.” I asked, “Where to?” and I looked at my friend. He was sleeping, snoring at my shoulder. I woke him up, asking, “Do you know where we are?”. He responded, “No, I was sleeping.” I asked, “Where are we?” He said, “In Germany.” I didn’t believe him, but I had no other option but to leave the car. We left the car and just started walking these dark streets alongside trees and a forest. I was a little bit anxious. My phone wasn’t charged and I couldn’t check my maps. We walked for 20 minutes while very tired. Then a police car stopped us. It was dark, at 3 a.m. or 4 a.m. The policeman talked to me in a language that I didn’t understand. Then he started talking to me in English. “Where are you from?”, he asked. I pretended not to speak or understand English, and I kept walking. They came out of the car and started asking us questions. I asked my friend not to answer any questions, because, that’s my instinct, not to trust people in uniform. Then I asked him, “Where are we?” I think he wanted to make a joke so he said, “In Russia.” And at that moment I believed him! I believed we were in Russia, and I started talking, “How come blah blah blah we’re in Russia?”, “Oh, now you know English?” And then I saw the flag and realized we were indeed in Germany.

■ **Fritz:** Kenan had made it to Germany, to safety. Like Kenan, and like al-Halabi, Diana had also decided to try and get to Europe.

■ **Diana:** I decided to leave Turkey because even there I battled to win custody of my children. Once I understood my legal rights and also the basic human rights applicable to anyone, that’s when I knew what my case was, and I understood all its aspects. My first thought was that I needed a civil law country. I chose the

Netherlands because when I was searching to know which country defends human rights the most, especially women's and children's rights, the Netherlands popped up the most. I knew it was the right destination for me.

■ **Fritz:** Unlike al-Halabi, Diana didn't have any connections in intelligence services or among influential politicians that could help her get to the Netherlands.

■ **Diana:** In March 2015, I decided to resign from my work and take the death trip to Europe. We don't name it death trip for nothing. It was really painful, a very hard journey. I decided to be smuggled from Izmir in Turkey, through the rubber boat trip to Greece. From Athens in Greece, I smuggled myself, interestingly enough, with a fake ID, and I traveled from Athena to Rome. I remember on the airplane from Rome to Amsterdam, which was the final obstacle let's say, I was waiting not just for the door of the airplane to close, but for the airplane to kick off. And the minute we raised above the ground, I put my head on the window and I immediately sobbed in tears. The guy next to me was like, "Are you okay? What's going on? Are you ok" Because I was sobbing, and I told him, "I'm afraid of flying."

■ **Fritz:** After a two-and-a-half-hour flight, Diana touched down at Amsterdam's Schiphol Airport.

■ **Diana:** I was jumping out of joy. Then I had to stand in the customs, and I heard this weird sound like gates opening in some direction. I looked and saw people doing something and then crossing very fast. The sign said EU passport holders. They were just putting their passports on a machine and the gate would open—the gate of a country would open. And here I was standing in customs after a death trip, waiting with a fake ID. Just because of the location they were born in, other people could cross only by putting their papers on a device, for God's sake. I felt envy at that moment, I am not going to hide it.

■ **Fritz:** Diana's ID must have been a good fake because she made it through customs with no problems. She then traveled to Ter Apel, in the north of the Netherlands, where the main asylum center and immigration office are.

■ **Diana:** I remember it was a Sunday and the lady told me that no officers were working that day. She made me sleep on a bench, in a kindergarten section in the immigration office. On Monday, the security guys checked me and took my fingerprints. And so the process of asylum-seeking started.

■ **Fritz:** Diana quickly received asylum seeker status. She could now begin fighting to get her children back.

Although they had brought him into the country, it seemed that once al-Halabi had arrived, the French intelligence didn't want anything to do with him. Any information he had to exchange in return for continued beneficial treatment, the French seemed not to be interested in.

■ **Bill Wiley:** It appears that the French realized that al-Halabi was too toxic, so they abandoned him. He ran out of money.

■ **Fritz:** Al-Halabi had only been issued a 90-day visa, so when that expired he decided to apply for asylum in France.

■ **Eric Emeraux:** When a foreign national arrives in France, they can apply for protection and asylum to avoid being sent back to their country, especially if there is a risk of the death penalty or something like that.

■ **Fritz:** Colonel Eric Emeraux is the former Head of the French Central Office for the Fight against Crimes Against Humanity, War Crimes, and Genocide. After filing an asylum claim, al-Halabi would then have had to wait to be called by OFPRA, the French Office for the Protection of Refugees and Stateless Persons.

■ **Eric:** The applicant then undergoes a thorough interview to check whether they are eligible for French protection. When they apply for that, they are supposed to be interviewed by people previously referred to as protection officials. If they detect some gaps in the applicant's speech or identity, the protection officials can investigate further. Finally, if there are some doubts about the person's possible involvement in crimes against peace, any country—this is not specific to France—can deny him protection under Article 1.

■ **Fritz:** Generally any country that is a state party to the 1951 United Nations Refugee Convention will offer refugees protection, for example, in the form of asylum. However, as Colonel Emeraux mentioned, if someone applying for this protection is suspected of such crimes against humanity—as al-Halabi is—the protection can be refused. After his interview, all al-Halabi could do was wait for a decision from the asylum authorities.

■ **Eric:** They are in France as refugees, so they wait for the final decision of the French administration. They don't have to do anything special, just wait for the answer from people who are supposed to be in contact with them. They have to stay in the country because they requested asylum in France. When individuals seek asylum in one country, they have to wait and are not able to seek asylum in another.

■ **Fritz:** As he waited in Paris for the asylum authorities' decision, little did al-Halabi know that his asylum interview had triggered an investigation within the French refugee OFPRA. It would appear that during the interview, he hadn't tried to hide the facts of his previous career back in Syria. And alarm bells hadn't just been sounded in France. As news and stories continued to emerge of atrocities being committed in Syria, Western legal investigators, as well as Syrian lawyers and activists who had fled the country, were ramping up efforts on how to address the serious crimes that were being committed in Syria.

■ **Steve Kostas:** OSJI, along with many organizations, was trying to understand what could be the shape of accountability work concerning all of this criminality. There were efforts to refer the situation in Syria to the ICC, which was then vetoed by Russia and China.

■ **Fritz:** This was when Russia and China vetoed attempts by coalitions of states in the United Nations Security Council to refer Syria to the International Criminal Court. The first veto happened in May 2014. By this stage of the war, an estimated 160,000 people had been killed and millions of Syrians had been displaced. But with the ICC no longer an option to try and deliver justice for these crimes, legal investigators had to get creative.

■ **Steve:** With that door closing, everyone realized that the available options were significantly limited. Over the course of three years—2014, 2015, and 2016—we organized large roundtable meetings involving international, Syrian, and documentation NGOs. The first meeting was called in Turkey and the next two meetings were in Berlin. Initially, the purpose was to hear about the experience of NGOs already working on accountability for the atrocities in Syria. So to hear about their experience of it, what they perceived as the gaps and ways in which NGOs could collaborate or coordinate more.

■ **Fritz:** One Syrian was about to help bridge those gaps and steer the course of justice for Syria onto a new path. Abdallah, the activist from Raqqa. Chapter 15, we heard how a Human Rights Watch investigator, Lama Fakih, explored the inside of State Security Branch 335, al-Halabi's branch, after the liberation of Raqqa. Files were strewn all over the building, files that could have held important evidence of the crimes that had happened inside the branch. Lama and her colleagues didn't take any of these documents from Branch 335 with them. But it turns out Abdallah did, not from 335, but from another intelligence branch in Raqqa.

■ **Abdallah:** Because I have a law background, from the first day of the liberation of Raqqa, I went with my friend to the political security branch, and I took all the documents. The FSA succeeded in entering the ground floor. At that time, I went with the FSA, with my friend. I brought four or five big bags of documents. I collected all the documents. This was in March 2013. From that day I started collecting documents. I knew these documents would be very important in the future for justice.

■ **Fritz:** Where did you bring them at the time?

■ **Abdallah:** I put two bags at my place or maybe one, and one at my grandfather's, and one or two at my friend's.

■ **Fritz:** So four or five bags.

■ **Abdallah:** Four, or five big bags, all documents with the names, signatures, and stamps. ISIS came and took control of my apartment, and they took the documents.

■ **Fritz:** But the ones that were in other places...

■ **Abdallah:** Yeah, they moved them to Turkey.

■ **Fritz:** These documents that Abdallah had taken from inside a Syrian intelligence office were highly incriminating. They were evidence of the crimes the Syrian regime had perpetrated, and they had now made it out of Syria. If these documents had made it out of Raqqa, could evidence about al-Halabi and Branch 335 also make it out? In France, more bad news was about to come al-Halabi's way. Journalist at the German news magazine Der Spiegel, Wolf Wiedmann-Schmidt began investigating the al-Halabi story in 2021.

■ **Wolf Wiedmann-Schmidt:** While, as far as I recall, there were some problems in France, I think it was pretty obvious that the



French authorities were not that happy about him being there. It looked like the French asylum authorities would reject his claim and had already been suspecting him of war crimes.



CHAPTER

# 17

## INVESTIGATORS ASSEMBLE

Season 2 | Episode 6 | November 13, 2023<sup>1</sup>

*As al-Halabi waited in France to see if his asylum application had been accepted, a nest of legal investigators was stirring. Syrian and Western lawyers and investigators were coming together to see how they could begin to address the atrocity crimes being committed in Syria. But when they caught up with al-Halabi, he was no longer in France.*

*The Disappearing General had once again disappeared ... Where had he gone?*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** It was 2014 and Brigadier General Khaled al-Halabi was in Paris, still waiting to hear if his asylum claim had been accepted by the French authorities. He didn't know that his openhearted asylum application interview had triggered an investigation at the French Office for the Protection of Refugees and Stateless People (OFPRA). Asylum applications can take up to six months to process in France, a perhaps unnerving amount of time for a former Syrian intelligence official to wait in a country where his only bargaining chip—himself and information about the inner workings of the Syrian intelligence—appeared to have already been rejected by the French intelligence services. As 2014 slid into 2015, he also didn't know that he'd walked into a nest of legal investigators. Both Syrian and Western lawyers weren't sitting idly by as news of atrocities continued to emerge from Syria. They were leaping into action, among whom investigators like Bill Wiley, who in response to the conflict in Syria, had founded the Commission for International Justice and Accountability.

■ **Bill Wiley:** Through a consultancy company that I owned and an old colleague, we started to engage in Syria in November

2011, at the request of what was then the UK Foreign and Commonwealth Office. The Foreign and Commonwealth Office approached us with the idea that we would engage with human rights defenders in Syria. And my friend, a former colleague, asked me, “What do you propose?” I said, “Well, at this juncture it appears to be morphing quickly into an armed conflict as opposed to a sort of grievous civil disturbance.” I was influenced in my thinking by a scholarly paper I had written a couple of years prior with a former colleague from the ICC, Morten Bergsmo, about engaging the NGO community—the human rights community in particular—that was active in conflict zones, to leverage the considerable local knowledge of these NGOs to support public sector criminal investigative activities.

■ **Fritz:** The idea Bill was promoting was not just for European or Western legal teams to swoop in and see what evidence they could gather and what cases they could build, but rather to actively work with the very people who knew better than anyone else what was going on inside their country. Syrians, those still inside the country, and those who had fled already.

■ **Bill:** So we were pulling Syrian activists out of Turkey to sensitize them to the forms of information and evidence that inform criminal investigations and international criminal prosecutions.

■ **Fritz:** Bill asked his former colleague Stephen Rapp to join him in Turkey, where they met with Syrian lawyers and civil society activists who could help CIJA start on the path to justice for Syria.

■ **Ambassador Stephen Rapp:** I’m a former U.S. Ambassador for War Crimes Issues, an office whose name changed to Global Criminal Justice, while I was there during six years of the Obama administration. Since leaving the State Department seven years ago, I’ve been involved in a lot of activity with civil society organizations, documenting crimes in various situations where there isn’t at the moment an international tribunal to investigate and achieve justice.

■ **Fritz:** And there wasn't an international tribunal that could begin to investigate the crimes that were being committed in Syria. Referring the situation to the International Criminal Court had been blocked by Russia and China, so legal investigators like Bill and Ambassador Rapp needed to get creative.

■ **Bill:** Ambassador Rapp very generously joined us. I asked if he would come to Turkey. And then in the hotel bar, I mooted the idea that what that scholarly paper had suggested a couple of years before might be put into practice. Ambassador Rapp thought that was a marvelous idea. And so in 2012, a few weeks or maybe a couple of months later, we registered what became CIJA as an NGO in the Netherlands.

■ **Fritz:** Nerma Jelacic joined the CIJA team in 2014.

How did you get into this line of work, not just with CIJA, but even before that?

■ **Nerma Jelacic:** Well, this line of work came to me. I was born in Bosnia, and when the war started, I was still a child and I ended up being a refugee in the U.K. My first career was in journalism, so I covered different conflicts for the U.K. press. I went back to my own country to establish an investigative journalism center focusing on war crimes and post-war organized crime networks, which led me closer to criminal accountability work. I finally ended up crossing over to the International Criminal Tribunal for the former Yugoslavia before I jumped over to CIJA.

■ **Fritz:** I am walking with Nerma along a corridor in what can be any office building in the world, with its white walls and grey carpet. We are in the CIJA offices, located in a nondescript building on a busy thoroughfare in a European city. I can't tell you which city, though, as CIJA keeps its location a secret.

■ **Nerma:** So there are two, but this is the bigger one. And it's a bit cold!

This is one of CIJA's evidence rooms, or archives, in which we keep the hard copies of the documents extracted from Syria by our investigators over the years. This is room number one, and you'll see probably just over 300 boxes in this area of the documents, starting with "zero one" down there, with the very first documents that we got, and then ending here with the documents we got here a few years ago.

■ **Fritz:** It seems fair for the CIJA to keep its location a secret. After all, at the heart of its work are the incriminating documents that they have. Security is therefore of utmost importance. These documents are all kept in brown cardboard boxes that tower over us and the evidence room we're standing in. And it's cold!

■ **Nerma:** The humidity levels, temperature, and climate need to be adjusted because there is a lot of paper in here, just under a million documents sit in this room with the rest stored here.

■ **Fritz:** And the reason CIJA has all of these documents from working with teams of evidence gatherers on the ground in Syria?

■ **Nerma:** In the early days when the protests turned into armed conflict, we had eight governorates covered.

■ **Fritz:** At the time the revolution started, Syria was made up of 14 governorates, also called provinces.

■ **Nerma:** Our approach was to go to the areas where we could keep our people at the back, and if the area fell in those early days, our team would go in and swoop up the material before the FSA, who then secured the area, could get to it. This material comes from different governorates in the early years. Importantly, and because communication is two-way, we were also getting the information coming from Damascus to them.

■ **Fritz:** So as regions fell out of regime control to the armed opposition, CIJA's teams would enter and collect all the materials that they could find. It was dangerous, life-threatening work and required



highly sensitive preparation and execution by the Syrian CIJA teams on the ground. But they managed to get a whole load of regime documents out of Syria and into CIJA's possession. CIJA says that the evidence they have incriminating the Syrian regime is stronger than what the prosecutors had against the Nazis at Nuremberg.

Can we have a look at one of these boxes?

■ **Nerma:** Let's see if I can remember which one you could look at without having to call somebody to clear it. I have to put it down because it's heavy. The boxes are packed in the order in which the material was collected, and that was very important for the whole chain of custody element of our work.

■ **Fritz:** Chain of custody is really important, especially in these kinds of criminal cases. You need to be able to show exactly where the documents originally came from and who handled them, when and why, right up until the point the documents reach the authorities.

■ **Nerma:** And then the work with the document happens on the electronic evidence management system. The only time we work with these documents is when our team of evidence scanners deals with them. So we're not going to read through them, but I just want to show you, I think this one is good because it shows different types of material. This one is a map, a military campaign map with the writings on it. Let's see if this one... Yeah. You see, it's all handwritten. I can't remember precisely this one. We would have to find the number and search for it on our evidence database. But in terms of different types, this is the type of material. A barcode appears on each one.

■ **Fritz:** So every document has an individual barcode attached to it?

■ **Nerma:** Every page has a barcode. And then you have things like these written ledgers. The important thing to bear in mind is

we collect everything. If we enter a place, the idea is that you can't say, "Well, I only picked the stuff that was interesting to me and the rest I left behind." So the direction is that we collect everything and the actual sorting out of what's relevant is done here, so that way you also can't be accused of leaving behind exculpatory evidence, or that you're only focusing on stuff that shows the guilt of the individual, right? So you'll find administrative things from lists of recruits, even from before the war. You'll find administrative bureaucracy from ordering equipment for the office, or paper, etc. But also majority of it will be reports or circulars or orders or plans.

■ **Fritz:** Many of these reports relate to what was going on inside intelligence branches after the revolution began in Syria in March 2011.

■ **Nerma:** If CIJA has over 1 million pages, I would say 80% of it comes from the security apparatus of Syria. So it would be from one of the security intelligence agencies, which in situations of conflict and states such as Syria, obviously play a huge role in that chain quashing the revolution and the uprising, in addition to detentions, checkpoints, etc. It is a good chunk of the criminality of the regime. There are different reports, security situation reports—daily reports sent back up the chain of command from each governorate to the National Security Bureau, and then to the CCMC.

■ **Fritz:** The CCMC is the Central Crisis Management Cell, the body set up by the Assad regime to better coordinate the response of its intelligence apparatus and the military to the protests. The CCMC reported directly to the President of Syria, Bashar al-Assad.

■ **Nerma:** "Today, we did this and that, then we arrested ten people and interrogated them, and here are the four reports." You also have interrogation reports that say, "This person was picked up at this checkpoint, and these are the questions we asked

them.” This is where the pattern starts appearing because you see interrogation reports from different governorates at different ends of the country, using the same questions addressed to the people that they are interrogating. These questions were connected to the directive issued by the CCMC in the summer of 2011 in which they said, “We want you to focus on arresting the protesters and identifying those who are helping organize them, financing them, speaking to the foreign media, etc.” They targeted different types of people and then asked them to tell them more names. More names appeared in the interrogation reports and then they’d interrogate those names, and more names were given. This was in 2011 and 2012 when it turned into this huge hoovering operation to get the protesters. These are the people you then end up finding in detention centers being tortured.

■ **Fritz:** Like any bureaucratic document, the reports CIJA is in possession of don’t exactly make for explosive reading. It’s not like they explicitly detail what specific torture and interrogation techniques were used on which detainee. Instead, the usefulness of these documents is all about reading between the lines.

■ **Nerma:** You can only infer what is done. The important thing with these documents is that they show it wasn’t an ad hoc event. The interrogations were part of an orchestrated approach that the regime took from the highest level and reported down, saying this is how you’re going to deal with it and this is the information we want. Security elements were running around at that time freaking out because they were losing control. They picked up more and more and more people to try and appease, to say here, we’re getting the information you want, even if it’s not relevant, because a lot of these names would have been taken from under torture. You don’t know whether people are involved in anything or not. The point is to convey the elements of torture, and how the torture happened. This is what you show through the survivors who tell you their stories or through those individuals who can corroborate them. Often they would be lower-ranking people to whom we would speak. We would

ask, “How did it work? Was al-Halabi at this level? Did you report to him and did he have the power to decide if somebody was released or he would have to ask somebody?” The point is to corroborate what you are finding in the documents through the individuals who directly knew how it worked.

■ **Fritz:** As these documents began making their way out of Syria and into the hands of Syrian and Western legal investigators like CIJA, there were also increasing numbers of Syrians fleeing to Europe, especially in 2015, which saw unprecedented numbers of Syrians arriving in Europe. Many of them had either been detained by the regime or experienced its brutal and often illegal warfare tactics. And their stories could corroborate the evidence found in files like the ones that were coming into CIJA’s possession. But with so many documents and so many witnesses, the legal teams were overwhelmed. Their work needed more focus. Teams of Western and Syrian legal investigators came together to hash out a strategy for pursuing justice. They decided on three essential criteria: One, greater involvement of Syrians in case building. Two, to build cases of emblematic crimes like attacking hospitals or the use of chemical weapons. And three...

■ **Steve Kostas:** To build cases against higher-ranking regime officials who could be tried in Europe.

■ **Fritz:** At this stage of the war there had been no prosecutions brought against Syrian regime actors, who were the most responsible for the crimes against humanity and war crimes that were occurring in Syria.

■ **Steve:** There was an urgent need to see cases developing against regime actors, not merely complaints filed against officials, you know, like al-Assad who’s in Syria, but rather identifying perpetrators who could be brought to trial in Europe. This includes people who are in Europe or those who could be arrested and brought to Europe. In addition to supporting that work, the

Open Society Justice Initiative was involved—in select cases—in identifying witnesses who would participate in the litigation. Over time, we came to see the role of the witnesses is critical to the success of the cases.

■ **Fritz:** For a successful criminal case, documentary evidence, like the files CIJA holds in its evidence rooms, is critical. Verified documents, especially with signatures, usually don't lie. But the testimonies of witnesses who can describe and explain exactly what happened to them and who did it are just as important.

■ **Steve:** CIJA had these briefs outlining the responsibility of senior officials for crimes committed in certain areas. But it didn't focus on building cases against individuals. They wanted to shift part of their work towards identifying individuals and building cases against those individuals while focusing on people who could be tracked to Europe. We supported them in establishing a track and trace team, and in some individual case building, in addition to identifying who were the highest ranking people in Europe—ex-Syrian government officials—against whom a strong criminal case could be built.

■ **Fritz:** And in 2015, as they began this work, one man's name in particular came up quite quickly, Khaled al-Halabi.

When did you first hear about Brigadier General Khaled al-Halabi?

■ **Ambassador Rapp:** In late 2015. That came as a result of discussions with the staff and leadership of the Commission for International Justice and Accountability, which had certainly found evidence that he was on the Security Committee of Raqqa. His signature was on multiple meeting minutes, acknowledging his attendance at high-level meetings that decided to essentially disappear and detain individuals engaged in peaceful opposition to the Syrian regime.

■ **Fritz:** Do you remember the moment when you first heard about him?

■ **Bill Wiley:** Yeah, I do remember when I first heard about him. CIJA has what we call a tracking capability, enabling us to identify suspects who made their way to the West, based on information or intelligence gathered by our field personnel in Syria and the region.

■ **Mark Watson:** At the time, we had a case study where we looked at information gathered by field investigators. Among the cases was the individual called Brigadier General al-Halabi.

■ **Fritz:** Mark Watson was one of the criminal investigators working for CIJA in 2015.

■ **Mark Watson:** We were trying to establish as much information as we could do through a desktop review, initially. So, for example, the desktop review includes open-source information and social media intelligence techniques. We were trying to identify, first, if the individual had left the country, and, second, where he was. And that information was stating that al-Halabi was supposed to be in France.

■ **Fritz:** We left al-Halabi in France in mid-2014 waiting for a decision on his asylum application. It appears that he did not wait around long enough to see whether France would accept him as an asylum seeker or not. The disappearing general decided once again to disappear.

■ **Mark:** We had no reason to believe he wasn't in France, to be honest. What we were trying to do at the time was to verify that information. The reasons that led to our findings were focused on looking closely at his social media presence and also trying to link together pictures of the individual we were able to see online. At the time, we also had a telephone number strongly suspected to be linked to al-Halabi, and through the telephone number, we were able to look at different aspects including the WhatsApp profile.

■ **Ambassador Stephen Rapp:** And so, you know, we were able to tell that he'd been rejected for asylum in France and that he had gone from there either to Switzerland or to Austria.

■ **Steve Kostas:** But at that point, it was unclear if he was in Austria, moving between countries in Europe, or still in France. We adopted a strategy to file complaints in the countries where we suspected his presence and tried to figure out where he was.

■ **Mark Watson:** We decided to go slightly deeper with our investigations, and through open source, we identified al-Halabi's Skype account. Then we used an IP resolver to passively check the Skype address.

■ **Fritz:** The CIJA tracking team was closing in on al-Halabi.

■ **Mark:** And that IP resolver was stating that the Skype account, shall we say, was located in Austria.

■ **Steve:** The team at CIJA was then pretty quickly able to determine that he was in fact in Austria.

■ **Bill:** Probably by mid-2015, we received the information and figured out that he was in Vienna.

Why was al-Halabi now in Austria? Remember what happened in June 2015—the diplomatic car speeding out of France through Germany and heading to the Austrian city of Salzburg? Recall Operation White Milk? The Austrian intelligence—at the time called the BVA—had smuggled the Brigadier General out of France and into Austria.





CHAPTER

# 18

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## OPERATION WHITE MILK

Season 2 | Episode 7 | November 20, 2023<sup>1</sup>

*Brigadier General Khaled al-Halabi had made it to Austria thanks to the help—we thought—of the Austrian intelligence, called the BVT at the time. But as it turns out, there may have been another intelligence service helping the former Syrian intelligence officer escape France and set up a life in Austria.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Eric Emeraux:** The problem is that he was at the head of this Syrian intelligence branch. He was involved in torture, as a commander, so he couldn't get asylum. When he realized he would not be able to get asylum in France, he was disappointed. I think he didn't wait for the answer.

■ **Wolf Wiedmann-Schmidt:** It was pretty clear that asylum authorities in France had suspected him already, and that French prosecutors may have started an investigation into him. Austria looked like a safer place. It's a small place, and maybe he could just start a life there and people wouldn't recognize him as easily as in France.

■ **Fritz Streiff:** Brigadier General Khaled al-Halabi was now in Austria, thanks to the help of the Austrian intelligence, called the BVT at the time. But how had al-Halabi made contact with the BVT in the first place? And why had the BVT decided to smuggle a senior Syrian intelligence officer with, at the very least a questionable CV, out of France and into Austria? What use was he to them? There may be answers if we look at who was driving the

car that brought al-Halabi to the hotel in Salzburg in June 2015. According to reporting, it wasn't Austrian intelligence officials that smuggled al-Halabi into Austria. It was Israeli intelligence officials.

■ **Eric:** When he saw that everything went wrong, he was in contact with the Israeli intelligence service, the Mossad. Supposedly he asked them to organize the move to Austria.

■ **Fritz:** The Mossad is the National Intelligence Agency of Israel. Journalist Wolf Wiedmann-Schmidt of German Weekly Der Spiegel investigated al-Halabi's story in 2021.

■ **Wolf:** There was some kind of meeting between Israeli and Austrian officials on whether Austria was willing to hide him. And that's pretty much what happened. As far as we know, they drove al-Halabi from France via Germany in a car, probably a diplomatic car. Then he crossed the border into Austria, close to Salzburg. That was in June 2015.

■ **Fritz:** So Israelis appear to have been behind moving al-Halabi to Austria. They met up with the BVT at the hotel in Salzburg, to hand al-Halabi over. But how on earth did he have connections with Israeli intelligence? And why were they willing to help him escape France?

CIJA, the Commission for International Justice and Accountability, had also discovered that the Israelis had been involved in moving al-Halabi to Austria. Bill Wiley is CIJA's executive director.

■ **Bill Wiley:** When we started to hear rumors about al-Halabi being protected at the behest of the Israelis, it made no sense. It took me a bit of time to get my head around the Israeli angle because I didn't see the profit for them.

■ **Fritz:** As it turned out, al-Halabi's connections with the Israelis might have gone way back, to the early days of his career in the Syrian intelligence services.

■ **Bill:** He managed to get a hold of the Israelis, which suggests to us that at one point, probably 20 years ago or more, he was an Israeli military intelligence source. We suspect that he was—it's only an educated guess—recruited at that time.

■ **Fritz:** Al-Halabi is said to have worked for the espionage branch of the General Intelligence Directorate in Damascus. It was perhaps during his time there that he possibly became a spy for the Israelis, leaking information that passed across his desk to them, possibly about the inner workings of the Syrian intelligence. This information would have been of value to the Israelis because Syria and Israel have been enemies since Israel was founded in 1948. Syria does not recognize Israel as a legitimate state, and likewise, Israel regards Syria as a hostile state.

■ **Bill:** Also, we didn't realize that he was a Druze. Druze serve in the Israeli Defense Forces and so forth, and Lebanese Druze are tribally similar to Syrians. Druze are occasionally allies of Israel in Lebanon and through, we assume, familial networks, they managed to get to him. But this is only a supposition on our part.

■ **Fritz:** Perhaps al-Halabi's Druze background singled him out as someone who could be useful to the Israelis. But as Bill says, we can only really guess if and why al-Halabi was recruited by the Mossad, and what information he may have passed to them. If the Israelis were willing to help him now, so many years later, is it likely that al-Halabi had been an important source to them back when he was a Syrian intelligence officer? A sort of quid pro quo? Journalist Wolf Wiedmann-Schmidt studied files from the Austrian authorities during his investigation into al-Halabi's story.

■ **Wolf Wiedmann-Schmidt:** The question is, when did Israeli intelligence get in touch with him, and was he a source for them for a long time? Maybe. We don't know a lot of the things we know, we just know from Austrian files. In those files, it seems like Israel

was very interested in him because he was a high-ranking Syrian intelligence officer. And before he came to Raqqa, he had been working in counter-espionage—I think this was in Damascus. For them, he was a high-level source and he had a lot of information about the Syrian intelligence apparatus. As far as we know, they may have thought, you know, we are talking about 2015, so they were still considering it a distinct possibility that al-Halabi could take an important role in the Syrian state after Al-Assad. There are several reasons the Israelis thought he might be an important source for them.

■ **Fritz:** In the summer of 2015, it did still look as if the armed opposition forces could take control of Syria and oust the Assad regime. But Bill Wiley isn't convinced that al-Halabi meant much to the Israelis.

■ **Bill:** If he had been incredibly important to them, they could have moved him somewhere else, to northern Israel, for example, or some other country. So the best guess is that he had been sufficiently useful 20 years before, and that, well, they owed him a favor, but it was only going so far. They're only going to expend so many resources on the guy. Again, I want to stress it's supposition, but I suspect that's what happened.

■ **Fritz:** So as al-Halabi floundered in France, it appears he reached out to his connections within the Israeli intelligence to see if they could help him out. The Mossad perhaps felt they owed it to their former source, to see what they could do for him.

■ **Wolf:** For Israel, they obviously want to make sure that if they say, "You can trust us, we will protect you, if you're a source for us, and we will help you", then, you know, they take it very seriously because it's part of the deal. If you promise people to protect them if they act as a source for you, then you just have to do it if you want to be taken seriously.

■ **Fritz:** But the Mossad couldn't move al-Halabi around European countries on their own. They needed the help of a European intelligence agency.

■ **Bill:** Once more, an educated guess is that Mossad looked for a weak link. Basically, which service in Europe will be stupid enough to do this? And they arrived at the Austrians. Again, it's an educated guess. Would I bet my house on it? No. Would I bet a couple of thousand dollars on it? I wouldn't hesitate.

■ **Wolf:** The first meeting was in Spring 2015. I think there was a BVT delegation traveling to Tel Aviv and there were some follow-up meetings later in Vienna. Then they made this agreement, a strictly confidential operation or cooperation between the two agencies, and they called it Operation White Milk. That's the name of the intelligence operation between those two countries. And in the files, they sometimes referred to al-Halabi himself as "White Milk". So when they smuggled him from France through Germany to Austria, they just referred to "the package", stating when "the package" was going to arrive. They called al-Halabi the package. In some aspects, this is really like a spy novel. It's a little bit cliché sometimes.

■ **Fritz:** Clichés are funny like that—because they tend to be true. For the Austrians, al-Halabi was of no real use to their intelligence services. So why would the BVT help the Mossad, and in turn help this struggling Syrian Brigadier General, find refuge in their country?

■ **Wolf:** You know, the BVT, the Austrian intelligence service, doesn't have that good of a reputation. They are a small service, and they had some problems in the past. We think they saw it as a great opportunity to work together with a respected intelligence service like the Mossad.

■ **Fritz:** For whatever reason, the BVT decided to help the Mossad. And it seems this is how al-Halabi got to Austria. He was

accompanied by one of the BVT officials who had also met him in Salzburg, to an asylum center in Traiskirchen, just 30 minutes south of the Austrian capital, Vienna.

■ **Wolf:** As far as I recall, they set up the meeting and they brought him there to the refugee agency and helped him pretty much get his case processed quite fast. At that time back then, Austria didn't want to have lots of Syrian refugees in the country. It was a bit odd that in this case it just went like this, and in a very short time he was accepted as a refugee.

■ **Fritz:** Al-Halabi received refugee status in Austria, even though he already had an ongoing claim for asylum in France, which meant he wasn't supposed to leave France—and he wasn't supposed to claim asylum in another European Union country. The BVT and the Mossad didn't seem to be too worried about this. They continued to help al-Halabi get settled in Vienna.

■ **Wolf:** There were some irritating things, you know, about which they didn't know what to do, so they hid them, like for example one of the agents hiding him in a place that was owned by his father-in-law. It was kind of irritating to see how they went through with the operation, it looked a little bit amateurish. After that, they rented a flat and they helped him with everything. They took good care of him.

■ **Fritz:** Had the BVT officers not asked the Mossad questions about the man they were helping set up a life in Austria? Were they not aware of his past career? It seems odd that the BVT wouldn't have asked the Mossad for details about al-Halabi. You know, who he was and why he needed their help, before agreeing to bring him to Austria. It's just hard to believe. Whatever the BVT did or did not know about the crimes against humanity al-Halabi could be guilty of, they didn't inform the Austrian justice authorities that a high-ranking Syrian intelligence officer was now in the country and that they were helping him. But outside of Austria, legal investigators were catching up with al-Halabi. Through their network of Syrian



investigators and teams on the ground, CIJA had been made aware of who al-Halabi was. Activist Abdallah from Raqqa, who was at this point living in Turkey, was also learning what had happened.

■ **Abdallah:** I guess one of our friends saw al-Halabi at the camp in Vienna. He recognized him and we started from there. We began gathering information and following up on where he was living, in which camp and which area, where he was moving, and stuff like that. We talked about this and at the time people on Facebook pages were sharing that this criminal was hiding and moving around in Europe.

■ **Fritz:** What were people saying about him on Facebook?

■ **Abdallah:** People like me? They see him as a criminal. He just ran away because he had no other choice. And when he saw the Assad regime would not continue as strong as before, he jumped on the other side. But al-Halabi didn't jump on the revolution side, he just hid.

■ **Fritz:** Abdallah was shocked to learn that al-Halabi had made it to Austria.

■ **Abdallah:** At the time I couldn't believe it.

■ **Fritz:** Why were you surprised, did you expect him to be somewhere else?

■ **Abdallah:** Yes, to continue his work with the Assad regime.

■ **Fritz:** CIJA's investigations team had also traced al-Halabi's Skype IP address. They were now sure he was in Austria. It was time to finalize the dossier on al-Halabi and hand it over to the Austrian authorities.

■ **Bill Wiley:** With regime individuals, so as not to overburden our partners in the public sector, we will run searches on the individual once we hear they're in such and such a jurisdiction, and see what we have on them. And then we'll go with a dossier, and

approach the relevant domestic authority. This is what happened in the Austrian case.

■ **Fritz:** So what did CIJA have on al-Halabi at this point? CIJA director Nerma Jelacic.

■ **Nerma Jelacic:** Okay, so in Raslan he was Head of Interrogations.

■ **Fritz:** Nerma is referring to Anwar Raslan, who was the Head of Interrogations at General Intelligence Branch 251 in Damascus. He was the first Syrian regime official to be tried for crimes against humanity and war crimes in the world. The trial in Germany began in 2020, and he was found guilty and sentenced to life imprisonment in 2022.

■ **Nerma:** Al-Halabi was the head of the whole branch department in Raqqa, at a higher level than Raslan. So whereas he wouldn't necessarily have to sit or sign off on the interrogation report, it would go to him and then he's the one who would forward it up his chain of command. So his name as the Head of Raqqa General Intelligence would appear on those documents, including minutes of Security Committee meetings, decisions, and reports up to the actual head of the department in Damascus. In al-Halabi's case, we also had individuals who had worked or served in the area at the same time, corroborate how it worked and what his control and communication approach were like.

■ **Bill:** In principle, the higher the rank of a suspect, the easier it should be to build and bring a case. When you get to cases such as Raslan or al-Halabi, because of the rank they held, there tends to be—and that's certainly the case with both these individuals—a documentary record. Some materials show their place in the chain of command. There are materials with their signatures on them. Al-Halabi ranked much higher than Raslan. We have documentation, in addition to insider witness testimony, that makes it very clear that he had de-jury authority, but also de facto executive authority, over a structure that was engaged in all manner of core international

crimes, in particular crimes against humanity, torture, sexual offenses, murder, persecution and so forth.

■ **Fritz:** Lawyer at OSJI, the Open Society Justice Initiative, Steve Kostas.

■ **Steve Kostas:** During the conflict, he was jointly responsible with the heads of other intelligence directorates for organizing the security of the government, which included establishing roadblocks, house raids, policing, and arrests at demonstrations. Within the Branch, there were several internal divisions or sections. And the most significant for detainee treatment is the investigations section. His office in the Branch was right next to the investigation section, where detainees are interviewed and often tortured, to then provide him with reports based on which he would make decisions on the fate of those detainees. This is all from documents and witnesses. So this is how I understand his role. He would sometimes be present during the interrogations. As I understand it, he—at least sometimes—lived in the branch. He was so central to the operation of the branch that he would stay there.

■ **Fritz:** Al-Halabi could perhaps argue that he wasn't aware of what was going on inside his Branch and that he didn't participate in violent interrogations of detainees at his Branch. But Steve doesn't believe this is a line of defense.

■ **Steve:** The General Intelligence building is not that big. Al-Halabi's office was on the first floor, one floor up from the ground floor. And next door to his office, as we understand it, was the investigations room, where many of the interrogations took place, and they shared a wall. It would have been very audible through that wall, what was going on in the other room—the screams from torture is what's happening in the room next door. But of course, al-Halabi was in the room during some of the incidents. There's absolutely no doubt he was aware that his Branch was engaged in torture.

■ **Fritz:** Steve explains what kind of case had been built against al-Halabi.

■ **Steve:** The initial case against al-Halabi as presented to prosecutors was, I would say, really a command responsibility case for crimes against humanity. So command responsibility attributes responsibility to him because his subordinates—people who worked for him—carried out terrible crimes while he was in control of them and/or he failed to punish them for committing those crimes. Crimes against humanity are among the main international crimes that reflect a widespread or systematic organized attack on civilians. It could be torture, murder, or a range of types of violence that become crimes against humanity as long as they are part of this widespread attack.

■ **Fritz:** It didn't take CIJA long to finalize the dossier on al-Halabi.

■ **Bill:** It was pretty quick, a few weeks. Because he was a high-ranking individual and because we had done quite a bit of analytical work by that point and had done several pre-trial briefs on security intelligence structures in Syria. It was a question of running his name through the system. What hits do we get? Checking any troves of documents that were picked up by us in Raqqa. And then we identified some insider witnesses, basically officers who had served under al-Halabi in state security in Raqqa.

■ **Ambassador Rapp:** That information is what we wanted to share with the Austrians.

■ **Fritz:** Ambassador Stephen Rapp chairs CIJA's Board of Commissioners.

■ **Ambassador Rapp:** Through Eurojust and the European Network, we sought a proper meeting with Austrian authorities, going through their judicial representative at Eurojust, and were able to schedule a meeting. On January 29, 2016, both myself

and Chris Engels, the Deputy Director, essentially the Director of Investigations of CIJA, went to Vienna and met at the Ministry of Justice.

■ **Fritz:** On January 29, 2016, Ambassador Stephen Rapp and Director of Investigations and Operations at CIJA, Chris Engels, walked into a room at the Austrian Ministry of Justice, ready to share the dossier they had put together on Brigadier General Khaled al-Halabi. It was the first time that Austrian justice authorities had heard about al-Halabi, even though he had now been living in the country for eight months. In addition to representatives from the Justice Office, there were also two men from the BVT, the Austrian intelligence, at the meeting. But they didn't introduce themselves to Ambassador Rapp or Chris Engels. They also didn't show in any way that not only did they already know who al-Halabi was, but they had been helping him get settled in Austria.

■ **Ambassador Rapp:** I believe at least two of them were present at the meeting in January 2016, and they certainly were not identified as intelligence agents there. I don't remember there even being a full introduction of everybody that was in the meeting.

■ **Fritz:** According to reporting from Ben Taub in *The New Yorker*, one of the BVT intelligence officials present at the meeting—the same officer who had picked al-Halabi up in Salzburg—had even taken him furniture shopping at Ikea two weeks before. The money for the furniture had come from the Israelis. For the moment, it seemed the BVT were keeping quiet on their dealings with al-Halabi, even from their colleagues at the Ministry of Justice. CIJA handed over al-Halabi's dossier. It was now up to the Austrian authorities to start their investigations.

■ **Bill Wiley:** When CIJA builds a case file, it is built on everything we have gathered until the point of presenting the material to the competent domestic authority. We don't continue to investigate after that unless we're asked by that authority because we don't want to get in their way.

■ **Fritz:** The laws of every country are, of course, different. Every country's national law will also be different when it comes to international crimes, like crimes against humanity. But when a group of states came together in Rome in 1998 to establish the International Criminal Court (ICC), these states essentially made a promise to also criminalize in their national legislations, the crimes that the ICC can investigate and prosecute. There are four core international crimes in the Rome Statute of the ICC—genocide, crimes against humanity, war crimes, and the crime of aggression. However, some ICC state parties took their time to implement these crimes into their national laws.

■ **Steve:** Unfortunately, Austria had not implemented the Rome Statute, the statute of the International Criminal Court that would give Austrian prosecutors and judges jurisdiction, or the ability to prosecute crimes against humanity or command responsibility. So those two core legal principles underlying the case weren't available in Austria.

■ **Ambassador Rapp:** When it comes to crimes against humanity, or torture, for instance, it would seem to me that they would have some difficulty prosecuting that. And I expected that to become an issue.

■ **Fritz Streiff:** The law did change in Austria in 2015 to be able to prosecute the crimes contained in the Rome Statute, such as crimes against humanity and war crimes. But al-Halabi left Syria in 2013 and as the crimes he was suspected of occurred way before 2015, he could not be tried for those in Austria. It seems the new legal framework came a couple of years too late.

■ **Wolf Wiedmann-Schmidt:** In contrast to Germany, Austrian law only provides for the prosecution of war crimes and crimes against humanity that were committed in 2015 or later. Al-Halabi had already left Syria by that time.

■ **Fritz:** Austria also didn't have a dedicated police unit, specifically for investigating international crimes. But CIJA had reason to believe that a strong case could still be established in Austria against al-Halabi.

■ **Bill:** The Austrian legal framework was not dissimilar to the Swedish legal framework at that time. It wasn't ideal, but it was more than enough. I read it and I said, "Okay, they haven't received the Rome Statute into the domestic penal code, but there's enough here. I don't see the problem."

■ **Ambassador Rapp:** There was no question that the country adhered to the Convention Against Torture and this would have been an official act. As long as they had proof of the torture—they just needed an official committing torture—they would have jurisdiction. It was also clear to me that they had at least the basics of the Geneva Conventions implemented under their law.

■ **Fritz:** The Geneva Conventions are humanitarian laws that establish international legal standards for humanitarian conduct and treatment in war.

■ **Ambassador Rapp:** Even though this was a non-international armed conflict, it certainly became such while al-Halabi was in Raqqa, losing his city in an armed conflict to the Free Syrian Army. And so there would have been a war crimes torture possibility here. I was prepared to argue with them, and I asked, "I know you have a new law. Do you think if the facts are as we presented them, this is going to be a problem?" There was a particular legal expert at the meeting who said this would not be a problem. They believed that the law they had would be sufficient to prosecute this case if the facts could be proven.

■ **Fritz:** The Austrian justice authorities and CIJA seemed confident there could be a strong case here, but they were still unaware that the BVT, the Austrian intelligence, were helping protect al-Halabi, the very man they wanted to catch.

■ **Wolf:** Obviously, they didn't want their Operation White Milk to be uncovered or found out about. They thought it would be better not to mention it and maybe hope it will blow over.

■ **Fritz:** After handing over the Halabi dossier, CIJA waited, and waited, and waited. But they didn't hear anything from the Austrians for months—and then years.

■ **Wolf:** I mean, the Austrian authorities started an investigation in 2016, but it was kind of slow.

■ **Nerma Jelacic:** I wouldn't say we were kept in the dark by the Austrians because we never demand to be constantly informed by our law enforcement partners. But with this one, there was just such a level of deafening silence that there was something odd about it and we couldn't understand why nothing was happening.

■ **Bill Wiley:** My very first case as a war crimes investigator, back in 1997 when I started at the Canadian War Crimes program in the Justice Department in Ottawa, involved an Austrian who had been engaged in the Holocaust in what is today western Ukraine. From the beginning of my career, I've been well versed in the rather uneven record of the Austrian state in dealing with serious perpetrators in its midst. For me, the failure to take action against al-Halabi, in some respects, seems to be more of the same. I know Austria is in some ways a unique country within Europe. The facade of the old Habsburg empire, the palaces, Mozart balls and opera, and all this stuff, hides a very narrow and tight political culture, where people may belong to different parties, but everyone knows everyone else. There seems to be a consensus not to rock the boat too much. But how that came to protect al-Halabi remains a mystery to me.

■ **Fritz:** Frustrated with a lack of progress in the Halabi case, Bill tried to find out what was going on.

■ **Bill:** So we couldn't understand why al-Halabi had not been arrested two and three years after the initial contact with the



Austrian authorities. It never crossed our mind that he was being protected there. And indeed, at that time the Austrian government leaned somewhat to the right. Austria has a reputation for not being particularly welcoming of non-Christian asylum seekers, especially. I know in the office we were wondering what the issue was. Here's a great opportunity to deal with, knowing that he's Druze. But I think that nuance would be lost on most people, including Austrians. Do you see where I'm coming from here? He's not a white Christian guy, so we'll hammer him. That sends a signal to everyone else. Keep moving. Germany's this way, or Sweden, this way. Just keep going. It never crossed our mind that they'd be protecting him. The answer that came back to me through the informal channel I'd established, originating with the Ministry of Justice and the prosecution office—the prosecutors responsible at that time—was that the legal framework was insufficient.

■ **Fritz:** It seemed the issues with Austrian law, as somewhat anticipated, were creating problems with actually being able to pursue a legal case against al-Halabi.

■ **Ambassador Rapp:** About a year and a half into the process, we were led to believe they were going to close the case because of this legal issue. They were going to use that as basically the excuse, and—I am relaying what Chris told me—they were kind of saying, “You aren't bringing us someone who was tortured after 2015 or did torturing after 2015, then, we would do something. Otherwise, this is too old and we can't touch it.” Accordingly, we had the impression that the case had been put away.

■ **Bill:** It's the higher-ranking perpetrators, suspected perpetrators, that should be the slam dunk cases. We saw that in Raslan's case. I am convinced had al-Halabi knocked up anywhere else in Europe—frankly, in the Western world—the case would have been done and dusted several years ago. He'd have been charged, prosecuted, judged, and sentenced by now. The evidence is overwhelming in his case.

■ **Fritz:** The frustration must have been unbearable. Here was the highest-ranking Syrian regime official that legal investigators could find in Europe, within the grasp of European legal systems. Yet, because of the country he had been found in, huge obstacles were getting in the way of him being apprehended and brought to trial. At this point, the CIJA team, and likely the Austrian justice authorities too, were unaware that there was another obstacle getting in the way, the help al-Halabi was getting from the BVT and the Mossad.

CHAPTER

# 19

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## AUSTRIAN QUAGMIRES

Season 2 | Episode 8 | December 1, 20, 2023<sup>1</sup>

*The case against Khaled al-Halabi wasn't progressing in Austria. The dossier was bursting with documentary evidence, but a strong case also needs vital witness testimony. As the investigators worked to add the witness component, France finally realized that a senior Syrian intelligence officer slipped through their fingers.*

*But by the time they let the Austrian authorities know, would al-Halabi still be in Austria?*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** Thanks to the efforts of Syrian and Western civil society legal investigators, Brigadier General Khaled al-Halabi was found in Austria. But after the Commission for Justice and Accountability (CIJA) handed in the evidence they had gathered on the former Syrian intelligence chief, in January 2016, they were left hanging by the Austrian justice authorities. They didn't hear any update on the case for months, which then turned into years. CIJA was still unaware that al-Halabi was essentially being looked after by not only the Austrian intelligence services but by the Israeli intelligence agency—the Mossad—as well. But they did now know that things were even more complicated. Namely, that it would be difficult to prosecute al-Halabi for the crimes that he was suspected of under Austria's legal framework.

■ **Steve Kostas:** We've learned a lot of lessons along the way. One lesson is that the command responsibility for the crimes against humanity case against al-Halabi is very strong. But Austria isn't the jurisdiction where you can bring that case, so we needed to look at what's available under Austrian law. That adaptation of the case has been key.

■ **Fritz:** The investigators would need to change tack if they wanted to see al-Halabi brought to justice. Chair of CIJA's Board of Commissioners, Ambassador Stephen Rapp, had met with the Austrian justice authorities in January 2016 to hand over the al-Halabi dossier.

■ **Ambassador Stephen Rapp:** We didn't give them any witness statements at that initial meeting, but we said we have statements about al-Halabi being in charge at a particular time, having been engaged in certain torture acts, or at least his office having been used for that purpose. We had some of that information, but we went back and supplemented that and kept adding to it. Still, nothing seemed to be happening.

■ **Fritz:** CIJA had plenty of documentary evidence. That was their bread and butter. However, al-Halabi's file was lacking in witness testimony. Finding more witnesses, those who had directly suffered at the hands of al-Halabi and his colleagues inside Branch 335, could be a way to help the case. Finding strong witnesses for international crime cases was something that the legal NGO the Open Society Justice Initiative (OSJI), had made central to their Syria investigations. So in the Autumn of 2016, OSJI joined CIJA's investigation on al-Halabi. At that point, Steve Kostas had been leading OSJI's work on Syria for two years, since 2014.

■ **Steve:** I think we were all frustrated that it wasn't leading to an active investigation. Then OSJI came to appreciate that the prosecutors needed witnesses of a specific nature, eyewitnesses to crimes, to proceed with their case. Accordingly, we decided to take a very witness-based approach to building the case against him.

■ **Fritz:** To find these witnesses, they would need the help of other Syrians from Raqqa—those who knew the city, the intelligence officers, and the activists and civilians who had been detained and tortured in General Intelligence Branch 335, al-Halabi's branch. Abdallah, the activist from Raqqa, was exactly the kind of person

they needed. From his base in Turkey, he began working with CIJA in 2017.

At the time when you joined, what stage was the Halabi investigation at?

■ **Abdallah:** At CIJA? I didn't focus on al-Halabi. I focused in general on collecting documents and witness statements.

■ **Fritz:** In Turkey?

■ **Abdallah:** In Turkey, yes. Collecting the documents from Syria to move them to Turkey, then to Europe. I moved a lot of documents from Syria. I was leading around 25 investigators. By the end of 2017, I started working with OSJI—Steve and Mark—and we focused on al-Halabi.

■ **Fritz:** After OSJI joined the al-Halabi investigation, Abdallah began working with Steve Kostas and criminal investigator Mark Watson.

■ **Steve:** As of 2018, we started working with a group of Syrians from Raqqa, who were involved in organizing the demonstrations in Raqqa and were sort of a key part of that community. With their significant help or leadership, from 2018 until now, we've been identifying victims who have been held in detention in Raqqa and are willing to participate in the case, bringing those victims to testify in Austria and engaging with the prosecutor there to support his investigation.

■ **Fritz:** What was your role in that investigation and your responsibilities?

■ **Abdallah:** The first time, we wrote down all the victims' names and locations, contact details, including all the witnesses living in Europe. And because I am an activist, I know all of them in person, so I put the most important witnesses on the table.

■ **Fritz:** Was it hard? What were the challenges?

■ **Aballah:** The challenge is that some people don't feel that justice will come because they are disappointed. Some of them have family still living inside Syria. That's the biggest worry.

■ **Fritz:** Security...

■ **Abdallah:** Security for the witnesses. Some of them are scared of the Assad regime, targeting them in Europe. I think this is the most important challenge.

■ **Fritz:** Agreeing to become a witness in a legal investigation that concerns atrocity crimes isn't an easy decision. It often involves telling and retelling experiences that happened to you that were very traumatic. To be able to determine a witness account's value as possible evidence, investigators, prosecutors, and lawyers will ask witnesses in-depth questions, requiring them to revisit in excruciating detail an experience that might have been one of the most agonizing of their lives. The risk of re-traumatization is always looming. Witnesses can also agree to be part of a case that then doesn't go to court for years, if ever. So after all of that, they're left in limbo, with no guarantee of justice.

The legal investigators at CIJA and OSJI were very aware of the sensitivity with which any witness joining the al-Halabi case had to be treated. You can never be too careful. They decided to join another legal NGO, one that takes all-encompassing witness support very seriously, and one that was based in Austria, where al-Halabi's case had been raised.

■ **Steve:** We've had a fantastic partnership with a group in Austria called the Center for Enforcement of Human Rights International (CEHRI). We strongly engaged with them in the support of the witnesses, both psychosocially and legally.

■ **Tatiana Urdaneta Wittek:** We were addressed by the Open Society Justice Initiative in this regard, with the question of whether



we would like to cooperate to represent survivors of al-Halabi. I think it was around 2018 or 2019.

■ **Fritz:** Tatiana Urdaneta Wittek is one of the founders of CEHRI. By this stage, OSJI had found many survivors of Branch 335 who could provide direct witness testimony, thanks in large part to the work of Abdallah.

■ **Tatiana:** We got in contact through OSJI with the witnesses and we assisted in taking their summary statements, of course, taking into account the risk of re-traumatization. I have to explain that CEHRI's work always entails psychological support. This means that we want to avoid any re-traumatization and we also see the need for therapeutic justice in the process. So it's not only about legal litigation before the office of the prosecutor, or before the courts, but it's also about enhancing the actual quality of life of the survivors as much as possible, through psychological and medical support.

■ **Fritz:** Tatiana and her team employ certain techniques when interviewing witnesses, aiming to avoid or at least minimize re-traumatization.

■ **Tatiana:** There's always an expert present who takes care of the witness, and I wouldn't go into too much detail to avoid traumatization. In addition, there should be only one statement, a decisive statement in the investigation to avoid any possible contradiction, which of course is always possible if you're talking about severe crimes that happened several years ago.

■ **Fritz:** A careful approach to taking witness testimony was paramount when talking to witnesses who had been detained and interrogated at Branch 335.

■ **Tatiana:** Khaled al-Halabi was the director of the Branch 355 office of the Syrian General Intelligence Directorate in Raqqa. Accordingly, he was responsible for every torture and other crime

committed in this branch. I'm speaking about every kind of bodily harm, sexual violence, and the use of torture tools. This is covered by the statements of the witnesses.

■ **Fritz:** As CIJA, OSJI, and CEHRI worked on adding vital witness testimony to al-Halabi's dossier, the French authorities were finally catching up with the fact that a senior Syrian intelligence officer had slipped through their fingers. Colonel Eric Emeraux became the head of the French Central Office for the Fight against Crimes against Humanity in 2017—known also as OCLCH. The investigators at OCLCH work on catching the perpetrators of international crimes, such as crimes against humanity, genocide, war crimes, and crimes of torture. If the perpetrators are on French territory, like Khaled al-Halabi was, the Office can take action. Al-Halabi's file landed on Eric's desk in the spring of 2018. But al-Halabi's asylum interview had taken place way back in 2014. Why has it taken so long for the file to make it from OFPRA, the French Office for Refugees and Stateless People, to OCLCH, Eric's office?

■ **Eric Emeraux:** I think it's because the OFPRA has to manage a lot of cases like that. We received 60 or 70 cases after that date in 2015. There were so many cases.

■ **Fritz:** "That date in 2015" Eric refers to is the date since the French immigration services, OFPRA, have been required to inform OCLCH of any case in which they have refused asylum protection to somebody due to having reasons to believe that this applicant may have committed an international crime.

■ **Eric:** Because of that law, the OFPRA office has to send information to the prosecutor. The prosecutor opens the file, and we investigate those people.

■ **Fritz:** Eric and his team of investigators at OCLCH began investigating al-Halabi.

■ **Eric:** The first step is to check if the individual is in France. That's why we ask for a driver's license, for example, flats, or a bank account. So if we find these and we consider that he's in France, we can then go on with the investigation. Otherwise, we have to stop. We give the information to the prosecutor and the prosecutor decides what to do in that case. When we realized that al-Halabi was no longer in France, we had to stop the investigation and give the file back to the prosecutor. That's it.

■ **Fritz:** It had only taken Eric's office a couple of months to realize that al-Halabi was no longer in France.

■ **Eric:** We can investigate if the perpetrator is in France. If not, we are not able to investigate. We were very frustrated regarding that case because al-Halabi has a lot of victims in France and we wanted to investigate him. But when we realized that he was in Austria, everything was closed.

■ **Fritz:** While France might not have been able to start an investigation into al-Halabi, they could inform the authorities of the country he was in, providing details about who he was and the evidence they had on him.

■ **Eric:** In such cases, we used to give the information to the country in which the individual is supposed to be hiding. This is what we did with the Austrian authorities. It's not police-to-police information, but rather information given by the prosecutor to other prosecutors. Now because we are European war crimes units—the prosecutors and the investigative judge—we are also in the European genocide network, and we used to have some good links with European countries and units. We exchange a significant amount of information through this genocide network.

■ **Ambassador Rapp:** At that point, there was still a fair amount of interest in the case in France. Eric Emeraux, then the head of the War Crimes Investigation unit for the French Police Judiciary

for international crimes, put out a “want” notice for him, not an arrest notice, but essentially an indication that if he were to cross a controlled border, there was interest in him and that he should be held until that was resolved and contact was made.

■ **Fritz:** It is often said that the wheels of justice turn slowly. But in this case, they moved in slow motion. When Colonel Emeraux put out the want notice, al-Halabi had been in Austria for three years. After reportedly first living in a flat that belonged to the father-in-law of one of the Austrian intelligence agents who was looking after him, al-Halabi, according to *Der Spiegel*, moved into a four-room apartment in the 16th District of Vienna. The monthly rent, nearly €1,000, was paid for by the BVT, the Austrian Intelligence, and the Mossad.

For three years, it seems the BVT hadn’t told Austrian prosecutors that they had brought the highest-ranking Syrian intelligence officer known to be on European soil, into the country and that they were more than lending a helping hand. And yet it wasn’t until now, in 2018, that the BVT and the Mossad’s Operation White Milk, was revealed.

Journalist at German Weekly *Der Spiegel*, Wolf Wiedmann-Schmidt, worked on an investigation into the al-Halabi story.

■ **Wolf Wiedmann-Schmidt:** As far as I know, it ended in October 2018. In 2018, France reached out to prosecutors in Vienna and they asked through Europol if someone knew about the whereabouts of al-Halabi. It went out to all the member states of the European Union, including Austria, and the French wrote that al-Halabi and officials who were under his control in Raqqa were responsible for torture, use of electrical shocks, and other forms of abuse. I think that’s when Vienna prosecutors and also ministry officials woke up and understood that they should look into this again more seriously.

■ **Fritz:** By October 2018, the BVT had ended its collaboration with the Mossad. Operation White Milk was over. So what would happen now to Khaled al-Halabi?

Well, just one month later, in November 2018, the Austrian police, along with BVT officers, visited al-Halabi's spacious Vienna apartment.

■ **Wolf:** Some police stormed al-Halabi's apartment looking for him, but all they found was rotten food. To this day, I'm still not sure where al-Halabi went in 2018.

■ **Fritz:** The disappearing general had once again disappeared, and it seemed he left in a hurry.

■ **Ambassador Rapp:** The next significant information we had in the case if I'm correct, was in the fall of 2018. The case leaked to the press in Austria, and at that time, at least the reporters said he had certainly been in Austria even at the time we had come in 2016. It was believed that he had gone to Russia and returned at some point during his stay in Vienna. There was still a question of whether he was still there, and we thought that perhaps with the leak of the case, he might have gone on the run at that particular point.

■ **Fritz:** Where had al-Halabi gone this time? What would happen to the case against him in Austria if he was no longer in the country? The investigators continued their work, and the witness statements they had gathered significantly expanded al-Halabi's dossier. They submitted these statements to the Austrian prosecutor's office at the beginning of 2019, adding to the pressure for them to finally act.

■ **Tatiana Urdaneta Wittek:** We then submitted their statements along with legal statements to convince the Prosecutor's office to effectively investigate this case. The prosecutor summoned the witnesses and took their detailed statements. This was an

essential contribution to the investigation because it provided the most important and direct evidence that had been missing in the proceedings until then.

■ **Fritz:** In May 2019 the Austrian Government collapsed following the so-called “Ibiza scandal”. Videos were leaked of the deputy chancellor and leader of the far-right Freedom Party, Heinz-Christian Strache, talking to a make-believe niece of a Russian oligarch in a villa on the Spanish island of Ibiza. He was suggesting that he could offer lucrative public contracts in exchange for campaign support.

■ **Ambassador Rapp:** That raised concerns about Russian influence in the government. In 2019, I sought a meeting with the then interim justice minister, Jabloner. When I met with him, his fellow Pilnacek, who had also attended the meeting back in January of 2016, was present. He is essentially the number two individual in the Justice Ministry—someone directly involved in such international relations cases, and coordinating with the national prosecutor. I had a meeting with him, I believe, in September 2019. I specifically mentioned that I feared political interference in this case. Given the interim government’s full authority during this period, I urged them to ensure the active pursuit of the case without obstruction and to particularly ensure it had the resources it required.

■ **Fritz:** The message Ambassador Rapp delivered was clear: Austrian justice authorities needed to prioritize investigating al-Halabi’s case to avoid even the impression of any potential political interference or obstruction of justice.

■ **Ambassador Rapp:** He listened to me very respectfully. Pilnacek kept saying, “Well, can you say he’s really in the country? Do you have new proof that he’s in the country?” I responded, “Wait a second, he has been in the country. We’ve had reports that he’s here and went to Russia. He returned. Everything indicates that he is still here. But let me ask you this, If he were in this country

when your formal investigation began, and then he departed, would that deny you jurisdiction of the case, would that defeat the investigation?" He admitted, "No." I said, "Well, then that's irrelevant. You know, we need to have this case actively pursued."

■ **Fritz:** Despite assurances that the case would be pursued, and despite Rapp and the rest of the team seeking further meetings with the Austrian justice authorities, the Halabi case still didn't seem to be progressing, even though it now appeared that al-Halabi was still in Austria.





CHAPTER

# 20

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## THE WHEELS OF JUSTICE

Season 2 | Episode 9 | December 4, 2023<sup>1</sup>

*The wheels of justice can turn incredibly slowly. When a case like al-Halabi's is slapped with so many setbacks, it can be difficult not to lose hope and faith in the justice process. But even as the case stalled, other trials were starting in Europe—including one against the Austrian intelligence officials who allegedly smuggled him into the country, paid his rent, and got him asylum.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** It was 2019, and Khaled al-Halabi was still, according to most reports, living freely in Austria. The investigation against him was still being pursued, and the dossier bursting with documentary evidence had even been supplemented with strong witness testimony. Yet, al-Halabi still wasn't on trial. Operation White Milk, the agreement between the Austrian and Israeli intelligence agencies to move al-Halabi to Austria and look after him there, had been revealed. And it was now that the Austrian authorities finally stepped into some sort of action.

On that note, Wolf Wiedmann-Schmidt, a journalist at German Weekly Der Spiegel, joins us.

■ **Wolf Wiedmann-Schmidt:** In 2018, the Austrian prosecutors started an investigation into several BVT officials for abuse of authority, because they had been hiding al-Halabi.

■ **Fritz:** Austria's prosecuting office accused these BVT officers—BVT being the Austrian intelligence at the time—of having illegally smuggled Khaled al-Halabi, a torture suspect,

into the country, and having kept his locations secret from justice officials, particularly after a 2016 meeting at the Austrian Ministry of Justice. This was the meeting when Ambassador Stephen Rapp and Chris Engels, director of the Commission for Justice and Accountability (CIJA), first handed over al-Halabi's dossier to these investigating authorities.

■ **Ambassador Stephen Rapp:** Another piece of news was that early in 2019, I had a contact from Austria indicating that they had begun an internal investigation regarding this whole case and what had occurred in terms of individuals from the domestic intelligence agency being involved. They wanted to speak with me and Chris Engels.

I discussed it with the prosecution staff person by telephone and decided that I could describe what happened to me in the meeting in 2016. I suggested that Chris Engels go and provide information, and I believe he did so, sometime around the summer of 2019. That, as I understand it, played a role in the investigation that led to the suspension of four agents from this domestic intelligence agency called the BVT.

■ **Fritz:** As the investigation started into the BVT officers, perhaps not unexpectedly by this point, in a case that had been beset by problems since the beginning, yet another obstacle was about to get in the way of the Halabi investigation. Founder of the Center for the Enforcement of Human Rights International (CEHRI), Tatiana Urdaneta Wittek, had helped to take witness statements for the Halabi dossier. These were submitted to the Austrian prosecutor in 2019. But when the time finally came for the prosecutor to begin interviewing these witnesses, there was a global pandemic.

■ **Tatiana Urdaneta Wittek:** This was the time of COVID-19 and its related travel bans. It was not easy for the witnesses to follow the summons of the prosecutor, and it took more time than expected.

■ **Fritz:** Was there no hurdle the Halabi case wouldn't come up against? CIJA director Nerma Jelacic, who has worked on the case since the very beginning, attempts to summarize why the case has been just so complicated.

■ **Nerma Jelacic:** Well, there are two ways it's complicated. In any case, even when you have both political and judicial will to prosecute the individual, any case of command responsibility is more complex to prosecute than a direct perpetrator case. But then the other complexity we faced with al-Halabi—which I must say we haven't seen anywhere else—is that the state elements were not keen to arrest him. At least that's how it appears from their internal documents and from the actual outcome that he's not arrested six years later, right? But this case taught us that even at a time when you have the strongest evidence, and you have the accused, the victims, and everything in one place, you still can't get to that evasive of justice without the support of the state.

■ **Fritz:** In many ways, al-Halabi's case exemplifies just how difficult it is to pursue justice for Syria, and it particularly highlights two of the biggest obstacles. First, the Assad regime is still in power in Syria, making it impossible for justice for the huge number of crimes against humanity and war crimes to happen inside the country itself. The second obstacle is that pursuing justice at the international level is not available for Syria. Ever since Russia and China vetoed the U.N. Security Council resolution to refer the Syria file to the International Criminal Court, Syrians have to resort to what in many ways is a third-best option—pursuing cases in other countries where the principle of universal jurisdiction is available.

Universal jurisdiction means that a state can assert jurisdiction over crimes against international law, even when the crimes did not occur on that state's territory, and neither the victim nor the perpetrator is a national of that state. But even with universal jurisdiction, the idiosyncrasies of every country's legal system, as we've seen with the Halabi case in Austria, and political will—or

lack thereof—to pursue international crimes cases means the path to justice for Syria is not straightforward. And it's especially difficult when it comes to pursuing high-ranking individuals like Khaled al-Halabi.

■ **Nerma:** Syria is not the first conflict where you started putting people on trial for the crimes they committed in their country, and then they escaped to somewhere else. In my country, the first accused in the tribunal for the former Yugoslavia was arrested in Germany, and then The Hague demanded that he be handed over, even though he was a low-ranking guard. This is the first time so much hope rests on the national authorities and national law enforcement, that the focus on these high-ranking individuals is important from the wider contextual elements of it. It's difficult for law enforcement, prosecutorial, or police elements in these countries to build so many cases at a higher level because they don't have the resources. Moreover, they don't usually construct these types of cases, they are used to low-level, direct perpetrator cases. These cases require more complex elements of evidence, raise more questions, more risks, etc. If you're a prosecutor, at the end of the year you have to come up and say, "This year, I had 20 cases and got 20 convictions, or I had three." You know, there are different ways in which their output is measured.

■ **Fritz:** We've spent a lot of time going through the various hurdles that were thrown up all over the Halabi investigation. It's frustrating enough just to hear about the insufficient legal frameworks and the meddling of intelligence agencies. But for al-Halabi's victims, those directly involved in the case and those who are unable to participate because amongst other reasons, they're not in Europe, the countless obstacles are beyond frustrating—they're distressing. Justice for the horrific crimes they suffered at al-Halabi's branch in Raqqa, always hovering just out of reach. Thaeer Dandoush, whom we heard from earlier, is among these victims.

■ **Thaer Dandoush:** Khaled al-Halabi asked to meet me and some others to make sure we wouldn't participate in any of the protests. It was an act of intimidation. I didn't go to that meeting. I was detained in the State Security Branch for a few days and was tortured in many different ways. Al-Halabi was the Head of the Branch, so he was responsible for everything that went on inside it. He was an intelligence officer and he is currently free in Europe. That very fact is extremely unjust.

■ **Fritz:** Despite the immense challenges and frustrations, the hard work of Syrian and Western lawyers, activists, and civil society groups has led to positive breakthroughs in the pursuit of justice for Syria.

■ **Nerma:** I think there is an appetite in several countries in Europe to build those more complex cases, and we are seeing them obviously in Germany, in addition to some movements in France now, etc. I think that is a changing field, and it is changing because of Syria and all the activism we're seeing through the Syrian accountability lens there.

■ **Fritz:** The first major development in the justice and accountability for Syria field could be said to be the trial of Anwar Raslan. This was the first time that atrocity crimes committed by the regime in Syria were put on trial. Raslan was the Head of Interrogations at Branch 251 in Damascus. The trial started in the German city of Koblenz in early 2020. It concluded in 2022, with Raslan being sentenced to life imprisonment.

Do you remember any moments in the investigation that kind of felt like a breakthrough or like an important step has been achieved?

■ **Abdallah:** Yes. When we saw Anwar Raslan in jail. The other criminal.

■ **Fritz:** Syrian investigator and activist Abdallah worked on the investigation.

■ **Abdallah:** We worked on this case and we brought witnesses. And when we saw him in jail and when we saw some justice, I felt okay, almost there.

■ **Fritz:** Can you describe how that felt?

■ **Abdallah:** As a person who was in jail and went through all this torture, heavy torture, and through this detention time, I can't describe my feelings. I think that justice is the only thing that we have right now to fight for. This is the only thing. Sometimes I think that the other officers who are still now with the Assad regime may be deterred from further killings when they see their names on blacklists and court criminal lists in Europe. I don't know if that's true or not, but at least I hope it is.

■ **Nerma:** I think the most meaningful cases are the ones where you can get the accused in a courtroom where they can mount a proper defense and challenge the information and evidence you're presenting against them. That way you prove, whatever the judges decide in the end, that they thoroughly weighed the evidence and whether it stands or not. Missing those opportunities in cases like Syria costs a lot because you don't know when the next person will come. As you've seen since Raslan, we've had a couple of regime arrests, but they're not high-ranking individuals that would allow you to present structural evidence to that level that I think is important. I know how it was for my people, my region, and my country. As people were brought to trial, it wasn't only the decision on whether the individual was guilty or not and whether he was sentenced to 5 years or 20 years or for life that was important, but the actual story that came through, the judgment of what happened to the country, what happened to the people, and who bears responsibility on a wider infrastructure level. This was just as important as these individuals.

■ **Fritz:** The Raslan case provided the first opportunity for Syrian victims to have their testimonies heard and documented in a court



of law. It also opened up discussions Syrians were having about what justice meant for them and how they wanted to pursue it. Legal investigator Mariana Karkoutly was doing her training at the European Center for Constitutional and Human Rights (ECCHR), a legal NGO based in Berlin, when the Koblenz trial started against Anwar Raslan. She decided to write her second master's thesis on the trial, looking at what Koblenz meant to Syrian activists from both older and younger generations. As the trial unfolded, Mariana asked the group of Syrians she had selected about their different perceptions of justice.

■ **Mariana Karkoutly:** How did the whole process transform the way that Syrians were perceiving the concept of justice? My argument basically is that Syrians were conceptualising an opening of the very concept of justice, as these courts are happening. I think that generally working toward accountability and justice has been one of Syrians' demands since the beginning of the revolution. Justice is on the table and being able to pursue those cases and open the discussion outside of the courtroom among Syrian civil society, questioning what justice means for us at the moment both collectively and individually, is already a crucial step forward. In that sense, I realize and recognize that there is a very high value to the cases that are being opened.

■ **Fritz:** Mariana found notable generational differences in how the Syrians she spoke to considered the justice process.

■ **Mariana:** I think what struck me was that a large number of the older generation I spoke to were pushing towards those justice processes to occur inside the country, inside Syria. They were glad that accountability processes are happening today and that war criminals are being held accountable. But they were worried that this is not happening inside the country. They were mostly looking at high-ranking officials, and wondering how are we going to open the cases against the high-ranking ones. While with the younger generation, I kind of saw that there was a certain understanding

that every crime should be prosecuted, and every war criminal should be held accountable.

■ **Fritz:** Mariana is herself representative of the new younger generation of Syrian lawyers and investigators who are moving into the justice and accountability space, and providing a fresh lease of life to the pursuit of justice for Syria.

■ **Mariana:** It makes complete sense, to me at least, to bring those two arguments together, right? To say it's important and we're using the universal jurisdiction at the moment, and utilizing this tool, and those cases are being opened. At the same time, we need to be aware that universal jurisdiction has something to do with certain political decisions. At some moment, these very particular European countries can also decide not to open these cases against these war criminals. So we need to have a judicial system inside the country to take over these cases. Now, it's impossible at the moment with the Assad regime being in power, you can't do that. And that's why we find a window of hope within the universal jurisdiction. But it's a window, it's not the end goal.

■ **Fritz:** The Halabi case in Austria revealed many of the problems that can arise when attempting to pursue cases for crimes committed in Syria through universal jurisdiction in national courts. Austria was slow to work on the Halabi case for a mixture of reasons that Marianna outlined, like the lack of political and judicial will and the fact that only one prosecutor was working on international crimes cases. But Austrian lawyer Tatiana Urdaneta Wittek has seen improvement in this area in the country.

■ **Tatiana Urdaneta Wittek:** I see a great improvement because when I started to work on UJ cases in 2012, the prosecutors did not even know what universal jurisdiction entails for their work. And they were very reluctant to the idea of working on universal jurisdiction cases due to the workload in national prosecutions. We have also done a lot of advocacy work since then. And the

awareness and of course the developments in other European countries brought to the attention of the Minister of Justice that there is work to be done in this field.

■ **Fritz:** While legal investigators continued to push the Office of the Prosecutor in Austria to investigate the case properly, another investigation was progressing much faster. This was the investigation against the BVT officers, who were accused of helping al-Halabi into Austria and setting up his life there.

■ **Tatiana:** The prosecutor investigating Khaled al-Halabi got to know about this alleged abuse of office of this Austrian Secret Service while working on the investigation, and submitted a complaint. And another department of the Office of Prosecutor then indicted them.

■ **Fritz:** The prosecutor indicted five officials, four former BVT intelligence officers, and one former asylum agency officer. On April 14, 2023, four of the five went on trial in Vienna. The fifth man, one of the BVT officers, was in Dubai and cited medical reasons for not being able to appear. He will get a separate trial later. Lawyer at the Open Society Justice Initiative, Steve Kostas explains more.

■ **Steve Kostas:** These Austrian officials are being prosecuted for their alleged role in bringing al-Halabi from France to Austria and sheltering him there, by providing him an apartment and a monthly salary, getting him asylum, and delaying or undermining his potential investigation. They are being prosecuted essentially for corruption or abuse of office. According to reports and evidence in a trial, and I think even the accused admitted, this was carried out in collaboration with Mossad, Israel's intelligence service, and in some form of coordination with France's DGSI, one of their intelligence services.

■ **Fritz:** What has this trial revealed?

■ **Steve:** In the trial so far, there's been testimony that they understood that al-Halabi was "in danger in France" in 2015. So even though they are going to be responsible for sheltering him, they didn't inquire, a) what that danger was, which is ridiculous; and b) who al-Halabi was. They didn't know that he was suspected to be a war criminal. So, why were they asked to hold this guy, and what did they need to protect him from? They say they didn't inquire about those things. If they had inquired, which of course they did, they would know that the real danger was that France changed its laws in 2015 to require that anyone rejected for asylum on the grounds of being suspected of war crimes would be referred to the prosecutor. The prosecutor would likely receive the file and start an investigation. He was in danger of being prosecuted. Why did they not want to inquire about what they needed to do to shelter him? That's because, of course, if they learned that he was a war criminal—which they did—then they would have had to refer that information to the prosecutor themselves. So, you know, they both undermined the potential investigation in France and delayed the investigation in Austria. At least that's the allegation.

■ **Fritz:** And in May 2023, a month after the trial began, a surprise witness took the stand.

■ **Steve:** Al-Halabi is in Vienna, and in fact, he was in a Vienna courtroom when he testified in the trial of the BVT officials.

■ **Fritz:** That's right. Al-Halabi finally appeared in a Vienna courtroom, just not at his trial.

■ **Steve:** Al-Halabi has finally been brought to court, only as a witness. And, both al-Halabi and the prosecutor, Luschin, were in court in this case. It is wild.

■ **Tatiana:** Khaled al-Halabi was summoned as a witness, and he came and testified. In order not to incriminate himself, he

refused to answer nearly all of the questions. And then as it came to the topic of this cooperation agreement, the public was excluded from the trial because there could have been a possibility of the violation of Austrian interests. So for a small part of his statement, we don't know what he said, but according to my information, there was no interesting information and no relevant information for the investigation against himself.

■ **Fritz:** Al-Halabi's lawyer, Timo Gerersdorfer, told the Associated Press that al-Halabi is cooperating fully with the Austrian authorities and that his client is not guilty. Gerersdorfer said, "He fled Syria with the help of the Free Syrian Army. If he had agreed with the Assad regime, he would have stayed in Syria."

In protecting an alleged war criminal, the actions of the BVT officials in impeding the pursuit of justice have had a distressing impact on the witnesses that OSJI and CEHRI represent in the Halabi case.

■ **Tatiana:** It impacted them quite a lot, and this is understandable. To live in the same country as the perpetrator of the crimes from which they had fled is a huge burden. And to know, in addition, that Austrian officials were responsible for his presence in Austria. I can tell you that one of the survivors addressed me repeatedly with concerns about the presence of al-Halabi whenever he read newspapers about the case.

■ **Steve:** 13 of our clients have applied to join that case as private parties. Victims can join a prosecution if they are harmed by the crimes alleged in that case, and can seek finding that they were harmed and can seek remedies for that. Our clients are attempting to show to the court and really to the public at large that bringing al-Halabi to Austria, sheltering him there, and undermining the investigation has harmed them, not only through harming their rights to the prosecution of their perpetrator but also by knowing that he is living with state support in Europe. It's retraumatizing to them, and we're trying to bring that to the court.

■ **Fritz:** But before the al-Halabi witnesses could join the trial, in July 2023, the Vienna court, perhaps surprisingly, found the four Austrian officials not guilty of abuse of power. The court ruled that the accusations against them had not been proven beyond reasonable doubt. Without more of an inside view of the case and dossier of evidence presented against the accused, it's hard to know how this acquittal came about exactly. The verdict was appealed by the Office of the Prosecutor. If the court admits the appeal, a second instance court will examine the case again. But for the moment, we do not know if and when the trial will be reopened.

It was another disappointment in the Halabi saga, a heavy blow for the witnesses involved in the case.

■ **Tatiana:** So of course, the situation that the General received asylum status and is residing in Austria is harming the survivors who were tortured by him. Some of the survivors weren't granted asylum status in Austria but had to find support in other countries, like, for example, the Netherlands. This unequal treatment of al-Halabi and our clients is striking and it is understandably difficult for them to accept. Many of the survivors who received asylum status had a difficult start here. They were not treated very well when requesting asylum, and they had to go through all the hurdles of the Austrian authorities. So, of course, they expected some form of justice from the trial. They ask themselves how can a person who tortured them receive privileged treatment here in the democratic state of Austria? And with the background that they had fought for their own lives, for democracy and human rights, under the most dangerous conditions, they now have to be confronted with this situation.

■ **Fritz:** When slapped with this many setbacks, it can be very difficult not to lose faith and hope in the justice process. But despite all its disappointments, there is, of course, still the desire among Syrians to see al-Halabi brought to justice, even Syrians

who are living inside Syria, far away from the European courts of law, like Hazem al-Harami, a civil activist from Raqqa.

■ **Hazem al-Harami:** Khaled al-Halabi was a member of Raqqa's State Security Branch, which contributed to the suppression of protests, arbitrary arrests, and inhuman treatment of civilians. Al-Halabi is a symbol. He doesn't hold meaning for me, but he represents the criminal behavior of a large system. He is one of thousands who have helped the Syrian regime and its crimes against the Syrian people.

Justice is a beautiful thing, for every Syrian citizen. For me, it means life itself. Each system has its own legal and judiciary actions, respected and valued by European citizens. But we hope that Khaled al-Halabi doesn't end up like other criminals who have found legal protection under the name of asylum.

■ **Fritz:** And Wisal Ibrahim, also a civil activist from Raqqa.

■ **Wisal Ibrahim:** I've heard about this trial and the individual involved. Surprisingly, many countries have intervened in the situation. Why was this individual specifically protected, despite having committed violations in Raqqa and Syria in general? He is free and present in a European country that provides him with full support and protection. This, of course, is unacceptable and does not represent the human rights these countries supposedly stand for.

We want justice for the victims who were detained, oppressed, and killed by the Syrian regime. I wish, after the end of all this oppression, that those responsible for it will be held accountable, whether in Syria or, as we see currently, in trials in Europe.

■ **Fritz:** The much sought-after justice being pursued in Europe for other cases in the Syria file, not just al-Halabi's, remains paramount for Syrians like Mahmoud al-Hadi.

■ **Mahmoud al-Hadi:** We are following the proceedings in European courts relating to trials against former members of the Syrian regime, as well as those from terrorist organizations who committed crimes. We follow and strongly support these trials and we hope that they continue tracking those who have joined in the bloodshed of the Syrian people.

■ **Fritz:** And Muhammad, the activist from Raqqa whom we heard from earlier in the season as well.

■ **Muhammad:** In my opinion, anyone who has caused harm to a Syrian during the Syrian revolution should be held accountable, whether it's psychological, physical, material, or any form of harm. They should face justice, and it should serve as a lesson for anyone who believes they are superior to others. No one is above the people; we all are children of Adam, and we are all Syrians, regardless of our religious or ethnic backgrounds—whether Alawite, Sunni, Kurd, Shiite, or Druze. The law applies to everyone without discrimination.

■ **Fritz:** It will perhaps be impossible for any legal system to adequately address what has happened in Syria since 2011. There are so many perpetrators, so many crimes, and so many victims, that to bring a case for every single one is just not feasible. This is why the central goal for justice remains, for many Syrians, to see the man who is ultimately responsible, President Bashar al-Assad, on trial. This is Rashid Satouf, whom we also heard from earlier in the season.

■ **Rashid Satouf:** From my perspective, any sentence for any person who committed violations towards Syrians is a step forward. These trials that are happening in Europe are a small and simplistic step on a long path because the main violation is still happening in Damascus. The main reason behind these violations, the main culprit, and the main criminal network are all in Damascus. The people on trial are essentially just the tools. I am not saying that the tools should not undergo trials as well. I'm just saying that real



justice will happen when the Assad gang is put on trial. There is a long road ahead with many stops along the way.

■ **Fritz:** We have heard time and again over the years that this is and will remain the ultimate goal of any justice and accountability for Syria efforts—Bashar al-Assad behind bars and on trial. But as long as Assad is President, it seems he can't be tried. And as long as he remains out of reach, Syrians continue to fight for whatever justice they can.



CHAPTER

# 21

## BETTER LATE THAN NEVER

Season 2 | Episode 10 | December 11, 2023<sup>1</sup>

*Khaled al-Halabi may not be facing trial or imprisonment, but significant developments have emerged in the pursuit of justice for Syria. Chapter 21 of The Syria Trials returns to the city where it all started—Raqqah, which has endured considerable suffering since al-Halabi's escape.*

*This chapter unveils cases that shed light on the grave crimes inflicted upon the city and its residents. It also explores ongoing legal investigations and trials, covering terrorism financing and medical torture, alongside the emergence of promising arrest warrants.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Mariana Karkoutly:** Unfortunately, narrating the story of what happened to Syrians is not enough. You need to have a court case that proves that what you're saying is true and happened. Currently, if any government investigating these crimes were to claim that Syria is safe and Syrians can now be deported to Syria, I do not think that this would be possible with these cases being opened up.

■ **Fritz Streiff:** The importance of having your case heard in a court of law goes beyond just locking up individuals for X number of years. These cases create a documentary record, perhaps the most accurate one, that etches into history the truth of what happened. They show the evidence was fairly and thoroughly assessed, the witnesses were interviewed and the perpetrator was heard before independent parties, judges, and juries made a decision and delivered justice.

It's integral to preserve the truth of what happened, especially when it comes to a country like Syria, where so many truly horrific atrocity crimes have taken place, and continue to do so, and where

official authorities deny and keep denying these truths, aided by a powerful Russian partner that specializes in misinformation and disinformation campaigns. If all efforts at bringing about justice are abandoned, there will never be any hope of peace for the victims, survivors, and their families, and no chance of creating a fair and just country and a future for all Syrians. This is why, despite countless setbacks and obstacles, pursuing justice for Syria is still and will always matter.

Let's travel back to Raqqa, the city in the northwest of Syria where we started this story. This city and its citizens are central to the Halabi case.

■ **Abdullah al-Khalaf:** Raqqa has changed. The four years under ISIS had a significant impact on the city.

■ **Fritz:** The terrorist group ISIS, or Islamic State, made Raqqa the capital of its so-called caliphate in 2014. And its crimes have left profound marks on the city and its population.

Abdullah al-Khalaf is a journalist, who still lives in Raqqa today.

■ **Abdullah:** I remember the last days of ISIS in early 2017. I took a taxi with an ISIS driver and he said, "We have won." I asked him, "How is that possible? How have you won?" He said, "We have planted our ideology and it will remain." I thought this person was delusional. But what I have observed today, after about six years since the departure of ISIS, is that there is some truth in what he said. ISIS has left an impact on our communities, especially in Raqqa. There are many veiled women and many people who strongly support ISIS's ideas. Today music is considered haram, which means forbidden. This was not the case in Raqqa before. The area used to be more open-minded.

■ **Fritz:** As well as changes to the society of Raqqa, the city has suffered huge physical damage too. In 2016, the United States backed a coalition of militias called the Syrian Democratic Forces

(SDF), who waged a campaign to take control of Raqqa. They succeeded in October 2017.

■ **Abdullah:** Of course, the war had a profound impact and completely transformed the city. Most of the city was destroyed due to bombing operations, especially when the U.S. entered and carried out airstrikes. Reconstruction efforts have taken place, with some residents returning and rebuilding their homes. However, the efforts of local authorities have been modest and there are many aspects where they fall short.

■ **Fritz:** Today, Raqqa is still run by the SDF. The city might be free of the punishing control of both the Syrian regime and ISIS, but life is unstable and very difficult. For the citizens of Raqqa, daily survival is often at the top of their concerns rather than the pursuit of justice in other countries for the crimes that they have suffered. During our interview, Abdullah al-Khalaf expressed a lack of interest in the Halabi case itself. Yet, the pursuit of justice more widely for Syria remains important to him.

■ **Abdullah:** When I said I was not very interested, it was more of an expression of the despair we have reached. However, it is necessary, even crucial, to have all criminals prosecuted. Perhaps I said I was not very interested because there are other criminals apart from the Syrian regime. Currently, we have replicas of Khaled al-Halabi and others among us. However, if these criminals are held accountable, they will be deterred. They will know that one day, justice will prevail, and they will be prosecuted and prohibited from preying on people indefinitely.

■ **Fritz:** Several cases about Raqqa are currently being pursued, including, perhaps surprisingly, in the field of antiquities.

■ **Anas al-Khabour:** I am an Associate Professor in Archaeology. I am from Raqqa, the northern part of Syria. I live and work in Sweden.

■ **Fritz:** Raqqa has been inhabited since antiquity and was one of the most important cities during the Islamic period in the Middle Ages, lying on the crossroads between Syria and Iraq. Archaeologically speaking, Raqqa is rich in priceless objects and centuries-old ruins. When we think of the cultural heritage of Syria, the city is important.

■ **Anas:** After the outbreak of the war in Syria, the government lost control over cultural heritage sites. It was then followed by illegal excavations in archaeological sites and looting of museums. That increased largely after the arrival of a new ideology and new people—I mean the Islamic State, or ISIS, who settled in the northern part of Syria.

■ **Fritz:** One of the ways that ISIS funded its terrorist activities was through the looting of these antiquities that Raqqa was rich in. Anya Neistat is the legal director of The Docket, an initiative of the Clooney Foundation for Justice, the foundation set up by Amal and George Clooney.

■ **Anya Neistat:** One of our largest projects over the last couple of years has been focused on looting and illegal trade in antiquities as a source of conflict financing. We were looking into different sources of funding for all players, but particularly armed groups that don't have government resources at their disposal. And of course, the Islamic State, so-called ISIS, was one of the first groups that we focused on. We realized very quickly that antiquities looted in Iraq and Syria were one of the main sources of financing for ISIS. While nobody knows the exact figures, we're talking about potentially tens if not hundreds of millions of dollars generated through this trade.

■ **Fritz:** Anya and her team at The Docket began looking into the trafficking routes, and how these items were making it out of Syria and being brought to the European and American markets, often through Turkey or Lebanon.



■ **Anya:** It was all fairly well documented by ISIS. They were very bureaucratic, like the Nazis at their time. We've got access to lots of receipts and paperwork that they generated around this trade. But ultimately, our focus was really on the market. The way we built our legal cases was going after the market end of the trade to essentially try to stop it once and for all.

■ **Fritz:** The looting of antiquities might not seem as important a crime to focus on as, say, chemical weapons attacks or the torture of individuals. But of course, these kinds of cultural crimes can have a major impact on a society's very basic fabric, its roots. In addition, The Docket's team found that the money involved in this trade has a direct impact on the activities of the groups in question.

■ **Anya:** We looked at major galleries and auction houses in Europe and to a certain extent, museums that ended up buying these items through these intermediaries, and trying to convince the prosecutors that these should be qualified as financing of terrorism, as complicity in war crimes committed by these armed groups. The revenue generated by this trade, in essentially blood antiquities, allowed groups like ISIS, and not only them, to purchase weapons, recruit new members, and maintain detention facilities.

■ **Fritz:** There are challenges in pursuing cases like this though. Professor Anas al-Khabour joins us to speak about this.

■ **Anas al-Khabour:** The challenging problem here is that objects were stolen through illegal excavations and therefore, lacked documentation of information. This category of objects is meaningfully vulnerable and it's not so easy to recover and retribute if they appear on the black market.

■ **Anya Neistat:** All the individuals we focused on have been on the radar of law enforcement agencies for selling questionable antiquities for years, sometimes decades. Interestingly enough, some of them were previously caught red-handed with items of questionable provenance, but every time they pretty much got

away. Either they had to reconstitute the items, or they were fined—sometimes for forging the provenance documents or violating some customs rules. But for businesses of that size, that was just barely a slap on the wrist. And that's why we're trying to completely change the narrative and the understanding of what this trade means, and how it contributes to horrendous crimes committed in the Middle East and North Africa, but frankly, in other regions as well.

■ **Fritz Streiff:** Where does The Docket's case currently stand?

■ **Anya:** We filed our dossiers with several European prosecutors. We expect one big trial to start in France against Pierre Bergé auction house. It should start early next year. We are also hoping to see some movement in criminal cases in Belgium and Switzerland potentially. And kind of almost separate track is several cases in the United States, including the case involving a Syrian mosaic that was looted and sold there. There is a little bit of a movement. I'm hopeful that something that was not talked about much before will become more like, you know, the trade in diamonds or wildlife, which also was not an issue until it was.

■ **Fritz:** There's another case concerning the financing of terrorism. This time the financing came through building materials. Anna Kiefer works at the French legal NGO Sherpa and has been working on a case against the French cement company Lafarge, which is now part of the Holcim Group.

■ **Anna Kiefer:** Shortly before the start of the conflict in Syria and the civil war, it was the biggest foreign investment in the country. Around \$680 million. And after the start of the conflict, there were a lot of international sanctions aimed at suffocating the regime of Bashar al-Assad. Many of the multinational companies that were in the country packed up and left, such as Shell or Total. But Lafarge decided to stay. In 2012, they evacuated the foreign employees they had but they kept all the Syrian staff to run the plant.

■ **Fritz:** In 2014, ISIS took over parts of the northeast of Syria, including the area that the Lafarge Cement plant was located in. But Lafarge continued to operate the plant.

■ **Anna:** There were fewer employees on the plant, but they were still asked to run it almost at full capacity. There were different arrangements then made with the armed groups around the factory, which were changing quite rapidly as the conflict escalated. But Lafarge needed to make arrangements with these different armed groups, to maintain its business because these armed groups were setting up checkpoints. To have employees and goods pass through these checkpoints, they negotiated. They also traded with them to buy the raw materials that were necessary for the operation of the plant and also sold them cement.

The judicial inquiry has established so far that the arrangement amounted to the transfer of at least \$15 million, which included several armed groups, including ISIS.

■ **Fritz:** In negotiating with ISIS, who, as if it needs reiterating, is an extreme terrorist organization, Lafarge put its Syrian workers at great risk.

■ **Anna Kiefer:** There were several attacks against employees. Several were kidnapped or held by groups for several hours. Later, they were asked to stay at the company and live at the factory so that they wouldn't have to face the risk on the roads. But even at the factory, they faced security risks and there was a lack of safety for employees who were forced to stay there. Lafarge threatened employees with dismissal if they didn't show up to work, despite the risk they were facing. So there was an atmosphere of constant insecurity for employees.

■ **Fritz:** In November 2016, 11 former Syrian employees together with the European Center for Constitutional and Human Rights (ECCHR), and Sherpa, filed a criminal complaint against Lafarge and its subsidiary, Lafarge Cement Syria.

■ **Anna:** The company, Lafarge, is accused of financing terrorism through the arrangements they made with terror groups and through this type of financing they offered them, as well as being complicit in the atrocities committed by these groups as they were aware of the crimes against humanity happening in the region at the time, but continued supporting these groups through finance. The complaint was based on the grounds of complicity in crimes against humanity, complicity in war crimes, financing of terrorism, and endangering the lives of the Syrian employees. That started an investigation and judicial investigation in 2017 against several Lafarge executives, as well as the parent company, Lafarge in France.

■ **Fritz:** The company was officially indicted in France in 2018.

■ **Anna:** Since then, an investigation has been ongoing.

■ **Fritz:** Following several legal challenges by the company, the highest French court upheld the charges against Lafarge for financing terrorism. This also paved the way for the company to be indicted for complicity in crimes against humanity.

■ **Anna:** To our knowledge, this is the first time that a company has been charged with complicity in crimes against humanity. There is a historic impunity of economic actors when it comes to participating in or fueling international crimes. So this was groundbreaking.

■ **Fritz:** The significance of this case is also clear to the company, which has mounted yet another appeal against the indictment for complicity in crimes against humanity. A decision on this latest and probably last challenge on the legality of the indictment is expected from the highest court in France on January 16, 2024.<sup>1</sup> If

<sup>1</sup> The court rejected Lafarge's appeal on January 16, 2024, confirming the charges of complicity in crimes against humanity as part of the case.

the indictment is upheld, there seem to be no more obstacles for the case to go to trial.

It is very encouraging to see such cases being brought against ISIS. But we can't forget that the Syrian regime bears far more responsibility for crimes against humanity and war crimes than this and other terrorist organizations involved in the Syrian conflict. Statistically speaking, ISIS has been responsible for about 2 to 3% of civilian casualties. Around 90% have been caused by the regime.

When it comes to regime cases, there have been developments too. In France, there was a big decision in the Dabbagh family case, a case we covered in Chapter 7 of *The Syria Trials*. In November 2013, dual national French-Syrian father and son Mazen and Patrick Abdelkader were taken to a detention center at Mezzeh military airport on the outskirts of Damascus. Mezzeh was run by the notoriously brutal Syrian Air Force intelligence. Neither Mazen nor Patrick Abdelkader were seen again. The family received news in 2018 that both had died. His lawyer, Clémence Bectarte, helped the Debbagh family bring the case to the French authorities.

■ **Clémence Bectarte:** In the Dabbagh case, we had since 2018, in the ongoing criminal investigation that was opened in France, international arrest warrants against three Syrian top officials, Ali Mamluk, Jamil Hassan, and Abdul Salam Mahmud, for complicity in crimes against humanity and war crimes.

■ **Fritz:** Ali Mamluk is the former head of the National Security Bureau, the office that coordinates the Syrian intelligence services, and he is one of the most trusted advisers of President Bashar al-Assad. Jamil Hassan was the Head of Air Force Intelligence, one of the most brutal agencies within the Syrian intelligence services. Abdul Salam Mahmoud oversaw the Mezzeh detention center, where both Mazen and Patrick Abdelkader were taken.

■ **Clémence:** We were waiting for the final decision of the judges. And we learned on April 4, 2023, that there was an order from the investigative judge to send the three of them to trial. This is a breakthrough in the case.

■ **Fritz:** Of course, these three men are still in Syria and are unlikely to leave anytime soon. So the trial would happen in absentia, without them being present.

■ **Clémence:** The defendants will not be arrested any time soon. There's very little if any chance for that. But we still think that a public trial, happening in France against Syrian top officials, has more of a symbolic aspect to it. You know, these trials need to happen alongside other trials, such as the ones held in Germany, where the defendants are actually in court and are sentenced to prison sentences that they can effectively accomplish.

■ **Fritz:** In another huge gain in the fight for justice for Syria, it was confirmed that the trial will take place between May 21 and May 24, 2024, at the Paris Criminal Court. So what will this trial mean?

■ **Clémence:** I would say it means two things on two different levels. The first thing is that there will be sentencing from a criminal court, an independent justice system, having analyzed the evidence gathered and considered that there was enough evidence to hold them accountable for complicity in crimes against humanity and war crimes. This has more weight than a simple arrest warrant issued at the stage of an investigation. There would be sentencing and new arrest warrants issued based on this sentencing. So I would say that, again, the legal weight of these arrest warrants will be much more superior. On another level, it is also a very important step in the search for accountability, especially in a context now where a lot of states, especially the Arab League members, are normalizing their relationships with the Assad regime. We just learned that al-Assad was invited to the next COP 28. These are

very dangerous signs for the Syrian population and the Syrian victims because this is a message that you have now to forget about these crimes and live under the same regime as if nothing had happened.

■ **Fritz:** The normalization of the Assad regime is currently one of the biggest sources of concern in the fight for justice for Syria. In May 2023, Syria was readmitted to the Arab League, after its membership was suspended 12 years ago due to the regime's brutal crackdown on peaceful protesters. President Assad has since appeared at various diplomatic occasions and regional meetings. He was also invited by the UAE to the COP 28 climate summit held in Dubai in December 2023.

Leila al-Shami, a British Syrian human rights activist, is very concerned about this increasing normalization with al-Assad.

■ **Leila al-Shami:** It seems that the world is ready to forgive and forget what the regime has done. We've seen various U.N. agencies make moves to re-establish contact with the regime. For example, last year, the regime was appointed to the executive board of the World Health Organization. This is a regime that has deliberately and systematically targeted hospitals, and used the destruction of healthcare facilities as a weapon of war. There have been some efforts by the regime to whitewash its image and give the impression that the country is now safe and stable. We've also seen lots of travel vloggers going to Syria, visiting regime areas, and stating that it's safe and stable here. There are nice cafés, you can eat nice Syrian sweets. People are friendly, people are happy. And these are often state-facilitated by the regime. These are moves to re-engage with the Syrian regime, which is such a massive betrayal for Syrians and what they've been through, and is sending a message to the world that war criminals can act with impunity, and that there isn't accountability for these mass human rights violations.

■ **Fritz:** There are certain reasons that some states would want to reopen relations with the Assad regime.

■ **Leila:** The reason why the Arab countries or the countries in the region like Turkey are willing to cooperate with the regime is because they want its support on issues that are important for them, for example, getting rid of the huge refugee population. They want to say that Syria is now stable, that the war is over, and that Syrians can go home. And we've seen the Lebanese and the Turkish government deporting Syrian refugees en masse back to Syria. But it's not safe for Syrians to return home. Many people who have returned have been arrested and imprisoned.

■ **Fritz:** Indeed, Syria today is miles away from being a safe and stable country.

■ **Leila:** The situation is pretty desperate inside. The economic situation too. There are no job opportunities and high levels of poverty and unemployment. People are struggling just to meet their basic necessities. Most importantly, there's a lack of hope now, people are watching the Assad regime be rehabilitated. They don't see much hope for the future.

It's great to see that cases are being held in Europe, such as the cases in Germany holding the Syrian regime people to account. But of course, these are not the top-level people of the regime. Without political will, we will never get to the people who have presided over and directed these mass human rights violations that we've seen occur.

■ **Fritz:** As we've heard before, time and again, many Syrians want to see high-ranking officials held accountable. And none more so than the highest ranking of them all. For there to be true justice delivered, they need to see one man on trial. The President of Syria, Bashar al-Assad. Legal investigator Mariana Karkoutly heard this from the Syrian activists she interviewed for her master's thesis.

■ **Mariana Karkoutly:** I did hear a lot of comments that we need to hold al-Assad accountable. This is one of the biggest disappointments that Syrians who are a bit skeptical about the



whole justice process that is happening in European countries, and witnesses who feel skeptical and do not want to give their testimonies because they feel like we can do all of these processes. But this particular war criminal is not being held accountable. If we gave our testimonies, we gave all the documentation and evidence possible to show what was committed, why isn't this individual being held accountable?

■ **Fritz:** But we might be closer to seeing al-Assad on trial than some people think. It's usually taken as a given that a sitting head of state cannot be investigated, prosecuted, and put on trial, except by special international courts and tribunals, like the International Criminal Court.

But in November 2023, an arrest warrant was issued for al-Assad, along with three of his associates, including his brother Maher. The arrest warrants issued by French investigating judges follow a criminal investigation in France into two chemical weapons attacks that occurred in Douma and Eastern Ghouta in August 2013, where more than a thousand civilians died. In issuing the arrest warrants, the investigating judges considered that none of the alleged perpetrators could claim any form of immunity from prosecution, including Bashar al-Assad, as a head of state. They found that the information provided to them by a coalition of Syrian and Western civil society organizations included evidence that al-Assad and the three others participated in the commission of these chemical weapons attacks.

This is the first time a sitting head of state has been the subject of an arrest warrant in another country for war crimes and crimes against humanity. It's a historic moment.

■ **Kenan Khadaj:** We have long awaited such news. Al-Assad is a mass murderer. He's a criminal. And his regime is nothing more than a terrorist organization. Hundreds of thousands have been killed by his orders. Millions were displaced. He's responsible for

the destruction of a beautiful, ancient country and turning it into a failed state. Any real court would find him guilty.

■ **Mariana Karkoutly:** The news on the arrest warrant was very uplifting in these difficult times. It's wonderful to bring forward the chemical attacks case to light. And I think this is one of the most helpful things that these arrest warrants managed to do. It shows a very clear political positioning towards the regime, saying that there will be no normalization with such cases being taken.

■ **Syrian women:** After 12 years of waiting, we were shocked to wake up to the news that an arrest warrant had been issued by the Ministry of Justice in France in the name of Bashar al-Assad. There were mixed emotions of hope and disbelief among us. This was the first step toward achieving international justice for the victims in Syria. It was a long time coming. But finally, the wheels of justice were starting to turn.

■ **Ammar Daba:** When I first heard about the arrest warrant that has been issued by the Ministry of Justice in France in the name of Syrian President Bashar al-Assad, I felt this sense of justice despite knowing that the route to justice is long and difficult. It gives you this sense of victory, a small victory, but very, very lovely because it comes to shatter the narrative that the regime and his head, Bashar al-Assad, are promoting. They are promoting that they're invincible. They are victorious. They prevailed despite the conspiracy. But now he sits there with his tail between his legs. It's an amazing, in-your-face.

■ **Fritz:** The arrest warrant for Bashar al-Assad is reason for optimism, and it seems to be having a political impact already. Potentially because of this arrest warrant, President al-Assad didn't attend the COP 28 summit in Dubai in December 2023. Of course, despite the arrest warrant, it is still up in the air whether al-Assad will ever actually stand trial. The huge efforts of Syrian and Western lawyers and activists are greatly motivating, though,

and the long-standing and tireless investments are starting to pay off now. There is still energy to carry on along the long and winding road that is pursuing justice for Syria.

As we continue to wait to see if al-Assad will ever appear in a courtroom, other cases continue to be pushed forward. To name just a few others that are currently ongoing, a Syrian man accused of leading a pro-government militia in Tadamon, a Damascus neighborhood that was the site of a massacre of civilians in 2013, has been arrested in northern Germany. He was allegedly one of the perpetrators.

Switzerland has issued an arrest warrant for Rifaat al-Assad, President Bashar's uncle, for his alleged role in the war crimes committed in the city of Hama in February 1982, when an uprising was brutally crushed by the regime. Another example of just how very, very slow the wheels of justice can move.

The first Syrian regime-related case in the Netherlands has just finished, against an alleged militia member who fought for the regime. A decision is expected on January 22, 2024.<sup>1</sup> and the trial against Syrian doctor Alaa M. accused of participating in the sexual violence, torture, and killing of Syrian civilians in a military hospital, continues in Frankfurt, Germany.

1 On January 22, 2024, the District Court in The Hague convicted the former pro-regime Liwa al Quds Militia member Mustafa A. for complicity in torture and an illegal arrest and sentenced him to 12 years in prison. The conviction is not yet final, as both the defense and the prosecutor's office appealed the decision by the District Court.



CHAPTER

# 22

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## A CONVERSATION WITH ABDALLAH AND STEVE KOSTAS

Season 2 | Episode 11 | December 18, 2023<sup>1</sup>

*This final chapter catches up with two of the key legal investigators in the Halabi case—Abdallah and Steve Kostas, who have both been an integral part of this season. Providing insights into the present status of the al-Halabi case and potential trial outcomes, this chapter closes The Syria Trials.*

<sup>1</sup> This episode was hosted by Fritz Streiff and produced by Sasha Edye-Lindner, with research and editorial support from Mais Katt.



■ **Fritz Streiff:** On the morning of December 8, 2023, while I was preparing to speak with Abdallah and Steve Kostas to close the final chapter of The Syria Trials, I got a notification on my phone that there was an arrest made in The Netherlands of a Syrian man who allegedly committed crimes against humanity in the forms of torture and sexual violence. When I first saw the alert, I thought maybe this was the arrest in Austria that we've all been waiting for. It's been such a long timeline. It's been such a long process. The Halabi dossier was handed to the Austrian authorities in early 2016, almost eight years ago. Abdallah and Steve Kostas will attempt to explain what's been happening since then and how come we are where we are, waiting for this arrest, while al-Halabi remains free.

■ **Steve Kostas:** I'm a lawyer with the Open Society Justice Initiative, the Strategic Litigation Program of the Open Society Foundations, and we run a Syria accountability project. A big part of it is working with Abdallah and other Syrian partners to build cases, bring them to prosecutors in Europe, and support survivors to participate in criminal prosecutions.

It's been a very long time since we have been working on this case and the prosecutor has been investigating it. As you said, Fritz, the initial information on al-Halabi was submitted in 2016. We began bringing survivors forward as witnesses in late 2019 and continued to do so since, throughout the pandemic and up to this year. Additional evidence is being collected and submitted in the case. However, I think it's fair to say that it's taking so much longer than we anticipated and much longer than we believe is appropriate for a case of this kind. It is frustrating for me as a lawyer in the case, but the impact on survivors and Syrians calling for accountability, not just in this case but for all of the crimes, is considerable. It's a well-known case and it undermines the momentum that Syrians are trying to achieve in seeking accountability.

■ **Abdallah:** I am a Syrian activist from Raqqa City investigating war crimes committed by the Assad regime and terrorist groups. My mission is to uncover the truth, look for evidence, for witnesses, and just work to bring justice to the Syrian people.

I agree with what Steve said. I believe in justice in Austria and Europe in general. But the problem with the procedures is that they are very, very slow, which affects us and affects the witnesses and their families.

■ **Fritz:** You know, in the meantime, he's still free. For all we know, he is in Austria living a life. Do we know anything about that life?

■ **Steve:** As you say, he is in Austria. He doesn't have a passport. His asylum status was revoked and he's not able to travel from Austria, at least not with papers. He participated in the investigation and gave an interview to the prosecutor. He is represented by a counsel that was disclosed in the media. But I don't know more about his life.

■ **Fritz:** If you had to imagine his status from what we know and what you just described, Steve, he is being represented by a



lawyer who, on his behalf and with his approval, I suppose, has been talking to the media. Where is he right now? What is he thinking and feeling?

■ **Steve:** I think this is quite a difficult question. We support and represent a large number of survivors who were detained at his detention site and suffered horrendous abuses there. It has overturned their lives and caused them tremendous pain and suffering that carries on to this day. One hopes that he understands that and feels tremendous remorse for it. And that will come out in the trial.

■ **Abdallah:** I think he's very lucky because he has lawyers and the right to defend himself in a fair trial in a safe place, without torture, electric shocks, or nail extractions. He is lucky about that, in comparison with Syria and what they did for us and the other victims.

■ **Fritz:** Based on what the lawyer has been saying, we assume he's been cooperating, and he appeared as a witness in the BVT trial. Can we conclude from that that he's preparing for his trial and that he's expecting it to happen sooner or later?

■ **Steve:** His lawyer will have access to the investigation file and will be aware of the status of the investigation. We believe that there is more than enough evidence for a trial and that the prosecutor should be moving toward that. I assume that the defense would see that as well.

■ **Fritz:** As we were just talking, and as I was asking these questions, I was also thinking that the witnesses' and the victims' experiences overshadow by far the type of experience that an accused like al-Halabi will be going through. Can you tell what this long waiting game, and also the relatively comfortable situation of al-Halabi, have done to the witnesses and the victims in this case?

■ **Abdallah:** Yes, I can give you an example of this. A month ago I met with two or three witnesses participating in this case. I observed their deep frustration, and they talked about what they could do to push things forward. They wondered whether they should go to Vienna and, you know, stage a sit-in in front of the court or Ministry of Justice and demonstrate or something like that. One of them remarked, “Nothing will happen. Nothing will change. It is just a waste of time because we have been waiting since 2019 and nothing happened.” They have started to feel like no one will do anything in this case. Maybe he will run away, or they won’t accept the case. It has been a tough time for them.

■ **Fritz:** You mentioned the word frustrations, huge frustrations. And I’m also hearing a possible loss of motivation to participate and energy to continue pushing. This is, of course, bad for the case and detrimental to the prosecutor’s case. From my perspective, it would or should mean that it’s also in the interest of the prosecutor to finally move ahead with this case in order to motivate the witnesses and the participating victims.

■ **Abdallah:** Yes, indeed. With what happened to them, you know, this just feels like a waste of time. We think a lot, especially now, with what is happening in the world in Ukraine and Gaza and other places. And they don’t see themselves as important. But I think this will change if the prosecutor takes action and arrests him.

■ **Fritz:** Re-spark their energy and motivation.

■ **Abdallah:** Absolutely.

■ **Fritz:** The other news that’s happening at the same time: In the past two months, we have seen so many positive developments in the Syria justice and accountability space, at the International Court of Justice, in various other national jurisdictions, trials in The Netherlands, another arrest in The Netherlands today. And of course the biggest of all of them: the arrest warrants for the

president, Bashar al-Assad, and his brother Maher, as well as two chemical weapons program officials in Syria. Does that at least make up a little bit for the frustrations in this case?

■ **Steve:** I think this sort of relationship between the concrete achievements of Syrian investigators, Syrian activists, and their allies and international groups, to achieve prosecutions, arrest warrants, etc., creates the feeling that there is accountability, even when it's an arrest warrant and not a prosecution, for example. The inverse of that is that the publicly known, long, drawn-out investigation of al-Halabi, in which there are very few indications of progress, has the opposite effect. It sort of gives the survivors who have given up their time and made a significant sacrifice to testify, a feeling of futility or it can add to that. It also gives the wider community a sense that there are states in Europe that aren't doing all that they should be doing to prosecute high-level or at least high to mid-level officials who are responsible for significant abuses. We shouldn't overstate the complexity of this case. It's not an enormously complex case. There is a person in Austria whom numerous witnesses have said is responsible for terrible abuses committed against them. There's a lot of evidence that shows what the system was, and that these abuses were committed. So lots of documents from CIJA, lots of witness testimony, cases brought in other countries, etc. It's not an impossible case to make. It shouldn't take anywhere near seven years to build. Thus, we expect that it will be going ahead.

■ **Fritz:** Another question that I think we've been trying to understand relates to expectations. We now understand the challenges and the complications that the Austrian legal system faced in trying to build this case. In terms of the applicable law to this very case and its limitations, is there any indication—maybe a ballpark number—of the potential sentence, if al-Halabi were to be successfully tried, and the prosecutor makes a successful case? What kind of length of sentence do we expect?

■ **Steve:** I can only state what we're advocating for, and whether the prosecutor or the court accepts that, I don't know. We are advocating that the crimes against the survivors be considered torture, for which Austria has extraterritorial jurisdiction at the time they were committed, and that the torture against each survivor be considered a separate charge or count. We are hoping for a lengthy sentence.

■ **Fritz:** We already explored the larger picture of what's been happening in the justice and accountability for Syria landscape, with a lot of positive news coming in. However, the frustration about al-Halabi remains. Can we just imagine the day of the arrest, Abdallah? If and when that day comes, what would that mean for you?

■ **Abdallah:** I can't express my feelings if that day happens. I think it would be a big win for justice in Syria, for the victims, and for the people who lost their lives in the Syrian revolution. It would be a big day and a huge victory for us. I don't know what I would do then. I dream of that day and it's not just me but all our witnesses.

■ **Steve:** If you can permit me, I would say I can imagine that Abdallah feels the emotions of being a survivor himself, but also the part he often doesn't speak as much about, that is the weight he carries in bringing so many survivors into this case and the trust that they must place in him to be willing to participate, and this feeling of obligation that he has to them to make it a successful case rather than an additional burden on their lives which are already so impacted. It will be a great achievement for Abdallah and an exceptional day for all of the survivors, but it would also remove a huge weight off his back.

■ **Fritz:** To round things off, this is a question that I have asked myself several times in the past few weeks, with so many things happening. You've already pointed to it as well, Abdallah, with the wars going on in Ukraine and Gaza. I feel like there's more than

enough reason to be somehow hopeless, especially when your business is justice and accountability. So it's a personal question, really, and that's why I'm so interested in hearing your answers to this. But maybe I can start with you, Steve. What is it that keeps you going in relation to the Syria work? We've discussed now in two seasons how incredibly frustrating this work can be and has been to a large degree? Yes, we are seeing some pretty positive developments lately, but the Halabi case, of course, symbolizes all the frustrations. If we reflect on that and if you look back at all these years—you've been involved for a long time—what is it that keeps you going?

■ **Steve:** What keeps me going, I have to say, is relationships with people like Abdallah, with Syrian partners. It has helped that there is a clear vision of what we're trying to achieve. And, you know, it's only going to be partly achieved. We have to be realistic—there isn't going to be perfect justice or anything like that, but there are aspects of it that seem achievable. The key part that motivates is the solidarity with partners.

■ **Fritz:** How about you, Abdallah?

■ **Abdallah:** We hope that by exposing the truth and raising awareness about this case or other cases, we can pave the way for more justice and a peaceful future for Syria and its people. I think the only thing that remains is justice.

■ **Fritz:** As we just reflected with Steve and Abdallah, it is a little disappointing that we haven't been able to end the series as we all wanted and perhaps expected—with the news that al-Halabi has been arrested. But we can conclude that there's plenty of reason to stay hopeful.



## POSTFACE

by Fritz Streiff

Now that we put so many of the pieces together that make up the landscape of justice and accountability efforts for Syria, now that we have dug so deep into investigations, trials, questions of law and politics and how these two are perpetually intertwined—now that we have considered so many of the issues that lie behind, inform and shape the legal cases, where has this exercise brought us?

When we look at the imaginative table standing in front of us, we see a jigsaw puzzle we have worked on meticulously during the past two years. And we can indeed see a picture, more or less clearly. We see the result of four seasons, two in each of the English and Arabic series, with a total of 45 episodes. The picture contains a bunch of context and linked complexities—it's a bit like that detective's wall in a film, with sticky notes everywhere, mugshots of main characters, strings leading from one side to another, crossed by another storyline coming from a different direction. You need to put your mind to it to see the logic, to make sense of it, to see the image.

That's justice and accountability efforts for Syria: Confusing at first sight, and then deeply intriguing in its structure and the underlying work done by so many tireless actors that have been pushing and pulling, wherever and however they can, to deliver some measure of

justice for the survivors and their families. Across its seasons and episodes, the podcast takes the listeners standing in front of that detective's wall by the hand to decipher the intricate perplexities, and how to connect the dots.

It's a rich picture, and hopefully a good and informative resource for listeners, and now readers, who are interested in the matter for whatever reason. We made the podcast for, to name just a few usual suspects: Journalists, historians, lawyers, students, archivists, activists, diplomats. But really for anyone who cares. And most importantly, for those who live these stories, who eventually own them, Syrians.

But it's an incomplete picture. Not because we have not fully addressed the topics we wanted to research, work into episodes and present. But because the efforts for justice in Syria are not finished. The story has not ended. Not just individual cases that have not been decided on like the Alaa A. trial in Frankfurt, or those cases that are yet to go to trial, like the investigations in France and Sweden scheduled for court in 2024, the Tadamon massacre-related arrest in Germany, or the latest arrest in the Netherlands. But even more so the long-running ones like the al-Halabi case, which at the time of writing has mind-blowingly still not resulted in an indictment. So much has been done, and so much remains to be done. In a way, we are only at the start of a new phase with many cases turning from investigations into trials, adding to the growing dossier of the evidence showing the immense scale of the atrocity crimes committed by the Assad regime.

We endeavored to put the pieces together. But it is doubtful that the picture will ever be complete, in an aesthetic sense. As in, to frame the completed puzzle and put it on the wall. And that's OK because that's not how international criminal justice works. That's not how any type or form of justice works. It is never totally done.



It remains a work in progress and does not happen in a vacuum. In fact, as we said in the podcast, if we place too many expectations on what the law can do in the face of these unbelievable injustices, then disappointment is just around the corner.

This podcast is finished. But justice and accountability for Syria is not—far from it. And who knows, maybe we'll bring a bonus episode or two when anything special happens in the future.

Fritz Streiff,  
Amsterdam, December 2023