

Documenting the Syrian War at Trial

A Comparative Analysis of Recent Universal Jurisdiction Cases in France, Germany, Sweden, the Netherlands, the United States of America



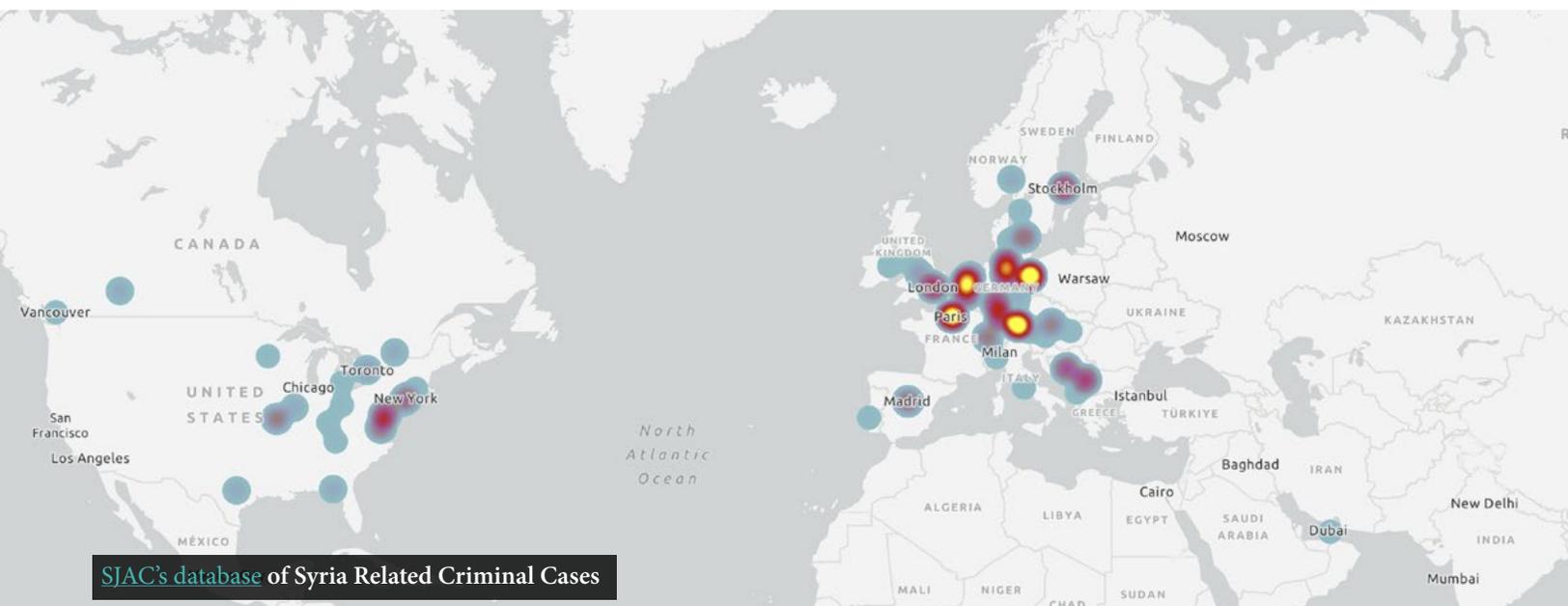
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List of Acronyms

| | |
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| BAMF: | German Federal Office for Migration and Refugees |
| COI: | Commission of Inquiry on the Syrian Arab Republic |
| CIJA: | Commission for International Justice and Accountability |
| DGSI: | France's General Directorate for Internal Security |
| FPM: | Free Palestine Movement |
| FSA: | Free Syrian Army |
| HTS: | Hay'at Tahrir al-Sham |
| ICC: | International Criminal Court |
| IIIM: | International, Impartial and Independent Mechanism |
| ISIL: | Islamic State of Iraq and the Levant |
| ISIS: | Islamic State in Iraq and Syria |
| MLA: | Mutual Legal Assistance |
| OCLCH: | French Central Police Office for Combating Core International Crimes and Hate Crimes |
| SCM: | Syrian Center for Media and Freedom of Expression |
| SDF: | Syrian Democratic Forces |
| UJ: | Universal jurisdiction |
| UNITAD: | United Nations team that investigated and prosecuted crimes committed by Da'esh/ISIL in Iraq |



Executive Summary

The report "Documenting the Syrian War at Trial" provides a comprehensive comparative analysis of Universal Jurisdiction (UJ) proceedings addressing atrocity crimes committed during the Syrian conflict, based on the monitoring of fifteen Syria-related criminal trials conducted between 2020 and 2025 across France, Germany, Sweden, the Netherlands, and the United States by the Syria Justice and Accountability Centre (SJAC). Drawing on first-hand observations from trial monitoring and an analysis of witness testimony and court documents, it evaluates how Western jurisdictions have navigated the legal, procedural, and practical challenges inherent to adjudicating complex international crimes committed extraterritorially in Syria. The report's value lies in its empirical depth, its cross-jurisdictional perspective, and its focus on the lived experience of Syrian victims and witnesses within foreign legal systems.

The report highlights that access to justice for Syrians has improved but progress remains uneven. Many jurisdictions have taken significant steps to enhance transparency and accessibility, for instance, by granting access to the public hearings as press representatives, increasing outreach activities, and, in some cases, providing real-time interpretation or livestreaming to the Syrian and international public. Still, access to interpretation for affected communities and the press varies widely, and the quality and availability of interpretation remains a critical concern. The absence of systematic audio-recording of proceedings for historical and scientific purposes represents a significantly underutilized tool across jurisdictions, limiting long-term transparency, documentation, and accessibility for future generations. These disparities have a direct impact on the ability of Syrian communities to meaningfully engage with proceedings and participate in justice processes that directly affect their lives.

Evidentiary challenges further constitute a central theme of this comparative analysis. A large proportion of Syrian witnesses had previously given statements to asylum agencies, NGOs, or foreign authorities, often under conditions falling short of criminal procedure standards. Translation errors, re-traumatization, cultural misunderstandings, and varying quality of witness

interviews contribute to inconsistencies later scrutinized in court. The report illustrates the need for courts to contextualize these inconsistencies and to rely more systematically on linguistic, cultural, and psychological expertise when interpreting Syrian statements and testimonies.

The report also underscores that indirect and insider witnesses play an increasingly decisive role. Limited access to crime scenes and the inherent dangers to direct witnesses mean that courts often rely on hearsay accounts or insider witnesses with questionable motives for testifying. While indispensable, such testimonies raise questions regarding reliability, admissibility, self-incrimination, and the adequacy of existing procedural safeguards. Clearer frameworks for informed consent and examination of these witnesses are necessary to preserve both fairness and truth-finding processes.

Even beyond the fall of the Assad government, witness protection remains a major concern in Syria-related criminal trials. Despite courts' growing sensitivity to risks faced by Syrians, both inside Syria and within diaspora communities, protection measures vary significantly by jurisdiction, or even within the same jurisdiction, and are not always systematically communicated to witnesses. Threats, intimidation, and fear of retaliation continue to deter participation or distort testimony. Additional obstacles arise in terrorism-related cases, where Syrian victims often cannot participate as civil parties, limiting their access to recognition and reparations.

The report further highlights persistent asymmetries in prosecution strategies. Most prosecuted individuals are mid- or low-level perpetrators, with comparatively fewer proceedings against high-ranking Syrian officials despite ongoing efforts through structural investigations and international cooperation. Meanwhile, the prosecution of legal entities and corporate complicity, as illustrated in the Lafarge proceedings, are a promising avenue for more equitable accountability and for addressing the economic dimensions of the Syrian conflict.

Finally, the report underscores the importance of financial penalties and reparations. While fines, forfeitures, and victim-initiated civil claims represent

meaningful pathways to justice, state-funded compensation schemes remain largely inaccessible to Syrian victims. Moreover, the implementation of restitution measures is often uncertain. The report stresses the need for courts to ensure that financial sanctions meaningfully benefit Syrian victims and that civil claims based on Syrian tort law are appropriately supported by expert evidence.

procedural safeguards, enhancing cooperation across jurisdictions, and embedding victim-centered practices throughout all stages of proceedings. This comparative analysis provides actionable insights for policymakers, courts, practitioners, and civil society actors seeking to strengthen justice processes and address persistent accountability gaps.

Overall, while universal jurisdiction has emerged as a critical mechanism for accountability in the Syrian context, its effectiveness depends on harmonizing



Selection of trials monitored by SJAC and its partners.

Methodology

SJAC launched its [trial monitoring program](#) in 2020 to establish an historical record of Syria-related trials and ensure the availability of documentation for victims and families. As part of this program, SJAC closely followed the proceedings in 15 Syria-related cases conducted in five Western countries: Germany, France, the United States, the Netherlands, and Sweden. The trials took place between 2020 and 2025, with some of the trials still ongoing.

SJAC pursues a balanced approach in selecting the universal and extraterritorial jurisdiction trials that it monitored, among the over 350 trials SJAC identified as directly impacting Syrian victims. SJAC focuses on trials that involve high- and low-ranking members of the former Syrian government, as well as those involving ISIS or affiliated organizations, in order to obtain a reasonably representative sampling of cases, with attention to novelty of charges and gravity of crimes. Other elements of SJAC's selection include an attempt to attain a wider array of countries and a gender balance among perpetrators. Nonetheless, owing to availability, the majority of trials monitored involve male perpetrators. In its trial monitoring efforts, SJAC follows a victim-centered approach, and thus seeks a balanced perspective in monitoring different groups of Syrian victims.

Sample of trials

GERMANY – SJAC's trial monitoring program began in preparation for the trial of two former Syrian government officials, Anwar Raslan and Eyad A., which began in April 2020 in Koblenz, Germany. Subsequently, SJAC's monitoring team observed the trial of Alaa M., a former government affiliate and doctor at Homs military hospitals, which began in Frankfurt in January 2022. In addition, in 2024, SJAC followed the trial in Hamburg against Ahmad H., an alleged former member of the Syrian government militia. The same year, SJAC monitored the first 21 days of the trial in Dusseldorf of two Syrian nationals Mohammad K. and Asmael K., who were charged with membership in one or more foreign terrorist organizations. In 2025, SJAC began monitoring the trial of two former ISIS members, Twana H.S. and Asia R.A., in Munich. In addition to charges of crimes against humanity, war crimes and human trafficking,

the court indicted the accused for genocide. In November 2025, the trial of Jihad A., Mahmoud A., Mazhar J., Sameer S., and Wael S., or the so-called "Yarmouk trial," began in Koblenz, Germany. The five accused are charged with murder, war crimes, and crimes against humanity for their alleged involvement in the Syrian government's violent suppression of opposition voices in Yarmouk, Damascus, as members of Palestinian armed militias which collaborated with the Assad government.

FRANCE – In Paris, France, SJAC extensively monitored the trial *in absentia* of three high-ranking Syrian officials in May 2024, as well as the trial of Majdi N. in May 2025, who was an affiliate of the Islamist faction Jaysh Al-Islam operating in Eastern Ghouta, Damascus. SJAC further obtained the transcript of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., the so-called "ISIS hostages' case," which took place in February and March 2025. They were accused of holding Western journalists and humanitarian workers, alongside Syrian nationals, hostage for ISIS. Only three appeared in court, while the other two accused were tried *in absentia*. In November and December 2025, SJAC closely followed the trial against the Lafarge company for financing terrorism.

The **UNITED STATES** – In the US, SJAC observed the trial of Syrian government official Samir Al-Sheikh in Los Angeles, with pre-trial hearings beginning in 2024. The accused was the head of the Damascus Central Prison notorious for the severe mistreatment of prisoners and torture. SJAC also monitored the civil lawsuit *Mzaik v. Syria* which took place in Washington, D.C. in 2025. Moreover, SJAC attended several hearings and obtained the verbatim transcripts of the so-called "ISIS Beatles" trial, the American corollary to the French "ISIS hostages' case," held in 2022 against El Shafee Elsheikh and Alexandra Amon K..

The **NETHERLANDS** and **SWEDEN** – Other trials include the trial of ISIS affiliate Hasna H. in the Hague, Netherlands, in late 2024, and the trial of Mahmoud S. in Solna, Sweden, which began in October 2025. The latter is the Swedish corollary to the German "Yarmouk trial," the accused being affiliated with Palestinian militias which operated in the Yarmouk camp, and both trials resulting from cooperation between investigating authorities.

Among the total of 15 trials monitored in five countries, eight cases involved accused from the former Syrian government or affiliated factions. The accused either carried responsibilities in intelligence services, detention facilities, military hospitals, or were affiliated with factions loyal to the former Syrian government. In six cases, the accused were former ISIS members, and in one case, the accused belonged to another Islamist opposition faction. Only two cases involved female perpetrators.

Monitoring

SJAC followed the proceedings in various ways. In eight cases, SJAC's trial monitors—who speak German, French, English, Swedish, Dutch, and Arabic—attended every day of the hearings, taking detailed notes and subsequently transcribing them into trial reports available on SJAC's website in English and Arabic. In four cases, SJAC established collaborations with online media Justiceinfo, the Center for Victims of Torture, or with university professors and students from LMU Loyola Law School, Sciences Po Paris, the University of Stockholm, the University of Cologne, and the University of Marburg, who attended proceedings as a supplement to their interest in and curriculum on international criminal law. Where proceedings were not attended by SJAC trial monitors directly, students drafted English reports on

the hearings, which were reviewed by SJAC's trial monitoring team and/or translated into Arabic. In two other cases, SJAC obtained thorough trial notes but did not publish reports on the hearings. The notes were either provided by the legal team of Impact Litigation, or were publicly available.

Terminology

Universal jurisdiction (UJ) enables a state to assert its legal authority over crimes against international law, even if those crimes did not take place within its borders, and regardless of the nationalities of the victim or the perpetrator. This generally includes atrocity crimes, including war crimes, crimes against humanity, genocide, torture and enforced disappearance. This principle allows courts in third countries to prosecute international crimes that occur elsewhere, ensuring that perpetrators are held accountable, and that impunity is prevented.

Extraterritorial jurisdiction (EJ) allows a state to exercise its legal authority for crimes that are committed outside of its territory. The term is both broader and narrower than UJ in that it may encompass crimes such as terrorism that are not considered UJ crimes but are more a function of national law and statutory authorities asserted by a state.



I. Enabling Debate: Developing a Common Language

One of the challenges of prosecuting Syria conflict-related crimes abroad is developing a common language between Western judiciaries and Syrians involved in the proceedings as accused, witnesses, or victims. This common language is key to ensuring a fair trial to the accused, meeting the international standards in the truth-finding process, and giving affected communities a sense that justice has been delivered. This would therefore include, at least, the Syrians directly impacted by the criminality as well as the communities where victims or perpetrators of war crimes reside. On the one hand, such objectives mean that hearings must be accessible and understandable to the Syrian community. On the other hand, Western judges must ensure that they truly understand the evolving Syrian context, with which they may be initially unfamiliar. This is the effort required to bridge the gap between different cultural, legal and linguistic contexts.

A. How Can Syrians Best Access and Understand the Proceedings?

“For criminal proceedings abroad to make a meaningful contribution to this transitional justice process, the affected society must first become aware of them.”¹

In accordance with the principle of public trials enshrined in international law, the main oral proceedings before courts, including the pronouncement of judgments and orders, are public. This principle is limited to access to oral hearings, including the pronouncement of judgments and order, and does not necessarily include written court documents – although some states may go further and provide access to such records.² SJAC has previously emphasized the numerous benefits of publicity: It increases transparency and creates checks and balances

1 [Scratching the Surface: One Year into the Koblenz Trial](#). Syria Justice and Accountability Center, 2021, p.22.

2 Pursuant to Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights, everyone shall be entitled to a fair and public hearing. This provision is also incorporated in the European and American conventions on human rights. See also: [Scratching the Surface: One Year into the Koblenz Trial](#), p.19.

on state action. In Syria-related cases, it makes proceedings accessible to the most concerned, namely the Syrian people, and ensures a better understanding of judicial decisions for affected communities. Publicity also improves the veracity of testimony, because witnesses know they are under scrutiny, and it sends a message that there is no escaping from justice.³ [SJAC’s trial monitoring program](#) enhances the publicity of trials in pursuit of these objectives. How do Western courts implement this principle of publicity, and what are areas for improvement?

Recording of trials and publicity of proceedings

Recording trials of interest for the creation of historical judicial archives enables indirect access to the hearings. Access to such an archive, where such is provided by law, is often not contemporaneous with proceedings. In France, recordings are made accessible for historical or scientific purposes once the proceedings have ended and the decision is final. Video recordings can generally be reproduced or distributed after 50 years, except in terrorism and crimes against humanity cases, in which such a possibility is granted after the end of the trial.⁴ All parties to the case can request a recording; the court of appeal decides upon the request. Requests made by the prosecution are automatically approved in terrorism and crimes against humanity cases.⁵ In France, three trials included in this analysis have been recorded for historical purposes.⁶ The Lafarge trial was not recorded, based upon the judges’ discretion, even though it contained important legal developments in the realm of corporate liability.

In Germany, the standard waiting period to access such archives is 30 years.⁷ Exceptions may result in shortening

3 [Scratching the Surface: One Year into the Koblenz Trial](#), p.19 and p.21.

4 [Article L222-1](#) of the French Heritage Code. A summary of the French provision on historical records can be found here: <https://www.justice.gouv.fr/actualites/actualite/grands-proces-filmer-ne-pas-oublier>.

5 [Article L221-2](#) and [L221-3](#) of the French Heritage Code.

6 [The trial of Ali M., Jamil H. and Abdel Salam M.](#), the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., and [the trial of Majdi N.](#)

7 According to [Section 11 \(1\) of the German Federal Archives Act](#).

this period, when the consent of the concerned individual was obtained or when the use of the archive is essential for research or the preservation of legitimate interest.⁸ In Germany, no Syria-related trials have been recorded to date. Only trials with a specific link to German history have been recorded, although recent changes in German law permit other cases to be recorded. SJAC's request to audio-record the trial of Ammar A. in Stuttgart, Germany was rejected.⁹

Such archives are valuable, especially in proceedings of significant historical importance or those of legal significance to issues of international law, such as corporate liability or the prosecution of starvation as a war crime.¹⁰ However, the delayed release of such records limits their impact for other transitional justice purposes, such as access to truth, accountability, reparations and reconciliation, which require more contemporaneous access.

Some jurisdictions have implemented provisions to enable direct access to the proceedings. Most remarkably, in the Netherlands, the public could access the entire trial and judgment against Hasna A. via livestream, with live interpretation into Arabic and Kurmanji made available via a link provided by the court to all those who registered their interest to attend virtually.¹¹ In this way, Yazidi survivors located in Iraq, where the crimes took place, could follow the verdict via this livestream.¹² As is generally the case in Sweden, the trial of Mahmoud S. was opened to the public and it was possible to record

⁸ According to [Section 12 of the German Federal Archives Act](#).

⁹ [Trial of Ammar A., Stuttgart, Germany](#).

¹⁰ According to the ECCHR, the “Yarmouk trial” in Koblenz could set a precedent for the prosecution of starvation as a war crime, which has never been prosecuted in Germany before. ECCHR Press Briefing: The Yarmouk trial in Koblenz: legal background and survivors’ role, October 15, 2025.

¹¹ See: [Trial Report #3](#) and [Trial Report #4](#) of the trial of Hasna A., the Hague, the Netherlands; Margherita, Capacci. “Syrian Trials Translated into Arabic: The Netherlands’ Conclusive Test.” Justiceinfo.Net, February 13, 2024; and, “The Hasna A. Trial – The Beginning of a Landmark Case in the Netherlands for Crimes Committed by a Dutch National against Yazidi Women.” October 14, 2024.

¹² “A Dutch Court Hands Down Historic Verdict and Convicts an ISIL Member for Crimes against Yazidis in Landmark Case in Netherlands.” Yazda. December 11, 2024. <https://www.yazda.org/a-dutch-court-hands-down-historic-verdict-convicts-an-isil-member-for-crimes-against-yazidis-in-landmark-case-in-netherlands>.

sound, but not image.¹³ In the US, the entire court record is made publicly available, unless specific measures are taken to protect witnesses or national security information. Coverage by Arab and/or Syrian media, including SJAC’s presence in court, is also a way to improve access for the Syrian public.

Access to interpretation

Accessibility to proceedings for the Syrian people generally requires access to Arabic interpretation for the public and the press. Although such practices have become widespread, some obstacles remain. In an example of best practices, in the first Syria-related French trial against the three Syrian officials Ali M., Jamil H. and Abdel Salam M. in 2024, the court provided simultaneous interpretation to the broader public with freely available headsets outside the courtroom.¹⁴ In the subsequent Syria trials in France, access to simultaneous interpretation was for the parties to the case and the press.

In Germany, access to court-provided interpretation has remained challenging, despite improvements in some courts. In the trial of Anwar Raslan starting in 2020, in Koblenz, Germany, the court initially denied SJAC’s request for access to interpretation. However, with the support of ECCHR, SJAC filed a complaint to the German Constitutional Court, which resulted in a order providing interpretation to “accredited Syrian Press,” leaving to Higher Regional Courts the task of determining whether and when to accredit Syrians and whether trial monitors are “press” for the purposes of its ruling. Subsequently, the German legislature amended the Code of Crimes Against International Law, specifically acknowledging the importance of non-German speakers being able to follow trials involving international crimes. The amendment added Sect. 185 (4) Courts Constitution Act, establishing access for international media.¹⁵ To date, the amendment has not been widely put in practice to facilitate access.

¹³ [The Trial of Mahmoud S.](#), Solna, Sweden.

¹⁴ [The Trial of Ali M., Jamil H. and Abdel Salam M.](#), Paris, France.

¹⁵ Syria Justice & Accountability Centre. “[Seeing Justice Done in Duesseldorf](#).” July 31, 2024.

In some cases, SJAC was able to receive interpretation in Syria-related cases - provided that the court acknowledged SJAC's media-like role. In 2024, SJAC's Syrian monitors received access to the court's simultaneous interpretation provided to the accused in the trial of Mohammad A. and Asmael K. in Düsseldorf.¹⁶ Following this best practice, SJAC sought access to interpretation in the Yarmouk trial, which started in 2025 in Koblenz, and after an initial refusal, was granted access to interpretation upon availability of equipment. During the first session, SJAC's monitor received the necessary audio equipment and was able to follow the opening of the trial in Arabic. However, the defense claimed that SJAC benefited from a press accreditation but was not a media outlet, requesting the court to withdraw any permission. The court maintained permission for SJAC to take notes with digital tools, but reserved its right to withdraw SJAC's permit.¹⁷ The process was not formalized and remained ad hoc, leaving future access to interpretation within the determination of the judges. In Germany, despite an advanced legal framework, accessing the trials meaningfully often remains a matter of discretion of the seized court.

In rare cases, courts have translated verdicts into English or Arabic. The District Court of the Hague translated the reasoning of the judgment against Hasna A. into English and published the translation on its website.¹⁸ In the landmark case of Anwar Raslan in Germany, the International, Impartial and Independent Mechanism (IIIM), rather than a German judicial body, shared an unofficial Arabic and English translation of key parts of the 2022 judgment issued by the Koblenz Higher Regional Court.¹⁹ After that, the court in Frankfurt published an English press release on the judgment in the Alaa M. case, and the Munich court adopted the same practice in an ISIS-related case in 2025, among other examples.²⁰ While the cost of translating hundreds of pages of judgements is an understandable deterrent to courts with limited resources, translating a summary or press release into Arabic and/or English has more limited resource requirements.

16 Reports available [here](#).

17 [Opening](#) and Trial Report of #4 the Yarmouk trial, Koblenz, Germany.

18 Judgment available [here](#).

19 Translation available [here](#).

20 Press releases available [here](#) and [here](#).

Quality of translation and interpretation

The quality of interpretation into Arabic impacts the Syrian community's ability to access the proceedings. According to international standards established at international tribunals, quality interpretation requires sufficient breaks, limited time periods, and the presence of several interpreters who can work in turn.²¹ In the Majdi N. case in Paris, in an example of best practice, the court appointed a team of four interpreters who provided simultaneous interpretation of the proceedings into Arabic for the accused and the parties to the proceedings. In case a witness testified in Arabic, a member of the same team would move to the witness stand to provide consecutive interpretation into French. In the trial of Twana H.S. and Asia R.A. in Munich, to facilitate direct and accurate interpretation, the court transmitted to the interpreters the written documents ahead of their presentation in court.

However, the schedule and rhythm of the hearings are frequently intense. In Munich, the court relied intensively on the interpreter for Kurmanji, who needed to translate documents over weekends. In the trial of Majdi N., the presiding judge rarely reminded the parties to talk slowly, impacting the quality of simultaneous interpretation. In the trial of Ahmad H. in Hamburg, an interpreter translated for long periods of time without a break, and the court relied on only one interpreter for the accused and witnesses. In the trial of Mohammad A. & Asmael K. in Düsseldorf and in the trial of Anwar Raslan in Koblenz, two interpreters were constantly present in an interpreter's box for simultaneous interpretation to the accused, yet one had to move to the witness stand to provide consecutive interpretation when an Arabic-speaking witness testified. As a result, the accused's understanding of different languages has often had to

21 The standard of the ICC is detailed at Regulation 64 "Interpretation services provided at hearings" of the [Regulations of the Registry](#), which provides that "[a]t hearings, a minimum of four interpreters shall work in two booths, an English and a French one, for up to two periods of two hours separated by a 30-minute break or for three periods of one and a half hours with a break of at least one and a half hours between the second and the third period. Where interpreters work in both directions, from and into languages other than English and French, the booth strength will be increased to four. Modifications to interpretation time periods may be arranged prior to the commencement of the hearing."

play a role in avoiding misunderstandings. In the Majdi N. case, the court sometimes relied on the accused's basic knowledge of French to point to interpretation inaccuracies. In cases in which terminology may determine charges, qualitative and accurate interpretation is a key component of a fair trial and will determine whether truth comes to light.

SJAC also noted that the accused or witnesses were not always permitted to express themselves in their preferred languages. In the Alaa M. case, to avoid misunderstandings in important testimonies, the court asked the witnesses to speak their mother tongue instead of German.²² In the Majdi N. case, from the outset of the trial, the accused requested to use English in addition to Arabic, arguing, "When I speak English, people can, I think, access directly what I'm saying. I can convey my emotions."²³ The presiding judge refused, as not all interpreters appointed by the court were able to translate from English and Arabic into French and because Arabic was the accused's mother tongue.²⁴ In contrast, in the trial of the ISIS *Beatles*, the court adapted to witnesses of the Syrian Democratic Forces (SDF) who spoke Kurdish and Arabic. The prosecutor therefore confirmed to the court that the "interpreters are fluent in Kurdish and Arabic."²⁵ In the trial of Twana H.S. and Asia R.A., Yazidi victims and witnesses testified in Kurmanji. However, under ISIS rule, they were forced to adopt the Arabic language, resulting in mixed usage of languages and concepts.

In the two aforementioned cases, courts had no choice but to appoint interpreters who mastered the two languages spoken by witnesses, namely Kurdish and Arabic. However, the courts did not always permit accused or witnesses the use of another language such as English, French or German. SJAC notes that various arguments were brought to justify such a stand: The court sought to ensure accuracy by sticking to the language the witnesses or accused mastered the most,

22 See, for instance, [Trial Report #74](#) of the trial of Alaa M., Frankfurt, Germany.

23 This is a quote from day 9 of the trial appearing in internal notes of the trial monitor. The quote was not transcribed in the online reports published by SJAC, but the corresponding hearing is available in [Trial Report #9](#) of the trial of Majdi N., Paris, France.

24 [Trial Report #1](#) of the trial of Majdi N., Paris, France.

25 Transcript of Evidentiary Hearing United States of America vs. El Shafee Elsheikh (Day 2, November 17, 2021), p.13.

namely Arabic. Courts also argued that no resources were available to enable interpretation from various languages.

Proceedings vary in their degree of publicity across Western jurisdictions, and access to the court's interpretation for media representatives remains challenging. The intense rhythm of the hearings makes it difficult to maintain high-quality interpretation throughout, and the variety of languages used by accused and witnesses is an additional challenge. These challenges are inherent to UJ trials, exposing the practical reality of prosecuting crimes in a jurisdiction far away from the crime site, in a country with different historical and cultural traditions. Nonetheless, some best practices can be adopted to minimize these impacts.

Recommendations

- SJAC welcomes the recording of Syria trials for historical archives.
- SJAC welcomes that international media representatives have increasingly received access to interpretation. However, the barriers remain high, and such a right is not implemented consistently. Access to interpretation should be granted in law and practice. Legislators should codify the right for the general public to access interpretation in cases in which interpretation is already provided by the court to the accused, plaintiffs, or witnesses. SJAC further encourages courts to grant the general public permission to access interpretation under discretionary authority, even in the absence of a legal foundation.
- SJAC welcomes the efforts of several prosecution offices and courts to provide translations of documents such as judgments and press releases into English. It further encourages official translations of judgments (or at least judgment summaries) into English and Arabic, to ensure accuracy and access by the international and Syrian community.

- Courts should make efforts to implement international standards of simultaneous interpretation in order to guarantee accuracy and transparency. Where resources or interpreter availability are limited, due consideration should be given to having adequate breaks.

B. How Can Western Courts Best Understand Syrian Statements?

“A body judging from afar must be able to anticipate the sociological and political situations in which people evolve.”²⁶

Syria-related trials must not only be made public and accessible to the Syrian community. A fair trial also requires an effort by the court to accurately understand statements and testimonies of Syrian witnesses and accused. This means ensuring that the interpretation of Arabic or Kurdish terms is not unfairly shaped by a Western linguistic and cultural background. SJAC has observed how interpreters and linguistic experts have provided crucial contributions in this respect.

In some trials, the accused or defense counsels provided explanations of Arabic terms or linguistic contexts themselves. The court often received such explanations with suspicion. In the trial of Majdi N., the presiding judge referenced a training material designed to educate fighters on key concepts of international humanitarian law, including the concept of slavery. On the document, the accused had written that it was best to leave aside this notion. In court, Majdi N. explained that the Arabic word used in the document for “slavery” referred to a historical concept, and it seemed inappropriate to address it in such a training. The presiding judge replied, “So it’s a softened form of submission? I don’t understand,” a reaction that reflected his suspicion that the accused was minimizing the gravity of the crime of slavery. The court interpreter then explained that the Arabic term used in the document for “slavery” was of elevated style and usually only employed by scholars, so that simple fighters would likely not understand it.²⁷ This contextual

²⁶ Claverie, Élisabeth. “Enquêter Dans l’inconnu.” Editions de l’EHESS, Grief, vol. 1, no. 3 (2016): p.159.

²⁷ The discussion on slavery is not mentioned in the report published on SJAC’s website, but occurred during the session reported in [Trial Report #30](#) of the trial of Majdi N., Paris, France.

explanation suggested that the accused’s instruction to leave aside the concept of slavery in the training was not necessarily a sign that he minimized its gravity.



The Majdi N. Trial – Court of Assize, France

In another example, the concept of *Sharia* was mentioned many times in the Majdi N. trial. On one occasion, defense counsel requested the projection of a video which alluded to the fact that concepts of international humanitarian law, such as the protection of civilians, children, and women in conflict, are addressed in *Sharia* law. Obviously irritated, the presiding judge asked if the International Committee of the Red Cross really conducted an extensive analysis on the compatibility between international humanitarian law and *Sharia* law. The defense counsel retorted that *Sharia* law was poorly known in France but was an important reference in the Muslim world.²⁸ On another occasion, a defense witness was extensively questioned by the parties about possible contradictions between *Sharia* and international law. He asserted that Islam had to comply with international law, and that he and the accused struggled to make people understand this aspect of Islam.²⁹ Here again, explanations about the concept of *Sharia* were provided exclusively by the defense or its supporting witness, and never by an impartial expert. This appears to have amplified the court’s perception that *Sharia* law was inherently in

²⁸ [Trial Report #31](#) of the trial of Majdi N., Paris, France.

²⁹ [Trial Report #17](#) of the trial of Majdi N., Paris, France.

contradiction with international humanitarian law, and that referring to it in such trainings was incriminating in itself. These examples show that broader explanations and expertise by impartial experts are necessary for terms, such as “slavery” and “*sharia*,” which are not embedded in the linguistic and cultural background of the court or the parties to the proceedings.

Another interpretation issue that arose, again during the Majdi N. trial, was over the Arabic term “Shabab” [شباب]. Parties debated over whether “Shabab,” translated as “young people,” referred to minors. The accused, charged with complicity in child recruitment, explained on several occasions that “Shabab” did not refer to underaged children, but rather to young men such as himself.³⁰ Another Arabic term repeatedly mentioned in this trial was “Ashbal” [i.e. Lion Cubs]. In court, a Syrian witness testified that he was certain that Jaysh Al-Islam recruited children and mentioned his wife’s 12-year-old cousin, who participated in a training called ‘Lion Cubs of Islam.’³¹ Later on, defense counsel asked the accused whether the term “Ashbal,” found on a training camp schedule, designated minors under 18 or new recruits. Majdi N. responded that it designated new recruits who just arrived in a camp.³² A contextual explanation would have helped the court understand that while the term “Shabab” is not used to designate minors, the term “Ashbal” most probably refers to underaged recruits.

In the trial of Mehdi N. and Others in Paris, the defense cast doubts on the assumption that the nicknames “Abu Omar” and “Abu Amar” refer to the same accused, although both could be different pronunciations of the same Arabic nickname. In this case, a well-known former ISIS member, present as a witness, explained to the prosecution that both nicknames were transcriptions of different Arabic accents referring to the very same Arabic *kunya* [English: nicknames].³³ In the trial of Mohammed A. and Asmael K. in Düsseldorf, a witness declared that Pakistani clothing was not exclusive to ISIS members but was well-known and widespread in all of Syria even before 2011. Such a declaration was clearly in the interest

of the defense but was not consistent with cultural practices in Syria. The witness further said that the accused’s brother had called him the day before, raising the possibility that he had been influenced.³⁴ It is surprising that the court did not explicitly ask interpreters or linguistic experts to clarify these linguistic and cultural ambiguities, especially when the defense used doubts relating to translation or customs to the benefit of the accused.

As demonstrated in these examples, the meaning of the original Arabic or Kurdish may have an incriminating or exonerating effect, and significant issues may arise when this is not clarified. In another such instance during the Majdi N. trial, the accused was questioned what position he occupied in a training camp. Majdi N. responded that the faction chief asked him to take the role of “supervisor” [Original Arabic: مشرف عام or *mushrif`am*]. The civil parties’ counsel concluded, “It therefore appears that you were the one in charge,” but the accused replied that he never said this.³⁵ On a later day, the accused again repeated, “I was not the one in charge, there was an appointed leader in this camp.”³⁶ The court failed to clarify the meaning of the Arabic title *mushrif`am* and what responsibilities it implied. A “*mushrif`am*” can be interpreted as a supervisor but does not necessarily imply that the person is the head or carries hierarchical responsibility in an organization. In the trial of Mohammed A. and Asmael K. in Düsseldorf, a witness declared that the accused was in charge of negotiations with the regime and that he was a checkpoint supervisor and a commander in an area. The judge asked the witness if this meant that the accused was a leader in ISIS. The witness did not agree, stressing that all the above did not necessarily make the accused a leader in ISIS, and that he could have been in charge of a specific matter only.³⁷

The tendency to interpret a concept or a translation supportive of one’s position is common to all parties to the proceedings. In the trial of Majdi N., a civil party’s counsel asked the investigator to explain the significance of the prefix “Abu” used before nicknames given to the accused, stressing they carried historical meaning among

30 [Trial Report #29](#) of the trial of Majdi N., Paris, France.

31 [Trial Report #16](#) of the trial of Majdi N., Paris, France.

32 [Trial Report #31](#) of the trial of Majdi N., Paris, France.

33 Among others, day 7 (February 25, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

34 Day 32 (November 27, 2024) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

35 [Trial Report #29](#) of the trial of Majdi N., Paris, France.

36 [Trial Report #30](#) of the trial of Majdi N., Paris, France.

37 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

jihadist fighters. The investigator responded that all armed factions' members used the prefixes "Abu," but she was unable to provide further context.³⁸ In reality, the use of the prefix "Abu" is very common among Syrians and cannot be considered evidence of membership or proximity to a jihadist movement. These examples illustrate that interpretation without adequate linguistic and cultural context can cause serious harm. This can result in drawing legal conclusions that directly impact the modes of liability.

In some courts, however, interpreters provided context to linguistic and cultural issues, a practice that has shown its relevance in multiple respects. This is often the case in Germany, where the same person can appear as an interpreter translating word by word, and then be summoned as a linguistic expert. In the Alaa M. case, it was reported that a person was tortured, including by scalding with hot maté (a drink) and beatings. The court interpreter questioned as a linguistic expert explained that, in Syria, Alawis are well known to drink maté, so his interpretation was that the soldiers who tortured the person were Alawi.³⁹

In several instances, interpreters provided explanations that were crucial in helping the court establish the timeline of events. For example, Alaa M. claimed he was not present at the time of the crimes for which he was charged. Crucially, the court had to ascertain the exact dates of his multiple transfers to different hospitals. On one occasion, the judge referred to one of Alaa M.'s messages from December 8, 2011, in which the accused wrote to a friend that he had arrived in Damascus "ten days ago." The judge identified a discrepancy in that Alaa M. had participated in an operation at Al-Ahli Hospital in Homs while he was allegedly already in Damascus.⁴⁰ When asked by the judge in a later hearing, the interpreter confirmed that the phrase "10 days" did not precisely indicate a strict count but could also refer to 8, 9, 11, or 12 days.⁴¹ The Western understanding could have ruled out that he was in Homs at the time, but the Arabic expression could not be brought forward by the accused as clear evidence of when he moved. In the same trial, a witness said that a Syrian lawyer contacted him to conduct an interview with him, and told him that

38 [Trial Report #11](#) of the trial of Majdi N., Paris, France.

39 [Trial Report #52](#) of the trial of Alaa M., Frankfurt, Germany.

40 [Trial Report #81](#) of the trial of Alaa M., Frankfurt, Germany.

41 [Trial Report #86](#) of the trial of Alaa M., Frankfurt, Germany.

"tomorrow," after the interview, the police would contact him. In court, the judge asked the linguistic expert to elaborate on the meaning of "tomorrow" in Arabic. The expert explained that the word could be used to refer not only to the next day, but also to the broader future - a critical difference with Western languages in which tomorrow solely means the day after today.⁴²

SJAC observed similar linguistic issues potentially affecting the nature of crimes and the liability of the accused in the trial of Twana H.S. and Asia R.A. in Munich. The court's Kurmanji interpreter noted that different dialects existed in Kurdish and that the expression one witness used could, in Iraq, refer to sexual harassment as well as rape.⁴³ This term was not sufficient for the court to establish that the act did indeed amount to a rape from a legal perspective. On another occasion, a witness declared that the accused had two Yazidi girls with them, who she said were their "Sabaya." The court's interpreter explained that "Sabaya" was an Arabic word that could be translated as "female spoils of war" or slave.⁴⁴ In both cases, it was not the court who required the interpreter to explain the concepts, but the interpreter who spontaneously brought clarification.

In addition, accurate interpretation is key in avoiding unduly attributing discrepancies to the credibility of witnesses. In the trial of Anwar Raslan and Eyad A. in Koblenz, serious translation errors occurred throughout one witness's testimony, likely creating difficulties for the judges and other lawyers in assessing the witness's credibility. On one occasion, the witness confirmed that he had indirect contact with Anwar Raslan from August 2012 to February 2016, the latter incorrectly translated to 2013.⁴⁵ In the trial of Majdi N., the witness first declared that he took a photo of a diploma awarded by Jaysh Al-Islam to an underage recruit who had undergone military training. Expressing doubts about the witness's reliability, the defense counsel later inquired about this photo, and the witness asserted, "I never said that. What diploma?"⁴⁶ In this example, the court did

42 [Trial Report #53](#) of the trial of Alaa M., Frankfurt, Germany.

43 [Trial Report #5](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

44 [Trial Report #6](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

45 [Trial Report #10](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

46 [Trial Report #16](#) of the trial of Majdi N., Paris, France.

not further inquire to clarify if this apparent contradiction resulted from erroneous interpretation or inconsistencies within the testimony. While interpretation errors may arise, and represent one of the challenges of multilingual proceedings, contradictions brought forth in a witness's testimony must be resolved as a matter of procedure in the truth-finding process. When left unresolved, such contradictions leave uncertainty as to whether the interpretation was inaccurate, or the witnesses in fact contradicted themselves.

One aspect to consider is that not all interpreters are Syrians or know the Syrian dialect and the Syrian context. In the trial of Alaa M. in Frankfurt, a witness explained that the Greek authorities let him and his mother sleep with no blankets but with “rats” [جرادين] everywhere. The interpreter mistranslated this Syrian term for rats as “locusts.” Despite such errors, interpreters commonly clarified the meaning of Syrian words with the witness when doubts arose. However, it is also the responsibility of the court to ensure that interpreters are able to interpret the Syrian dialect. This was done well in the trial of the ISIS *Beatles*, in which the court asked the interpreter if he could “please summarize [his] qualifications as an Arabic and Kurdish translator and interpreter.” The interpreter provided details about his professional experience and the regions he served in.⁴⁷ In the Alaa M. trial in Frankfurt, the judge wanted to know how the interpreter of the Federal Office for Migration and Refugees (BAMF) testifying in court knew Arabic. The interpreter explained that her parents are Syrian, but she was born and raised in Germany. The judge concluded that Arabic was her mother tongue, and the interpreter stressed that it was rather her second mother tongue, after German.⁴⁸ Since the court's qualified Arabic interpreters come from diverse backgrounds, questions regarding their personal and professional experience provide a valuable means for the court and the parties to assess their familiarity with the Syrian dialect and context.

While all the trials monitored by SJAC had scientific experts on the Syrian historical, political and social

47 Transcript of Trial Proceedings United States of America vs. El Shafee Elsheikh (April 4, 2022), p.10.

48 [Trial Report #15](#) of the trial of Alaa M. Frankfurt, Germany. The long version of the report from which this information is extracted is not yet available on SJAC's website.

context testifying in court, few experts were of Syrian descent. The norm is instead to summon academic experts originating from Europe, some of which lived in Syria for many years.⁴⁹ Notably, some of these Western experts reached out to Syrian experts and NGOs such as SJAC to enrich their testimony in court prior to testifying, thereby highlighting the secondary nature of their expertise. With a large number of Syrians fleeing the country since the beginning of the conflict in 2011, many have since obtained academic credentials recognized by European states, creating a rich pool of expertise available to directly testify in such proceedings.

Courts face significant challenges in multilingual and multicultural proceedings. During trials, courts do not always ask for clarification on inaccuracies, on ambiguous terms, or on concepts that carry a specific meaning in Syria. However, the meaning of the original Arabic or Kurdish may have an incriminating or exonerating effect. While some courts let the defense provide such explanations, others relied on linguistic experts. In the latter case, experts' explanations helped the court establish a timeline of events, the nature of crimes and the liability of the accused. Inaccuracies in interpretation may also unduly affect the credibility of witnesses. In one method to address these challenges, some courts questioned the interpreters about their background to assess their familiarity with the Syrian context.

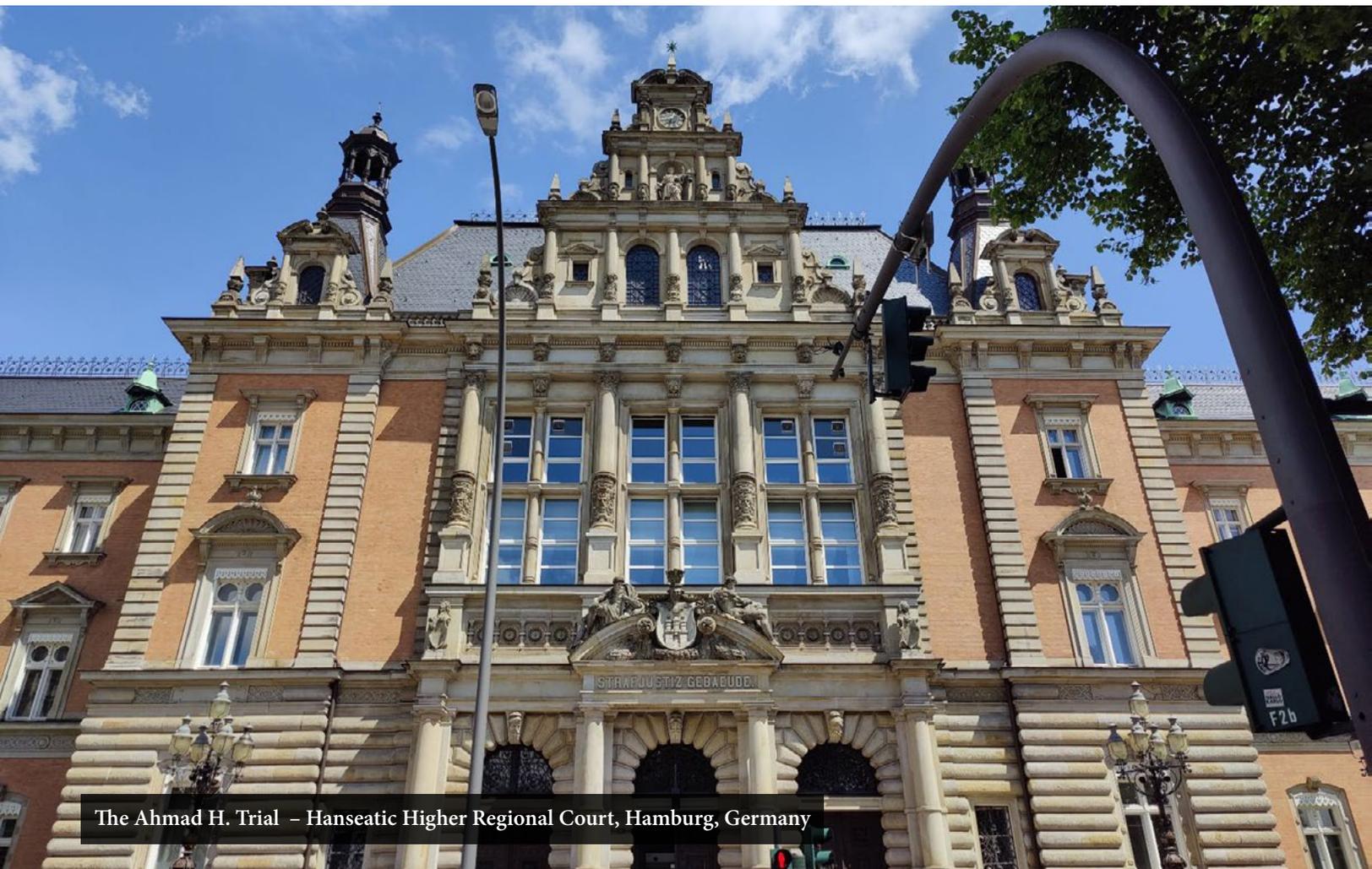
Recommendations

SJAC acknowledges the challenges arising from multilingual and multicultural proceedings and welcomes efforts made by courts to address them. Courts should nonetheless engage more systematically and thoroughly with the social, cultural, and political background of the given case.

- As a matter of procedure in the truth-finding process, inconsistencies in a witness testimony should be addressed, as such contradictions leave uncertain whether the interpretation was inaccurate, or the witnesses contradicted themselves.

49 See: Guido Steinberg in Germany in [Trial Reports #55](#), #106 and #107 of the trial of Alaa M, Frankfurt, Germany; Francois Burgat in [Trial Report #1](#) of the trial of Ali M., Jamil H. and Abdel Salam M., Paris, France.

- Linguistic and/or cultural experts should be asked to provide contextual explanations on certain Arabic or Kurdish concepts, especially when the terms have a direct link to the charges brought against an accused. It should not be the responsibility of an accused to provide such explanations, because the meaning of the original Arabic may be incriminating or exculpatory, and serious issues can arise if this is not clearly established. Questioning linguistic or cultural experts on such concepts has many benefits. It can help the court establish a timeline of events, the nature of crimes, and the liability of the accused. Linguistic expertise proved also essential to assess the credibility of witnesses.
- When possible, courts should rely on interpreters who speak and understand a form of Arabic that is close to the Syrian dialect to avoid incorrect or incomplete translation. Courts can also ask the interpreters about their background to assess their familiarity with the Syrian or Kurdish dialects.



The Ahmad H. Trial – Hanseatic Higher Regional Court, Hamburg, Germany

II. Obtaining Evidence: Bringing Syrian Voices to Western Courts

Beyond the challenges related to publicity, accessibility and interpretation explained in section I, Western courts are also confronted with specific issues related to the collection and use of Syrian testimonies. Although Syrian testimonies remain a primary source of evidence in every trial, certain categories of Syrians are generally excluded from Western proceedings. Another feature of Syria-related cases is that witnesses often already provided statements to various interlocutors with which they may later be confronted in criminal proceedings in order to test their credibility. Moreover, many Syrians appear before courts as indirect witnesses, i.e. witnesses who did not observe the event firsthand or whose testimony is based on secondhand information or inferences.

A. Limitations to the Presence of Syrians

A common pattern in UJ trials is the hearing of multiple Syrian witnesses or plaintiffs, either during the investigation phase or at trial.⁵⁰ Due to the high number of Syrians residing in Western states because of mass displacement, Syrians regularly testify in proceedings. Moreover, Syrian witnesses may travel to these states from abroad or, if testifying in person is impossible, may be heard via videoconference. For instance, in the *ISIS Beatles* trial, alongside victims carrying European nationalities, at least two Syrian nationals as well as Yazidi witnesses living in Canada and in Europe were heard. In the trial of Hasna A. in the Netherlands, the judge noted that the investigation entailed the questioning of witnesses residing abroad, without specifying if they came to the Netherlands or were heard by video.⁵¹ In Sweden, the investigation of Mahmoud S. involved over 200 interviews conducted in Sweden and abroad, mainly Germany and France, via a joint investigation team.⁵² In the Majdi N. and Lafarge trials in France, Syrian witnesses were heard by videoconference organized in the courts

of their respective cities of residence in Belgium, Switzerland and Germany.⁵³ Still, several limitations to the presence of Syrians in Western courts remain.

The hearing of Syrians residing in non-Western countries, notably in Turkey and Syria, are rare. Their exceptional appearance in court can be attributed to several factors. The defense often files motions to hear such witnesses, but the motions are rejected based on the grounds that the evidence is too difficult to obtain. In the trial of Mohammed A. and Asmael K., a witness was scheduled to appear days after the fall of the Assad government, but he had returned to Syria. The judge said that the court would of course not contact Hay'at Tahrir al-Sham (HTS) to determine whether it was possible to coordinate with and reach the witness in Syria. The court instead heard the testimony of the investigator who questioned the witness.⁵⁴

Courts generally do not make attempts to send requests for mutual legal assistance (MLA) to Turkey because it is understood that doing so would prolong the trial excessively. In the trial of Ahmad H., the court rejected a defense motion to summon two witnesses located in Turkey because the defense failed to provide summonable addresses for either individual, and the court noted that efforts to identify the address would likely be futile given the irregular immigration status of a witness located in Turkey.⁵⁵ Another reason for the rare appearance of Syrians residing in Turkey is their fragile status and limited protection in a land where the perpetrator's networks may still be influential. In the Alaa M. case, the court considered the testimony of a witness located in Turkey crucial for establishing the truth. Despite the court's offer for remote questioning, the witness refused to testify due to security fears for his family. Another reason for the witness's refusal was the tense political situation between the Turkish government and Syrian refugees.⁵⁶

50 As mentioned during the trial of Hasna H., Article 342(2) of Dutch Criminal Procedure provides that proof that the accused has committed the charged offence shall not be established by the Judge solely based on the statement of one witness.

51 [Trial Report #4](#) of the trial of Hasna A., the Hague, the Netherlands.

52 [Trial Report #1](#) and [Trial Report #2](#) of the trial of Mahmoud S., Solna, Sweden.

53 [Trial Reports #17](#) and [#23](#) of the trial of Majdi N; [Part 3](#) of the Courtroom diary by [Sharon Weill and the students of the Capstone Course](#).

54 Day 37 (December 23, 2025) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

55 Trial Report #20 of the trial of Ahmad A., Hamburg, Germany (internal notes on file).

56 [Trial Report #100](#) of the trial of Alaa M., Frankfurt, Germany.

In other cases, courts nonetheless sent requests for MLA to Turkey, including when addresses were not available. Despite the low prospects of success, French courts even sent requests for MLA to Syria in the absence of any bilateral agreement. The presiding judge in the trial of Majdi N. thoroughly detailed the court's endeavors to contact and follow up with Syrian and Turkish authorities regarding five witnesses whose testimonies were requested by the defense shortly before the requisite deadline. This short notice was not beneficial to the trial, as the Turkish authorities predictably did not respond in time. The presiding judge explained that the French Ministry of Foreign Affairs was unable to deliver summons in Syria at that time. To dismiss the court's responsibility for these shortcomings related to international cooperation, the presiding judge added that none of these witnesses had tried to contact the court, and that no argument was made regarding the compelling necessity of their testimony.⁵⁷

When they could not travel to court, Western judiciaries and investigative bodies tried to benefit from key witnesses located in Turkey or Syria in other ways. In the Alaa M. trial, the court played an audio recording of a WhatsApp interview the German prosecutor and investigators had conducted with a witness residing in Turkey, and introduced transcripts of his statements to Turkish judicial authorities.⁵⁸ In the trial of Majdi N., the investigator collected three anonymous statements through videoconference with witnesses who were residing in Turkey. The individuals provided firsthand information on child recruitment within Jaysh Al-Islam.⁵⁹ However, these witnesses were not granted a visa to travel to France. Because they did not appear in court, their statements were accorded a lower probative value than formal witness testimonies, meaning that the court could not convict the accused solely on their basis.

There were some notable cases in which witnesses came from Syria and Turkey to testify in Western courts. In the trial of the ISIS *Beatles*, American and SDF authorities facilitated three SDF members residing in Northeast Syria to testify in court. In November 2025, one Syrian residing in Syria and two others residing in Turkey were heard by the Paris Court in the trial of the French

57 [Trial Report #24](#) of the trial of Majdi N., Paris, France.

58 [Trial Report #100](#) of the trial of Alaa M., Frankfurt, Germany.

59 [Trial Report #11](#) of the trial of Majdi N., Paris, France.

company Lafarge, which was unprecedented in Syria-related cases in France. These were crucial testimonies to illustrate the practical consequences of financing terrorism and the accused's knowledge that Syrian workers' lives were endangered. This was also an occasion to spotlight stories of people who felt "[their] lives were much cheaper, much less valued."⁶⁰

Still, the presence of Syrians victims is less evident in terrorism trials, as these proceedings more directly involve Western accused or victims, and terrorism charges often do not require proof of concrete impact on victims. In the Lafarge trial on financing terrorism, despite hearing Syrians in court, their registration as civil parties to the case remained a central question. They were dismissed as civil parties during the proceedings by the French supreme court, which ruled that Syrian workers did not benefit from safety provisions enshrined in French labor law.⁶¹ The presiding judge still allowed them to present their testimonies during the trial, and the decision on whether they may obtain the status of civil parties will be finally rendered with the verdict in April 2026.

Such legal limitations are not the only factor explaining the low presence of Syrian civil parties in terrorism-related case. In the trial of Mehdi N. and others, a total of five Syrians were heard in court, contrasting with the several dozens of Westerners testifying in turn, either as civil parties or witnesses.⁶² This absence was lamented by many civil parties who repeatedly emphasized that "Syrian were the first victims."⁶³ The prosecutor also paid tribute to the "hundreds of anonymous Syrians" who were absent, and mentioned a "moral obligation toward foreign victims."⁶⁴ Still, the only Syrian civil party to the

60 See [Part 4](#) of the Courtroom diary by [Sharon Weill and the students of the Capstone Course](#).

61 In its [decision on January 16, 2024](#), the French supreme court ruled that Lafarge's strong involvement in the management of its Syrian subsidiary did not justify the application of French labor law to Syrian workers, and particularly its obligation related to prudence or safety provided for in [Article 223-1](#) of the French Criminal Code. See Sherpa. Lafarge in Syria: French Supreme Court Issues Decisive Ruling on Charges Faced by the Multinational. January 16, 2024.

62 Significantly more Syrian witnesses were heard in the investigation phase.

63 Day 22 (March 18, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

64 Day 23 (March 19, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

case described his experience as an “isolation [that] was not confined to language or geography, but was a narrative isolation—deep and far-reaching.”⁶⁵ The same can be said for the corresponding American case, the trial of the ISIS *Beatles*, in which few Syrian victims or witnesses appeared and only violations against American hostages were charged.

Moreover, the presence of family members of the accused was inconsistent and dependent on a variety of factors. The French accused Abdelmalek T. declared, “I am aware of my parents’ physical and mental condition, and that’s why I told them not to come. Also, to protect them.”⁶⁶ By contrast, the families of French defendant Salim B. at the same trial and the family of Samir Al-Sheikh in Los Angeles showed a strong presence.⁶⁷ In the trial of Ammar A., the wife of the accused testified in court after her right to refuse testimony was ruled out on the ground that their marriage under Muslim law was not recognized in German law.⁶⁸ However, in the trial of Syrian defendant Majdi N., none of the accused’s family members were heard, as the request to hear a family member located in Turkey failed. His counsel argued, “Usually, there isn’t a single criminal court trial without at least one witness from the defendant’s family.”⁶⁹ The absence of family members of the accused can impact the proceedings by preventing the court from having a complete picture. However, available data does not appear to demonstrate a consistent practice in this regard.

One last factor accounting for the Syrian community’s limited participation in Western judicial proceedings are trust-related considerations. According to the human rights organization Civil Right Defenders, the prosecutors investigating the case of Mahmoud S. in Sweden reached out to communities, but due to a lack of trust in state institutions, the Swedish authorities had difficulties

65 Translation from Arabic “لم تكن العزلة التي شعرتُ بها محصورة” from article “في اللغة أو الجغرافيا، بل كانت عزلة سرديّة، عميقة، ممتدة سفرجلاني، رضوان. «كنث السوري الوحيد»: داعش أمام المحكمة في باريس». [الجمهورية نت](#), June 5, 2025.

66 Day 13 (March 5, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

67 Day 12 (March 4, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France and [Trial Report #1](#) of the trial of Samir Al-Sheikh, U.S. District Court for the Central District of California.

68 Day 6 (November 12, 2024) of the trial of Ammar A., Stuttgart, Germany (internal notes on file).

69 [Trial Report #24](#) of the trial of Majdi N., Paris, France.

obtaining information from Syrians.⁷⁰ In the Alaa M. case, witnesses reportedly approached the head of the Syrian Center for Legal Research and Studies instead of contacting the police, because they felt more comfortable sharing information with him. When questioned about the close relationship with the head of the center, a witness explained that they spoke the same language and that he could not speak to a lawyer or a court, in addition to the fact that the head of the center was the one who introduced the witness to the police.⁷¹

Recommendations

- Re-establishing cooperation with the Syrian judiciary will allow the appearance of more Syrians witnesses and victims in Western courts and enable evidence-sharing relevant to the prosecution of international crimes. EU states should pursue Mutual Legal Assistance agreements between them and Syria. Syria should also open a specific office to respond to such requests. In the meantime, European authorities should support proceedings by granting visas to Syrians residing in Turkey and Syria who can meaningfully contribute to trials.
- It is further essential to explore solutions to gain access to witnesses located outside the European Union and the United States when their contribution is crucial to the truth-finding process. Video-conferencing is one solution where such practice is consistent with domestic law, as are on-site visits by investigators to hear witnesses located in Turkey or Syria. Coordination with Syria and Turkey within the context of the EU Genocide Prosecution Network and Eurojust to advocate for improved cooperation on international crimes may be a valuable strategy. These efforts would not only strengthen the representation of Syrian victims and their access to justice but also contribute to upholding the rights to effective defense.

70 Press Briefing of ECCHR: The Yarmouk trial in Koblenz: legal background and survivors’ role, October 15, 2025.

71 [Trial Report #53](#) of the trial of Alaa M., Frankfurt, Germany.

B. Evidentiary Weight of Asylum Applicant's Interviews and Early Statements

Many Syrian witnesses originally came to Europe as asylum-seekers and participated in recorded interviews as part of the application process. Syrians also provided statements to manifold international bodies prior to the criminal investigations or were heard by investigators before their appearance at trial. Some witnesses were also heard by foreign authorities in other proceedings. When these interviews are used in judicial proceedings, this can raise critical questions, including whether the quality of these interviews and their translation impact their credibility in trials as well as the adequacy of informed consent processes.⁷²

Western judiciaries have proven to be capable of conducting legal action against Syrians in the presence of acute inconsistencies in asylum interviews. In the case of Samir Al-Sheikh, the American authorities concluded that his immigrant visa application contained false information and concealed material information.⁷³ In the indictment, the court denounced that Samir Al-Sheikh thus “unlawfully became a Lawful Permanent Resident of the United States.”⁷⁴ However, in most cases, discrepancies between statements may not be a result of obvious lies affecting witnesses’ credibility. Therefore, courts must understand the reasons behind these inconsistencies in order to assess the reliability of witness statements.⁷⁵

In the trial of Mohammed A. and Asmael K., the judge reminded a witness of one of his statements to the police, and the witness declared that the sentences were correct but sometimes curtailed, so that it did not convey

72 “[Refugees as Witnesses in Germany.](#)” Syria Justice & Accountability Centre, May 10, 2023.

73 [Samir Al-Sheikh](#) trial, Syria Justice & Accountability Centre.

74 First superseding indictment in the case USA v. Samir Ousman Alsheikh, U.S. District Court for the Central District of California, June 2024.

75 Credibility (of a witness) refers to how believable and trustworthy a witness appears to be. A credible witness is perceived as honest and competent, with no clear motive to mislead or distort the facts. Reliability (of a witness) refers to how consistently and accurately a witness can recall and report events over time. A reliable witness gives stable accounts that are not significantly affected by suggestion, memory distortion, or external pressure.

accurately what he wanted to say. The judge questioned the witness about other statements he had made during the police questioning, as he believed there were inconsistencies with what he was saying in court.⁷⁶ In the trial of Ahmad H. in Hamburg, at least ten witnesses heard in court had previously applied for asylum, and the court repeatedly drew attention to inconsistencies between their asylum hearings and testimonies at trial. A witness mentioned a third arrest he and his wife had endured, and the judge stressed that he had not mentioned it to the German Federal Criminal Police Office or the Federal Office for Migration and Refugees BAMF during the asylum hearing. The judge added that the dates of the arrests did not match and that the third arrest had been the longest of the three arrests. The witness claimed that he did report it “everywhere.”⁷⁷

SJAC observes that while it is accepted international practice to identify such inconsistencies to assess the credibility of witnesses, it may be unfair to do so when the accuracy of prior statements, taken outside of the context of criminal accountability, is in serious question. Again in the trial of Ahmad H., the defense submitted a motion to receive asylum hearing transcripts for each of the aforementioned witnesses, and to hear each interviewer of the asylum process.⁷⁸ The judge rejected the motion to obtain the transcripts, explaining that they did not contribute meaningfully to the truth-finding process, or were irrelevant to the case due to a lack of personal knowledge of the accused or required protection.⁷⁹ As such, it is the court's duty to carefully examine the discrepancies and understand their origin as part of the truth-finding process.

Notably, when it comes to asylum hearings, “a troubling number of [...] decisions are low quality, contain significant interpretation errors, and are based on questionable arguments for rejecting the credibility of an applicant.”⁸⁰ For the courts to better grasp how the asylum procedure is concretely carried out, a best practice

76 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

77 [Trial Report #13](#) of the trial of Ahmad H., Hamburg, Germany.

78 [Trial Report #3](#) of the trial of Ahmad H., Hamburg, Germany.

79 [Trial Report #17](#) of the trial of Ahmad H., Hamburg, Germany.

80 “[Refugees as Witnesses in Germany.](#)” Syria Justice & Accountability Centre, May 10, 2023.

by German courts is the questioning of employees from the BAMF. In the Alaa M. trial, an employee of the BAMF was questioned about how these hearings were conducted. Her testimony revealed the sometimes chaotic conditions during people's first asylum hearings in 2015 and 2016, especially for Syrian refugees, due in part to the sheer volume of applicants. The prosecutor thus argued that the discrepancies between the asylum interview and the testimony of the witness heard in court the same day did not negatively affect credibility.⁸¹ In the trial of Anwar Raslan and Eyad A., a translator working at the BAMF was questioned about his work on Syrian witnesses' statements. In his translation, the accused Eyad A. had said he was trained to use the "*Strombomben*," ("Electric bombs") which did not make sense to the judge and the defense team. The defense asked the BAMF translator if there was a possibility of errors caused by retranslating the term, which the translator confirmed.⁸²

Some inconsistencies also result from the conditions in which interviews with NGOs were transcribed or transmitted to the police. In the trial of Alaa M., an interview conducted by the Syrian Center for Legal Research and Studies had been summarized, translated into German and forwarded to the Court. After learning about the lack of certain minimum standards and the circumstances of its creation, the judges deemed the transcript insufficient to continue the testimony of the witness on that day. To assess reliability, the judges requested the original version and the Zoom recording of the interview.⁸³ In the trial of Mohammed A. and Asmael K. in Düsseldorf, the defense remarked that the witness told the Syrian Center for Media and Freedom of Expression (SCM) that he had visited the accused at his home. At this point, the judge explained that the police had confused this witness's file at SCM with the file of another witness, so the police asked the wrong questions to the witness that day.⁸⁴

The context in which police interrogations were conducted also reveals crucial information related to the content of witnesses' statements. In the trial of Mahmoud S. in Sweden, the prosecutor emphasized that several

witnesses also took part in the German investigation related to the Koblenz "Yarmouk" trial against five accused starting on November 19, 2025. In this inquiry in Germany, the witnesses were immediately informed of the identities of the accused. The Swedish Prosecutor pointed out that these prior interviews may have had some influence on what the witnesses now recall, potentially shaping their memories and serving as a reference framework for the accounts they provide in the present proceedings. On another day, the defense claimed that a witness had not mentioned the accused Mahmoud S. in the first five of his six statements. Apart from security concerns for his family in Syria, the witness explained that in the first two statements he gave in the German case, he was instructed to focus only on an individual called Moafak D. and not on other members of the Free Palestine Movement.⁸⁵ These examples underline the importance of examining the conditions in which a previous statement was produced to assess its impact on the credibility of witnesses.

At trial, witnesses can provide explanations on cultural or linguistic issues as well as their psychological state to help the court assess inconsistencies in their previous statements. In the trial of Mohammed A. and Asmael K., a witness addressed a contradiction in his statements in which he referred to ISIS activities at a date when ISIS had not officially started to operate. The witness explained that the idea of ISIS existed before ISIS started operating and that what he meant by ISIS activities described the orientation of two individuals.⁸⁶ In the Yarmouk trial in Koblenz, a witness reported to have seen 33 wounded people and nine dead people. The judge pointed out that the witness referenced only 23 wounded people in the corollary proceeding in Sweden and mentioned a total of five dead. The witness said that he was "scared and panicked" that day and did not remember the precise number.⁸⁷ In the trial of Ammar A., a witness explained that he stated to the police that his brother's death resulted from a bomb attack but later learned about a sniper's involvement. He attributed this discrepancy to the difficulty of discussing his brother's death and his ongoing psychiatric treatment.⁸⁸

81 [Trial Report #22](#) of the trial of Alaa M., Frankfurt, Germany.

82 [Trial Report #2](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

83 [Trial Report #50](#) of the trial of Alaa M., Frankfurt, Germany.

84 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

85 [Trial Report #2](#) of the trial of Mahmoud S., Solna, Sweden.

86 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

87 Trial Report #6 of the Yarmouk trial, Koblenz, Germany.

88 Day 10 (December 3, 2024) of the trial of Ammar A., Stuttgart, Germany (internal notes on file).

In addition, the court can rely on experts to obtain impartial information to assess witnesses' credibility and reliability. The trial is the occasion to clarify the accuracy of statements made during the investigation stages with the help of interpreters who can point to inconsistencies in translations. In a statement to the police presented to the court in Munich, a witness was recorded as having said that the accused Asia R.A. had either one or two children. In her testimony before the court, the same witness denied making this statement, saying she always said that Asia R.A. had one child. The defense counsel argued that this undermined her credibility, whereas the prosecution argued that the interpreter explained that making a distinction between "one child" and "multiple children" was barely possible in Kurdish. In court, the interpreter confirmed that the issue of whether the witness had said that Asia R.A. had one or more children could be due to an interpretation error.⁸⁹

In the same trial in Munich, the court heard a linguistic expert who was tasked with identifying and correcting logical mistakes in a witness statement to the United Nations team that investigated and prosecuted crimes committed by ISIS in Iraq (UNITAD). The statement had been audio-recorded, translated from Kurmanji into English, and the English text translated into German. The expert considered the translation to be of poor quality and explained that the translator had great difficulties in distinguishing between family relations and the names of countries and people. The court then decided that the linguistic expert should read aloud all corrected sentences, noting that they would project the statement onto the wall to be examined.⁹⁰

The effort to shed light on linguistic inconsistencies of prior statements should not be seen as undermining the reliability of the proceedings. In the trial of Twana H.S. and Asia R.A., the defense team subsequently requested an expert opinion by the court interpreter regarding the substantive and technical correctness of the translation of the UNITAD interview of another witness. This was likely a strategy to delay scheduled testimonies of summoned plaintiffs. The request was dismissed after the prosecution argued that the differences would mostly

89 [Trial Report #6](#) and [Trial Report #7](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

90 [Trial Report #18](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

be about the wording and style of translation, and that the supposedly forgotten parts would be redundant explanations on context.⁹¹

Expert testimony can be integral to properly assessing the credibility of traumatized witnesses.⁹² Experts can explain why traumatic memories may be stored in a disorganized way, leading to gaps, confusion, and potential inconsistencies over time. Psychological expertise can also explain the emotional and behavioral effects of certain experiences, such as detachment, acute sensitivity, or stress during testimony. In the trial of Ahmad H. in Hamburg, the court summoned psychiatrists to demonstrate the effects of past trauma and to participate in assessing the accuracy of witness testimonies.⁹³

To assess the evidential weight of previous interviews by Syrian witnesses, courts must first endeavor to understand the context in which asylum agencies, NGOs or police officers collected such statements. Assessment of previous statements may also include court interpreters testifying as experts to correct previous translations or psychologists providing expert opinions on the effects of past trauma.

Recommendations

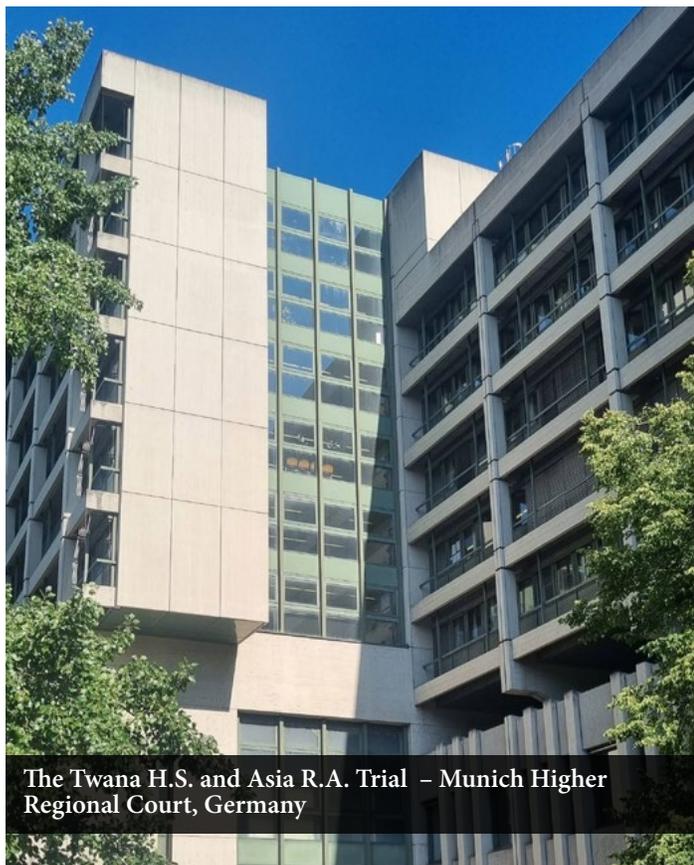
- In assessing witness credibility, courts should give due consideration to explanatory factors for inconsistencies between prior statements and testimony, particularly errors in translation of previous statements, or psychological trauma, including by hearing experts where necessary or appropriate. Translations of witness statements should be reviewed by court interpreters when doubts arise on their accuracy.

91 [Trial Report #19](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

92 See, for instance, Müller, Helge H, Sebastian Moeller, York Hilger, and Wolfgang Sperling. "Prognostic Influence of Witness/Victim Experiences and PTSD-Specific Symptoms on Working and Educational Capacity: A Comparison between Two Groups of Individuals Post-Trauma." *Annals of General Psychiatry* 14 (February 2015): 5.

93 [Trial Report #4](#) and [Trial Report #13](#) of the trial of Ahmad H., Hamburg, Germany.

- Asylum hearing protocols should be assessed with due caution, considering the unique circumstances and purposes for which such protocols are recorded and multiple instances in which asylum interviews have proven to be demonstrably error-laden. Courts should also inquire about the context in which interviews were conducted with NGOs or police officers.



The Twana H.S. and Asia R.A. Trial – Munich Higher Regional Court, Germany

C. Indirect, Yet Key Witnesses

Eyewitnesses are generally the most valuable for the justice system, as their accounts are more easily admissible as evidence and represent a solid basis for convictions. In contrast, hearsay is inadmissible in the common law system except in limited cases. Civil law systems have a more flexible approach toward indirect testimonies, which are not automatically excluded even though they carry less evidentiary weight.

The Syrian conflict is characterized by the fact that many individuals documented abuses committed by the former government and armed groups or gathered stories of violations from people around them. In the trial of

Mohammed A. and Asmael K. in Düsseldorf, the Defense asked a witness how he could be sure of the location of a checkpoint where the accused allegedly served, “when [the witness had] never seen it and [did] not know anyone who passed through it.” The witness explained that the area was small, and that as a journalist, he used to document the arrests happening there by communicating with residents and collecting information from them.⁹⁴ In the same trial, a witness was questioned about his source of information on the arrest of his father and the accused’s involvement in ISIS. The witness mentioned many “relatives and friends” and said that the story was known to everyone in the region.⁹⁵ Syrian NGOs have also played an active role in many Syria-related trials by providing support during the investigations and testifying about their documentation work. Some of this evidence is hearsay in nature. Given the prolonged inaccessibility of the Syrian territory and the shortcomings in international cooperation, courts have come to consider such evidence in Syria-related cases.

SJAC has observed a defense strategy to question the reliability of NGO-sourced testimonies on the grounds that the evidence was motivated by activism or a desire for revenge. For example, in the trial of Mahmoud S. in Sweden, the defense claimed that reports by SCM were largely based on communications with activists, anonymous testimonies, and witness statements obtained in 2023. The defense further argued that these reports relied primarily on open sources that could not be regarded as reliable. The prosecutor did not deny that some of the sources and reports originated from oppositional actors, but provided examples to show that this did not make the information less trustworthy.⁹⁶ In the same trial, the defense argued that after losing his son, a witness was motivated by personal interest in pursuing members of the *Shabiha* [militia-like supporters of the Syrian regime], suggesting that his testimony could be influenced by his desire for revenge.⁹⁷

The fact that witnesses are publicly active has also been used to argue that the accused poses no threat. In the

⁹⁴ [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

⁹⁵ Trial Report #12 of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

⁹⁶ [Trial Report #1](#) of the trial of Mahmoud S., Solna, Sweden.

⁹⁷ [Trial Report #2](#) of the trial of Mahmoud S., Solna, Sweden.

trial of Samir Al-Sheikh, the defense argued that many of the identified witnesses had continued to speak publicly as activists, which showed that they were not afraid and that their involvement in the judicial case against Samir Al-Sheikh did not expose them to any threat. The defense considered this an argument to obtain the accused's release from custody.⁹⁸

Such allegations have been dismissed up to the present. However, courts face other challenges with regard to Syrian witnesses providing secondhand information at trial. For example, one “indirect witnesses” proved to be key in the prosecution of Majdi N. He was heard *seven* times by the investigating judge, and during his nearly ten-hour hearing before the assize court, he spoke rapidly, providing many details and referring to names of individuals who had direct information on the crimes at stake. Such behavior may reflect the determination of Syrian witnesses to ensure the court fully grasps the Syrian context and its specific terminology. However, the court repeatedly lost track of the narrative and seemed overwhelmed with this flow of information. The defense criticized this move as “name dropping.”⁹⁹ The presiding judge asked the witness to spell out the names, some of which did not appear in the case file, and he eventually suggested that the witness “limit[s] himself to what [he] has seen.”¹⁰⁰

A similar dynamic was observed in Munich, where the court was visibly annoyed when a Yazidi victim provided information about many victims who were not part of the indictment, sometimes in great detail. The judge asked her to focus on what was relevant to the case, to which the witness counsel complained, arguing that all the people she had mentioned were victims of ISIS.¹⁰¹ In the trial of Mohammed A. and Asmael K., a witness overwhelmed the court with details on the Syrian revolution and the legitimacy of its outbreak, explaining how the Syrian regime was oppressive and dictatorial.¹⁰² Witnesses also regularly suggest the court summons other witnesses who have more direct information on

98 [Samir Al-Sheikh Bail Hearing](#), U.S. District Court for the Central District of California.

99 [Trial Report #16](#) of the trial of Majdi N., Paris, France.

100 [Trial Report #16](#) of the trial of Majdi N., Paris, France.

101 Trial Report #19 of the trial of Twana H.S. and Asia R.A., Munich, Germany.

102 Day 31 (November 22, 2024) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

an event. In the Yarmouk trial in Koblenz, a witness told the court that an individual based in Baden-Württemberg, Germany could provide more detailed documentation on a shooting.¹⁰³ Another witness in Munich invited the court to contact several individuals who could provide relevant information about the case, even suggesting that they be called to testify.¹⁰⁴ These are a few examples in which judges struggled to manage the testimony of Syrian witnesses. How can courts make the most of these indirect testimonies?

Courts should recognize the unfamiliarity of Syrian witnesses with procedural rules and evidentiary limitations in foreign systems of justice. As Professor of Law Nancy Combs argued, “The fact that many international witnesses are so entirely unfamiliar with courtroom processes and so nervous about testifying suggests that an open invitation to tell their stories may prove too boundary-less. In such cases, questioning can be necessary to guide the witness and provide him reassurance that he is assisting the court as he should.”¹⁰⁵ The judge applied such a practice in the trial of Mohammed A. and Asmael K. and interrupted a witness, telling him not to elaborate on the role of the accused in Al-Fatiheen Brigade or in military activities. The judge instead specifically asked the witness whether “[the accused] was leading the Abu Obeida battalion.”¹⁰⁶ More targeted questioning could minimize the provision of evidence outside the scope of the trial.

In addition, greater effort should be made prior to the testimony to help indirect witnesses better understand the proceedings and the legal system in which they are testifying. Such a practice is allowed in the common law system, where witnesses may be assisted by a lawyer who can undertake this explanatory role. In Germany, legal counsel may also assist witnesses by explaining their rights, duties and risks. In practice, NGOs also played a role in informing witnesses about legal systems.

103 Trial Report #5 of the Yarmouk trial, Koblenz, Germany.

104 Trial Report #17 of the trial of Twana H.S. and Asia R.A., Munich, Germany.

105 Combs, Nancy A. *Fact-Finding without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions*. Cambridge University Press, 2010, p.306.

106 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

However, parties must strictly adhere to legal bounds governing contact with witnesses, lest they risk inviting criticism of their role. In the Koblenz “Yarmouk” trial, the defense argued that SJAC supported witnesses and, as such, that the court should revoke the permission of SJAC’s trial monitoring, alleging SJAC is not an objective observer.¹⁰⁷ In the trial of Alaa M., in response to the judges’ and defense counsels’ complaints that the Syrian Center for Legal Research and Studies pre-filtered the witnesses’ statements, the organization’s head denied having had contact with witnesses about the content of the trial or otherwise influencing them. He explained that he only spoke about general aspects of procedure. The presiding judge told him that his behavior may endanger the integrity of the trial.¹⁰⁸ In the trial of Twana H.S. and Asia R.A. in Munich, the defense criticized a UNITAD investigator for having allegedly coached witnesses.¹⁰⁹ In the trial of Mahmoud S. in Sweden, the defense questioned a witness’s relationship with two people who allegedly introduced him to the German legal process and informed him about the possibility of prosecuting *Shabiha* members in Europe.¹¹⁰

Providing information on the legal system and the rights and duties of witnesses may facilitate efficient and relevant testimonies, but such practices must be conducted with due caution. All NGOs involved should be well informed about the risks and criticism they would potentially face. They should conduct this task transparently and in full compliance with the domestic legal framework.

Due caution also applies to contacts with insider witnesses, who have inside knowledge about the operations of perpetrator groups due to their positions within those organizations and represent an important source of information in Western proceedings. However, they can be afraid to testify in court, notably because they fear sharing self-incriminating statements and facing justice themselves.¹¹¹ The treatment of insider witnesses has been inconsistent across proceedings. Whereas some

107 [Trial Report #3](#) of the Yarmouk trial, Koblenz, Germany.

108 [Trial Report #54](#) of the trial of Alaa M., Frankfurt, Germany.

109 [Trial Report #6](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

110 [Trial Report #2](#) of the trial of Mahmoud S., Solna, Sweden.

111 Syria Justice & Accountability Centre. [Witness or Suspect? The Trial of Anwar Raslan and Eyad Al Gharib](#). July 30, 2020.

individuals sought to cooperate with authorities and were later prosecuted, other insiders testified against accused persons without being prosecuted themselves. This risks the unfair treatment of similarly situated people as well as raises the prospect of impunity for certain insiders. When NGOs seek collaboration with so-called ‘insider witnesses,’ it is important to clearly communicate about their rights and the possible consequences of providing information as to their own activities.¹¹²

Providing information to the courts generally does not exempt a person from prosecution if he is involved in the crime at stake. This is why witnesses have a right not to reveal incriminating information against themselves or their relatives.¹¹³ In the trial of Mohammed A. and Asmael K., the judge decided to grant a witness the right to refuse answering questions that could incriminate him or lead to investigations and legal repercussions.¹¹⁴ The witness then refused to answer several of the defense’s questions as to whether he received support from Germany or the human rights organizations to which he provided statements and information.¹¹⁵ In the same trial, a witness refused to answer a defense’s question on his cooperation with the Syrian regime, stressing that this question was a direct accusation that he was an agent of the regime.¹¹⁶ In the trial of Ammar A., the judge also reminded the wife of the accused of her right to remain silent concerning her family member’s potential criminal activities.¹¹⁷

112 [Scratching the Surface: One Year into the Koblenz Trial](#). Syria Justice and Accountability Center, 2021, p.33.

113 See SJAC guides on witness protection available on our website in Arabic, English and the national language, for [Germany](#), [France](#), the [Netherlands](#) and [Belgium](#).

114 As provided for in Section 55 of the [German Code of Criminal Procedure](#): (1) Witnesses may refuse to answer any questions the reply to which would subject them or one of their relatives as indicated in section 52 (1) to the risk of being prosecuted for an offence or a regulatory offence. (2) Witnesses are to be instructed as to their right to refuse to answer.

115 [Trial Report #11](#) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany.

116 Day 29 (November 8, 2024), of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

117 Day 6 (November 12, 2024) of the trial of Ammar A., Stuttgart, Germany (internal notes on file).

Recommendations

- Syrian witnesses should be provided with a basic explanation of the legal system to help them focus on information that the courts most urgently need. Depending on the legal system and the circumstances, such preparation could be provided either by counsel, judges or NGOs.
- Courts should consider conducting targeted questioning of Syrian witnesses to obtain the most valuable information and avoid evidence that is outside the scope of the indictment.
- Witnesses should be aware that incriminating information may lead to investigation and/or indictment. More specifically, insider witnesses should be adequately advised about the possible legal consequences of their contribution and giving their informed consent.



The Mzaik v. Syria Trial – United States District Court – District of Columbia – Washington, DC

III. Practical Implications of Prosecuting a Criminal System

International crimes committed in Syria are not the result of isolated individuals acting alone, but of multiple actors operating within a broader system. The accused all belonged to a party to the Syrian conflict, i.e. the Syrian government or affiliated factions, the Free Syrian Army, ISIS or other Islamist-jihadist groups, Kurdish forces, and so on.¹¹⁸ In the same way, victims are not isolated individuals but constitute broad communities. Many of them will never have the chance to become plaintiffs in a criminal case.

This situation affects the proceedings in various ways, the first being that Syrian witnesses and their loved ones are at risk of threats by members of the accused's group. Moreover, prosecuting individuals from a criminal system may necessitate taking into account proceedings against other perpetrators from the same group. SJAC observed how Western judiciaries refer to similar proceedings in other jurisdictions to ensure consistency and legitimacy in their decisions. Lastly, beyond mere imprisonment of the accused, a victim-centered approach would entail other measures directly addressing the needs of affected communities, such as financial compensation and restitution of looted assets.

A. Necessary Protection Measures

A prevalent theme in Syria-related trials is witnesses' fear of retribution against themselves or their families in Syria. This was particularly widespread before the fall of Assad. In the first French trials against Syrian officials in 2024, victims' family members who still resided in Syria declined the invitation to be heard via a phone call with the French investigative judge for fear of reprisals by the Syrian government. In the same case, a witness confirmed that he feared for the security of his family in Syria.¹¹⁹ In the trial of Ahmad H., a witness noted that he was aware of many others located in the

118 For an overview of the stakeholders, see chapter 1 of Khen, Hilly Moodrick-Even, Nir T. Boms, and Sareta Ashraph, eds. *The Syrian War: Between Justice and Political Reality*. Cambridge University Press, 2020, p.1.

119 Respectively, [Trial Report #1](#) and [Trial Report #2](#) of the trial of Ali M., Jamil H. and Abdel Salam M., Paris, France.

Netherlands and Belgium who could incriminate the accused. The witness reported that Ahmad H. had begged him to call his lawyers, so they could get the address of each witness from the police investigation file.¹²⁰ In another example, directly after Assad's fall, the judge in the Alaa M. case asked a witness if he had been contacted by someone who asked him not to reveal much information or to testify positively in court. Reluctantly, the witness admitted he still felt threatened, yet no longer by the Assad government but by the family of the accused.¹²¹ In the trial of ISIS-affiliated Mohammed A. and Asmael K., a witness testified that someone had called him the day before and asked him where he lived and if he was going to the court to testify. Despite the judge's insistence, the witness refused to give the name of this person, arguing that he did not want to cause harm to anyone.¹²²

After the fall of Assad, witnesses remain concerned about retribution, particularly in cases related to ISIS and other factions. In the trial of Hezbollah fighter Ammar A. in Stuttgart, a witness expressed ongoing fears for his safety despite the government's downfall, explaining that weapons remained widespread in Syria and that he and his family could still face violent reprisals for his testimony. This witness, as well as his brother testifying in the same case, had both received threatening calls from their uncle who supported the accused.¹²³ In the trial of Majdi N., a civil parties' counsel reported that some witnesses located in France, Turkey, and particularly Syria faced threats and decided not to come to court so as not to jeopardize their future and their families. The counsel did not specify who spread these threats.¹²⁴

In the French "ISIS hostages" case, the prosecution reported finding notes containing "the identities and addresses of witnesses, mostly Syrians" in one of the accused's prison cell.¹²⁵ In the same trial, one Syrian

120 [Trial Report #8](#) of the trial of Ahmad H., Hamburg, Germany.

121 [Trial Report #91](#) of the trial of Alaa M., Frankfurt, Germany. 122 Day 30 (November 21, 2024) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

123 Day 13 (December 17, 2024) and Day 15 (January 7, 2025) of the trial of Ammar A., Stuttgart, Germany (internal notes on file).

124 [Trial Report #1](#) of the trial of Majdi N., Paris, France.

125 Day 8 (February 26, 2025) of the trial of Abdelmalek Tanem, Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

witness said, "I asked the court to be an anonymous witness, but I didn't understand the laws [...]. I took the risk of giving a hearing before the investigating judge. Everyone found out that it was me."¹²⁶ The same witness explained that his father did not want to come to court because he had been threatened. On another occasion, the presiding judge decided to summon a Syrian witness who "did not want to appear for fear of reprisals, [and] testified for five hours" against the Syrian accused Kaïs A. Two days after his testimony, two individuals rang at his door in France and threatened him. The Anti-Terrorism National Prosecutor's Office opened an investigation in response to the threats.¹²⁷ Fear of reprisals have therefore impacted trials, with some witnesses declining to participate whereas others when summoned indicating that they were not necessarily informed about protection measures, or did not understand them. In certain cases, this led to direct threats following their court testimony.

Insider witnesses are also impacted by safety concerns. In the "ISIS hostages" trial in France, a former ISIS member from Belgium reported acute threats against him and his family, declaring to the court, "I am always in danger because there are people looking for me due to the statements I am currently making and those I may have made. [...] From the moment things started coming out in the press, there were exchanges in which I was mentioned as well as my father [redacted name]. There were incidents on the street and on social media a few years ago." The same witness further testified that he did not benefit from protection measures that could have resulted from an agreement with the Belgian authorities and regretted that "promises that were made to [him] were not kept."¹²⁸ The counsel or prosecutor did not confirm or deny this allegation. In the same trial, the wife of the alleged deceased accused Salim B. was asked by the presiding judge if she was scared, to which she responded, "Of course. But I am telling you all I know."¹²⁹

126 Day 17 (March 11, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France. SJAC published guides providing basic information needed to benefit from witness protection measures in [Germany](#), [France](#), [the Netherlands](#) and [Belgium](#).

127 Suc, Mathieu. "Un Témoin Du Procès Des Geôliers de l'État Islamique Menacé de Mort à Son Domicile." Médiapart, March 17, 2025.

128 Day 17 (March 11, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

129 Day 12 (March 4, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

After his hearing in the trial of Anwar Raslan and Eyad A., an insider witness from Branch 295 told a journalist that he was shocked to not be allowed to cover his face during his testimony, and that his lawyer did not inform him that he would have to show his face. The family of this same insider witness had allegedly been intimidated by the accused's family. Because threats apparently persisted, the witness modified his testimony in court to not mention the family name of the person who had threatened his family. Contradicting his statement to the police, he thus denied that this individual was related to the accused.¹³⁰

Another example of how threats sometimes lead witnesses to make false statements or influence witness testimony was observed in the same trial in Koblenz. The presiding judge had not informed anyone that a specific witness was to be summoned, except for the parties to the case. This information had apparently been leaked by someone and found its way to the Syrian Intelligence Services. The witness confirmed he had been threatened and felt that his freedom to provide full statements was restricted.¹³¹ In the trial of Mahmoud S. in Sweden, a witness explained that he did not mention certain names or details in earlier statements due to concern for his family in Syria, specifically his sister and nephew, who were reportedly under the control of the accused's brother.¹³²

SJAC also observed cases in which information on protected witnesses was revealed in court. In the trial of Twana H.S. and Asia R.A. in Munich, a protected witness's address was revealed in court by a defense counsel.¹³³ During intense questioning by the defense in the same trial, the presiding judge failed to prevent a witness from revealing her location, which was to be kept secret.¹³⁴ In the trial of Anwar Raslan and Eyad A., a witness was allowed to conceal his name due to safety concerns. However, the defense counsel noted that he did not

130 [Trial Report #5](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

131 [Trial Report #45](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

132 [Trial Report #2](#) of the trial of Mahmoud S., Solna, Sweden.

133 This incident occurred during day 9 of the trial but was not mentioned in the report published online by SJAC. The corresponding report is [Trial Report #5](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

134 [Trial Report #21](#) of the trial of Twana H.S. and Asia R.A., Munich, Germany.

conceal his identity outside the courtroom and later mentioned his full name in court against the court's order.¹³⁵ Irrespective of the fall of Assad, the leak of information poses serious risks to witnesses' safety and undermines the establishment of the truth.

Such shortcomings regarding protection of Syrian witnesses contrast with the protection provided to investigators, who are often granted anonymity in Syria-related cases. For instance, in France, in terrorism-related cases involving France's General Directorate for Internal Security (DGSI), the names of investigators never appear in the proceedings, and they are allowed to testify with their faces blurred.¹³⁶ This was the case with an agent from the DGSI who was heard via videoconference in the Lafarge trial with his identity masked.¹³⁷ This rule generally does not apply to investigators from the French Central Office for Combating Core International Crimes and Hate Crimes (OCLCH) who testify in court. Nonetheless, some individuals from this office were allowed to conceal their names throughout the proceedings, such as in the Majdi N. case.¹³⁸ Similarly, in Germany, the media have reached an understanding with law enforcement to keep names of investigators out of publication, a practice SJAC chose to follow as well.

This is despite the fact that testifying openly is commonplace for German investigators, in accordance with the public nature of trials. Likewise, the FBI investigators testified in the ISIS *Beatles*' case with their names disclosed and faces uncovered, as is the standard in all criminal trials in the US.¹³⁹ In the Netherlands, police officers generally testify under their real identity. They can be granted limited anonymity when there is a well-founded risk of nuisance or professional hindrance.

135 [Trial Report #15](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

136 [Article 656-1](#) of the French Code of Criminal Procedure provides that the identity of investigators from intelligence services or special forces dedicated to antiterrorism must never appear in judicial proceedings.

137 [Part 3](#) of the Courtroom diary by [Sharon Weill and the students of the Capstone Course](#).

138 The officer testifying in [Trial Report #11](#) did not have to reveal her identity.

139 See, for instance, FBI Special Agent John M. Chiappone's examination on page 53 of the Transcript of Evidentiary Hearing United States of America vs. El Shafee Elsheikh (Day 3, November 18, 2021), Eastern District of Virginia, USA.

Despite the serious incidents mentioned above, Western courts generally show deep concern for the protection of Syrians and allow witnesses to testify anonymously and with their face covered when witness protection issues are raised with authorities in a timely manner. Anonymity was granted in several cases, including the trials of Ahmad H. and of Mohammed A. and Asmael K. in Germany.¹⁴⁰ In the trial of Anwar Raslan and Eyad A., a witness was allowed to wear a wig and a fake beard, and in the trial of Twana H.S. and Asia R.A., a witness was allowed to wear a wig and glasses.¹⁴¹ During the trial of Ahmad H. in Hamburg, many witnesses were also allowed to cover their faces. In contrast, in the trial of Majdi N., a witness was granted anonymity and a hearing behind closed doors. However, he informed the court that he still did not want to appear for fear of his face being recognized by the accused. The court did not grant the possibility of covering his face and subsequently, the witness declined to testify. The witness statement before the investigative judge was simply read aloud in court, meaning that his statement was accorded less probative value than formal witness testimonies.¹⁴²

There are many other examples of this kind. A witness testifying in the Ahmad H. trial was under protection due to her sensitive research and fear of retaliation by the Syrian military. She arrived in the courtroom with two security people and was allowed to conceal her current address or location. She was also represented by a lawyer.¹⁴³ In the same case, the prosecution argued against a request by the defense that the identity of the witnesses be revealed, highlighting that Syrian witnesses located in other jurisdictions such as the Netherlands received death threats from *Shabiha* members after collaborating with the judiciary.¹⁴⁴ To increase witness protection, Frankfurt judges did not publicly mention the names of witnesses scheduled to appear in court before their testimony. In the trial of Ahmad H., the

140 See, for example, [Trial Report #2](#) the trial of Ahmad H., Hamburg, Germany and Day 28 (October 30, 2024) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

141 See [Trial Report #8](#) of the trial of Anwar Raslan and Eyad Al-Gharib and [Trial Report #7](#) of the trial of Twana H.S. and Asia R.A.

142 [Trial Report #15](#) of the trial of Majdi N., Paris, France.

143 [Trial Report #2](#) of the trial of Ahmad H., Hamburg, Germany.

144 [Trial Report #1](#) of the trial of Ahmad H., Hamburg, Germany.

judge argued that according to a recent decision of the German Federal Court of Justice regarding legislation on scientific freedom and protection of sources, the Syrian witness did not have to reveal the identity of her sources.¹⁴⁵

Furthermore, on several occasions, presumably to protect witnesses or sensitive details, courts organized sessions behind closed doors. Several days of the trial of Mahmoud S. were in closed sessions. In Sweden, the court's decision was supported by grounds for secrecy, for example to protect the investigation.¹⁴⁶ Such practices were observed in another Swedish trial on genocide and crimes against humanity committed in Syria, which was also largely held behind closed doors.¹⁴⁷

Courts sometimes went beyond the basic protection measures and allowed further arrangements to keep the identities of anonymous witnesses secret and guarantee their safety. In the trial of Ahmad H. in Hamburg, a judge interrupted the defense counsel's questions in order to safeguard the witness from revealing information related to his ethnic and religious affiliation, group of friends, and family circumstances, as these could disclose their identity. The judge explained that the witness did not have to testify on these points for witness protection reasons.¹⁴⁸ In the trial of Mohammed A. and Asmael K. in Düsseldorf, a protected witness refused to answer questions related to his work as a journalist, considering that they had nothing to do with the case and may contribute to revealing his identity and endangering him. The court approved the witness's refusal to answer those questions.¹⁴⁹

At times, judges were extra cautious when displaying evidence in court or sharing it with the defense, for fear of revealing sensitive information. In the trial of Alaa M., the defense filed a request for a witness's mobile phone to be confiscated and examined. The judges

145 [Trial Report #2](#) of the trial of Ahmad H., Hamburg, Germany.

146 [Trial Report #3](#) of the trial of Mahmoud S., Solna, Sweden. This report provides information on Swedish legal provisions related to trials behind closed doors.

147 For information on the case, see [here](#). This trial was not monitored by SJAC.

148 [Trial Report #3](#) and [Trial Report #5](#) of the trial of Ahmad H., Hamburg, Germany.

149 Day 25 (September 25, 2024) of the trial of Mohammed A. and Asmael K., Düsseldorf, Germany (internal notes on file).

rejected the request, arguing that the mobile phone may contain contacts that should not be disclosed and personal information that was irrelevant to the case.¹⁵⁰ In the same trial, a protected witness said he was too scared to speak in Arabic, fearing his accent would reveal his identity. A setup was established where judges asked questions in German, which were interpreted into Arabic for the witness. The witness then whispered his answers in English to the English interpreter, who then interpreted back in German.¹⁵¹

Balancing the requirement of a public trial and the protection of witnesses, the Dutch prosecutor in the Hasna A. case reminded the court that the identity of two vulnerable victims was to remain hidden. The prosecutor said he was happy that the court and the media had worked hard to protect their safety.¹⁵² In the trial of Anwar Raslan and Eyad A., the court even requested that spectators and media personnel leave the courtroom before hearing sensitive information from an anonymous witness.¹⁵³ It was also remarkable that in Hamburg, the court rejected the defense's argument brought on December 10, 2024 that recent political developments in Syria had eliminated the original risks on anonymous witnesses.¹⁵⁴

Despite these manifold examples, most Syrian witnesses still testify with their identity disclosed, thereby maintaining the public nature of these trials. When asked by the defense if he also noted a tendency to request anonymity, an investigator heard in the trial of Mehdi N. and Others emphasized that "the majority of witnesses are not anonymous; it is the exception."¹⁵⁵ Requests for anonymity remain a rare thing, but one that courts should actively consider, given legitimate fears experienced by some Syrian witnesses.

150 [Trial Report #53](#) of the trial of Alaa M., Frankfurt, Germany.

151 [Trial Report #80](#) of the trial of Alaa M., Frankfurt, Germany.

152 [Trial Report #2](#) of the trial of Hasna A., the Hague, the Netherlands.

153 [Trial Report #19](#) of the trial of Anwar Raslan and Eyad Al Gharib, Koblenz, Germany.

154 Trial Report #21 of the trial of Ahmad H., Hamburg, Germany (internal notes on file).

155 Day 16 (March 10, 2025) of the trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., Paris, France.

Recommendations

- Even after the fall of the Assad government, witnesses still have legitimate fears of reprisal, particularly when their families remain in Syria. In serious cases of threats, courts should weigh the importance of the statement in the truth-finding process with the danger that testifying in court represents for witnesses.¹⁵⁶
- Witnesses need to be provided with substantial information regarding the possibility of giving anonymous testimony in court, because protection measures are often highly nuanced and technical, and dependent upon asserting these rights at the appropriate time. This can result in a lack of knowledge about their rights, and uncertainty among Syrian witnesses which standard applies to them. The common practice of not summoning Syrian witnesses without offering protection measures should be applied systematically. All these provisions shall equally apply to insider witnesses.
- Even in cases where anonymity was granted, the court can take additional measures to safeguard the witness' security, such as avoiding the disclosure of specific information during questioning or the presentation of evidence.

Guides on witness protection are available on SJAC's website in Arabic, English and the national language, for [Germany](#), [France](#), the [Netherlands](#) and [Belgium](#).

B. Seeking Equitable Justice in Prosecutions and Sentences

The first trial on crimes committed by the Syrian government was not against high-ranking but against mid- and low-level perpetrators, taking place in Koblenz. As SJAC has previously argued, this trial was the first step on a long road to justice and accountability for victims of the Syrian conflict.¹⁵⁷ Since this trial in 2020

¹⁵⁶ Mehring-Zier, Dr. Sigrid. "Problem Zeugniszwang: Aussagen und Leben riskieren?" Legal Tribune Online, n.d. Accessed September 30, 2025.

¹⁵⁷ [Scratching the Surface: One Year into the Koblenz Trial](#), P.10.

and, more importantly, since Assad's fall a year ago, it is no longer sufficient to focus on mid- or low level perpetrators.¹⁵⁸ It is also essential to restore a balance between proceedings against the Syrian government, the main perpetrator in the Syrian conflict, and prosecutions of ISIS members and affiliates of opposition factions.¹⁵⁹ While certain Western judiciaries endeavor to prosecute more affiliates of the Syrian government and track down Assad's high-rankings fugitives, these efforts have shown limited results to date. The prosecution of corporations complicit in atrocities or corruption represents another opportunity for a more equitable justice.

The prosecution of high-ranking perpetrators will require certain types of evidence and investigation frameworks as well as specific legal means. Incriminating individuals who are distant from the criminal acts requires so-called linkage evidence demonstrating internal structures and chains of command. "Beyond witness statements and other evidence attesting to the commission of international crimes, it can be equally—if not more—important to collect other forms of evidence [...] that connects the commission of a crime to a particular culprit or set of actors."¹⁶⁰ For example, NGOs working on the Syrian conflict repeatedly provided courts with organizational charts of armed factions or Syrian intelligence services, such as in the trial of Majdi N.¹⁶¹ In the trial of Mahmoud S. in Sweden, SCM compiled a list of the command structure of Free Palestine Movement (FPM) members. The prosecutors focused on some individuals on the list, highlighting high-ranking members with whom Mahmoud S. was allegedly connected.¹⁶² In the trial of Ali M., Jamil H. and Abdel Salam M., the head of the IIIM mentioned documentation

¹⁵⁸ On the necessity of a more systematic approach to accountability for international crimes in Syria, see also Kaleck, Wolfgang, and Patrick Kroker. "Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?" *Journal of International Criminal Justice* 16 (2018), p.174.

¹⁵⁹ SJAC registered 31 proceedings, including 6 convictions, against members of the Syrian government, among a total of 372 criminal cases at the time of writing targeting all actors of the Syrian war. See [SJAC case tracker](#).

¹⁶⁰ Khen, Hilly Moodrick-Even, Nir T. Boms, and Sareta Ashraph, eds. *The Syrian War: Between Justice and Political Reality*. Cambridge University Press, 2020, p.252.

¹⁶¹ The organizational chart was discussed on several occasion in the trial, including in [Trial Report #25](#) of the trial of Majdi N., Paris, France.

¹⁶² [Trial Report #1](#) of the trial of Mahmoud S., Solna, Sweden.

collected by the Commission for International Justice and Accountability (CIJA) that pointed to the role played by the three high-ranking accused.¹⁶³

Furthermore, structural investigations conducted by certain jurisdictions have the benefit of bringing to light linkage evidence that is often useful in the prosecution of senior leaders and those most responsible for atrocity crimes in Syria. Structural investigations also give judicial authorities more time to collect evidence than proceedings in which pre-trial detention sets a limited timeframe.¹⁶⁴ The Franco-German structural investigation based on the Ceasar file led to the trial and convictions of the three high-ranking officials in the Dabbagh case, among others.¹⁶⁵ The French prosecution opened a structural investigation on acts committed in Syria and Iraq against minorities to specifically identify French jihadists involved in these crimes. The joint investigation team created in 2021 bringing together services from France, Sweden, Belgium and the Netherlands also aimed at gathering information on foreign fighters' abuses against the Yazidis and identifying suspects among their own nationals.¹⁶⁶ In Sweden, the two structural investigations launched on Syria and Iraq resulted in several individual investigations.¹⁶⁷ Such linkage evidence and international investigation frameworks were crucial for extending accountability beyond isolated low-ranking perpetrators and establishing the liability of groups of perpetrators, among them high-ranking officials.

The French judiciary has used its legal provision on *in absentia* trials to convict three high-rankings officials in

163 [Trial Report #2](#) of the trial of Ali M., Jamil H. and Abdel Salam M., Paris, France.

164 Ingesson, Miriam. "Structural Criminal Investigations in Sweden - Reinventing Investigations of International Crimes." *Scandinavian Studies in Law* 2020, no. 66 (2020): 357–66. Other benefits of structural investigations are demonstrated in Kaleck, Wolfgang, and Patrick Kroker. "Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?" *Journal of International Criminal Justice* 16 (2018): p.189-190.

165 International Federation for Human Rights: [Syria: France and Germany Arrest Three Ex-Syrian Security Officials Suspected of Crimes against Humanity](#). n.d. Accessed February 2, 2026.

166 Dubois, Chloé. "[Yazidi Genocide Trial to Take Place in France](#)." JusticeInfo.Net, November 26, 2024.

167 Ingesson, Miriam. "Structural Criminal Investigations in Sweden - Reinventing Investigations of International Crimes." *Scandinavian Studies in Law* 2020, no. 66 (2020): p.363.

May 2024.¹⁶⁸ This provision allows the French judiciary to try a suspect in his absence provided that defense lawyers can be appointed and that a new trial at first instance can be conducted if the accused appears. Even though that was not the case in the 2024 trial, there is also a possibility for defense lawyers to be appointed.¹⁶⁹ Similar provisions exist in the Netherlands but were never applied in Syria-related cases.¹⁷⁰ Such trials do not exist in Germany, Sweden or the US, and there remains debate as to their effectiveness at obtaining justice and accountability.

In addition, the French judiciary issued a total of 22 arrest warrants against 18 high-ranking Syrian officials in five different Syria-related cases, at the investigation or post-sentencing phase.¹⁷¹ In contrast, according to the *New York Times*, only two Syrian officials have been issued arrest warrants by the US or Germany.¹⁷² It is questionable whether individuals targeted by Western arrest warrants will ever be found and sent to trial. Syrian officials would only be extradited if judicial cooperation exists between the two states. Nonetheless, the mere existence of arrest warrants against high-ranking individuals gives the French police legal grounds to actively look for Assad's fugitives.

Beyond individuals, the prosecution of legal entities is a valuable mean of fostering equitable justice for Syria and contributing to "bridg[ing] Global North-South asymmetry in liability."¹⁷³ In 2022, a complaint against

168 [Trial of Ali M., Jamil H. and Abdel Salam M.](#), Paris, France.

169 See [articles 379-2 to 379-7](#) of the French Code of Criminal Procedure. In the trial of Ali M., Jamil H. and Abdel Salam M., the court chose to not appoint counsels for the accused, who had not manifested their wish to be represented.

170 See [Article 279](#) and [Article 280](#) of the Dutch Criminal Code of Proceedings.

171 Bashar Al-Assad (3 arrest warrants), Ali Mamlouk (2 arrest warrants), Jamil Hassan, Abdel Salam Mahmoud, Maher Al Assad (2 arrest warrants), Ghassan Abbas, Bassam al-Hassan, Talal Makhoul, Fahd Jasem Al-Fraij, Ali Abdallah Ayyoub (2 arrest warrants), Ghassan Bilal, Mohammad Deeb Zaytoun, Rafik Mahmoud Shahadah, Mohammad Ibrahim Al-Shaar, Ahmad Balloul, Nadim Al-Jordi, Ali Safetli and Hassan Firas Tlass.

172 Abdul Salam Mahmoud and Jamil Hassan. See: *The New York Times*. "[The Missing Enforcers of the Assad Regime](#)." World. October 15, 2025.

173 Slidregt, Elies van. "The Future of International Criminal Justice Is Corporate." *Journal of International Criminal Justice*, March 16, 2025, p.1.

the Russian private military Wagner was filed in Russian courts for war crimes committed in Syria. Although the Moscow City Court decided not to open an investigation, “the case serves as a critical stepping stone in larger efforts to hold perpetrators of international crimes and human rights violations in the Syrian context accountable through emerging alternative methods of justice.”¹⁷⁴

The Lafarge trial in France was the occasion to illustrate how financing ISIS and other factions from abroad concretely resulted in terrorist attacks. As a French victim of the November 13 Paris attacks illustrated with her own dramatic story, “What may seem to you like nothing more than a line in a budget [...] becomes on the ground weapons, explosives, men recruited, trained, and financed. It becomes deaths.”¹⁷⁵ On the legal side, the Lafarge case contributed to the international debate over “neutral acts.”¹⁷⁶ In 2021, the Court of Cassation ruled that knowingly transferring millions of dollars to an organization whose sole purpose is criminal was sufficient to characterize complicity in crimes against humanity. The company did not need to share the criminal intent.¹⁷⁷

The French Lafarge trial and the US Lafarge plea agreement demonstrate the benefits of prosecuting corporations who financed the Syrian conflict. While geopolitical obstacles render the prosecution of certain high-ranking officials hiding in countries such as Russia impossible, focusing on legal entities located in Western countries is within reach. Interestingly, in 2022, the French Central Police Office for Combating Core International Crimes and Hate Crimes (OCLCH) opened its first investigation against an organization which allegedly financed the Syrian war.¹⁷⁸ Moreover, as will be discussed in the last section of this report, finding

174 The Tahrir Institute for Middle East Policy. [Holding Wagner to Account for Russian Abuses in Syria](#), March 28, 2022.

175 Arfi, Fabrice. “Procès Lafarge : « C’est dans ce moment précis, au Bataclan, que des décisions économiques abstraites deviennent des tirs sur des corps ».” Mediapart, December 10, 2025.

176 See Hauße, Luca, and Prof. Dr. Florian Jeßberger. “Lafarge-Prozess: Unternehmensverantwortung im Syrien-Krieg.” Legal Tribune Online, n.d. Accessed January 4, 2026.

177 See Dubois, Chloé. “Lafarge: A Judicial Warning Still Largely Ignored by Business.” JusticeInfo.Net, December 18, 2025.

178 Bougon, François. “SOS Chrétiens d’Orient, une ONG française au service du régime syrien.” Mediapart, February 2, 2026.

corporations such as Lafarge liable could more easily result in compensation for victims.¹⁷⁹

Equitable justice also requires consistency in charges brought and sentences imposed on perpetrators of the same conflict across different jurisdictions, which can be achieved by thoroughly considering the case law of other jurisdictions. SJAC has observed numerous instances of mutually reinforcing decisions across jurisdictions, exhibiting a robust development of jurisprudence beneficial to the UJ ecosystem.

For example, in the trial of Hasna A. in the Hague, the prosecutor and plaintiffs’ counsels argued that the attack on Yazidis in Sinjar was systematic and widespread, referencing German jurisprudence from the court in Frankfurt, which had adjudicated numerous cases of participation in a terrorist organization and slavery as crimes against humanity. In the same Dutch trial, the prosecutor referenced several ICC cases to support¹⁸⁰ In the Yarmouk trial in Sweden, the prosecutor referenced the German life sentence against Moafak another member of¹⁸¹FPM being held accountable for similar offenses.¹⁸² The German forensic expertise on the Caesar file provided during the trial of Anwar Raslan and Eyad A. was referenced in the trial of Ali M., Jamil H. M. in Paris. The prosecutor explained that prior to the trial, the German judgment, including the expert’s findings,¹⁸³ had been translated into French and added to the case file. SJAC welcomes the fact that, following international standards, referencing case law or forensic analysis of other national courts is commonplace to argue on the existence of the crime or the criminal group.

In another welcome example, the French prosecution referenced other jurisdictions’ case law related to similar offenses and to similar opposition groups to determine the sentence of ten years’ imprisonment requested for

179 Sliedregt, Elies van. “The Future of International Criminal Justice Is Corporate.” *Journal of International Criminal Justice*, March 16, 2025, p.2 et p.10.

180 [Trial Report #2](#) of the trial of Hasna H., the Hague, the Netherlands.

181 [Trial Report #1](#) of the trial of Mahmoud S., Solna, Sweden.

182 [Trial Report #17](#) of the trial of Anwar Raslan and Eyad A., Koblenz, Germany.

183 [Trial Report #2](#) of the trial of Ali M., Jamil H. and Abdel Salam M., Paris, France.

Majdi N.¹⁸⁴ Similarly, in the trial of Hasna A., the judge explained that in determining the type and extent of the punishment, the court sought to align itself with the jurisprudence of similar cases.¹⁸⁵

Syrian criminal law was also repeatedly referenced to legitimize the jurisdiction of Western courts. In Sweden, the accused Mahmoud S. denied all criminal allegations against him and rejected any claims for damages, arguing that Syrian law governs his actions. The prosecutor noted that Syria ratified the Geneva Conventions in 1953 and Additional Protocol I in 1983, but not Additional Protocol II; however, the prosecutor argued that large parts of Protocol II are considered customary international law.¹⁸⁶ Before France adopted an amendment in 2023, international crimes under the French Penal Code could only be charged if they were also criminalized in the state where they had been committed (dual criminality requirement). On May 12, 2023, the Court of Cassation ruled that in the case of Majdi N., the charges were also punishable under Syrian law despite being labeled differently, which paved the way for the trial. Syrian law was not only used to determine the French jurisdiction over this case; during the trial, the prosecution stressed that the Syrian penal code also criminalizes the involvement of children in combat, meaning that Majdi N. was aware that Jaysh Al-Islam was breaking the law.¹⁸⁷ As will be shown in the following section, Dutch courts also invoked references to Syrian law to determine damages for harm inflicted on Syrian victims.

Recommendations

- Prosecutors should continue seeking coherence in the selection of cases and sustain their effort to prosecute more affiliates of the Syrian government and more high-ranking perpetrators, so that they do not eternally flee justice. Judicial cooperation and mutual legal assistance with Syria and countries that are cooperative should also be sought to foster the truth-finding process, locate Syrian officials targeted by arrest warrant and thus close impunity gaps.

¹⁸⁴ [Trial Report #33](#) of the trial of Majdi N., Paris, France.

¹⁸⁵ [Trial Report #4](#) of the trial of Hasna A., the Hague, the Netherlands.

¹⁸⁶ [Trial Report #1](#) of the trial of Mahmoud S., Solna, Sweden.

¹⁸⁷ See, among others, [Trial Report #1](#) of the trial of Majdi N., Paris, France.

- Prosecutors should focus more closely on private actors who participated in financing groups responsible for international crimes or terrorism offenses committed during the Syria war. In contrast with high-ranking fugitives, such actors are more likely to face trial in the short term because they operate under Western jurisdictions. Convictions of such actors could also more easily result in compensation for Syrian victims.
- Reference to case law of other jurisdictions working on Syria cases is an opportunity to bring coherence in investigation, charges and sentences related to the same criminal entity. Such practices contribute to bringing equitable justice for Syria, no matter in which country the perpetrators are arrested and tried.

C. Beyond Imprisonment: Financial Penalties and Compensations

Beyond imprisoning perpetrators, courts can institute financial penalties and compensation to implement justice in a way that directly benefits Syrian victims. A financial penalty is a retributive measure, such as a fine or forfeiture, pronounced against those who are found guilty of committing a crime.¹⁸⁸ Compensation is "provided for any economically assessable damage, loss of earnings, loss of property, loss of economic opportunities, moral damages".¹⁸⁹ As developed below, state-funded compensation systems established for victims in Western countries are mostly not accessible to Syrian victims. However, Syrians can claim other types of compensation directly from the perpetrator, either as part of the criminal trial or through a civil procedure. This way, Syrian victims can obtain damages, an amount

¹⁸⁸ See for fines and forfeitures in the Lafarge case, SJAC, Collective Reparations for Victims of ISIS, September 21, 2023, <https://syriaaccountability.org/collective-reparations-for-victims-of-isis/>; originally published by Stephany Caro Mejia in Just Security.

¹⁸⁹ OHCHR and transitional justice, Reparations, <https://www.ohchr.org/en/transitional-justice/reparations>; see detailed: OHCHR, General Assembly resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, December 16, 2005, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

of money that a court orders a person, state or company to pay to victims after being found responsible for causing them harm.¹⁹⁰

Fines and forfeitures

Under international standards, the ICC can impose fines and forfeitures of proceeds, property and assets derived directly or indirectly from the crime as additional penalties on persons convicted for international crimes.¹⁹¹ Similar provisions can be found in national jurisdictions, such as in France, where confiscation of assets may be imposed in convictions of war crimes, crimes against humanity and genocide.¹⁹² Such penalties have been imposed against individuals and companies in several Syria-related cases.

The most significant example was the 2022 US lawsuit against the French cement company Lafarge, which pled guilty to conspiracy to provide material support to ISIS and other foreign terrorist organizations. The court imposed a criminal fine of \$90.78 million, and the company agreed to pay the U.S. government a \$687 million forfeiture.¹⁹³ In the Lafarge trial in France, the courts examined the assets of the accused, who claimed to own only modest flats. In contrast, “their wives possessed substantial assets held under separate marital property agreements.”¹⁹⁴ The verdict is forthcoming in April 2026, but the prosecution has requested that the eight accused and the corporate entity be ordered to pay fines and forfeiture that amount to a total of over €35 million.¹⁹⁵ Moreover, in a different context, following a conviction by the French Court of Cassation in 2022 in a case of ill-gotten gains, the French judiciary seized

190 See, for instance, IHL Database, Reparation: Rule 150. A State responsible for violations of international humanitarian law is required to make full reparation for the loss or injury caused, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule150#Fn_A51FF163_00025.

191 [Rome Statute](#), Article 77(2).

192 French Criminal Code, [Article 131-21](#).

193 United States of America vs. Lafarge S.A. and Lafarge Cement Syria S.A., Plea Agreement, Docket No. 22-CR-444 (WFK). October 18, 2022. https://www.courthousenews.com/wp-content/uploads/2025/11/us_v._lafarge_-_plea_agreement_and_attachments_ecf_0.pdf

194 [Part 4](#) of the Courtroom diary by [Sharon Weill and the students of the Capstone Course](#).

195 [Part 6](#) of the Courtroom diary by [Sharon Weill and the students of the Capstone Course](#).

Rifaat Al-Assad's financial assets valued at €90 million.¹⁹⁶ Prosecutors and courts should explore such penalties wherever possible, particularly in cases involving high-ranking perpetrators and companies who may have financially benefited from the war or contributed to looting the Syrian people.

The French and the US governments should, at least in part, return these funds to Syria and thus contribute to “processes of individual and collective restitution, including the return of property and looted assets.”¹⁹⁷ Such measures would bring justice to millions of Syrians who suffered from a war economy based on corruption and blackmail, resulting in financial deprivation, loss of property and debts. UN Human Rights Officer Stephany Caro Mejia highlighted that, in the Lafarge case, “[n]ow that the money is in U.S government accounts, the criminal forfeiture should go towards supporting the victims directly impacted.”¹⁹⁸ How such restitution can effectively be implemented remains to be determined in collaboration with Syrian authorities and civil society actors.

Compensation

Beyond the return of fines and seized assets to the Syrian people, there is the possibility of ordering compensation for Syrians victims represented at trials. In contrast with the ICC standard of reparation established with the Trust Fund for Victims, obtaining state compensation for Syrian victims is difficult, if not impossible, in most Western jurisdictions. In France, no compensation can be obtained by the victim when the acts were committed outside the national territory, and the sole fact that Syrian victims carry a foreign nationality generally excludes them from state compensation.¹⁹⁹ In terrorism-related cases, the French Guarantee fund for victims of terrorism and other offences provides compensation for victims of all nationalities when the attacks were committed in France, and to French victims when the attacks were

196 Le Monde. “[Affaire des « biens mal acquis » : le Syrien Rifaat Al-Assad définitivement condamné en France.](#)”

International, Syrie. Septembre 7, 2022.

197 Khen, Hilly Moodrick-Even, Nir T. Boms, and Sareta Ashraph, eds. *The Syrian War: Between Justice and Political Reality*. Cambridge University Press, 2020, p.255.

198 Mejia, Stephany Caro. “[Collective Reparations for Victims of ISIS.](#)” *Just Security*, August 9, 2023.

199 [Article 706-3 3°](#) of the French Code of Criminal Procedure.

committed abroad.²⁰⁰ This explains why in the trial of Mehdi N. and Others, the Syrian victims of ISIS detention facilities in Northern Syria were not entitled to compensation.

The US Victims of State Sponsored Terrorism Fund is a unique example of a national compensation system that can theoretically benefit to Syrian victims if they obtain a judgement, decree, or order on liability and damages in the US.²⁰¹ Instead of establishing individual responsibility via a criminal trial, the Foreign Sovereign Immunities Act permits victims to sue via civil lawsuits designated state-sponsors of terrorism, like Syria. In an unprecedented case in Washington, D.C., a Syrian-American national claimed damages from the Syrian state for the torture he was subjected to in detention.²⁰² On August 8, 2025, the court found Syria's Assad regime responsible for the torture of Mzaik and ordered damages for the harm inflicted on the victim. The damages will be determined in the court's reasoning that has not yet been issued.²⁰³

In several cases, Syrian victims have been granted other types of compensation claimed directly from the perpetrator. In the first adjudicated case of genocide against the Yazidi community, the trial against Iraqi Taha A., the plaintiff and mother of the murdered child was granted €50,000 compensation through an Adhesion Procedure—a civil procedure claiming damages directly adjudicated within the criminal case—for the suffering endured.²⁰⁴ Syrian victims have also begun claiming and obtaining damages before Dutch courts. In the trial of Hasna A., the plaintiff's counsel argued that given the international nature of a crime against humanity, damages must stem from the perspective that human suffering knows no nationality. The counsel also quoted Articles 171 and 223 from the Syrian Penal Code, in which moral damages can be derived from the experiences of victims. The plaintiffs provided a report detailing their argument.²⁰⁵ The judge explained that the plaintiffs' claims of €30,000 and €25,000 for non-material damages were subject to

200 [Article L126-1](#) of the French Insurance Code.

201 See the official website: <https://www.usvsst.com/> or <https://www.congress.gov/crs-product/IF10341>.

202 [Trial Report #1](#) of the trial of Mzaik v. Syria, District of Columbia, Washington, DC, United States.

203 The Center for Justice and Accountability. [Torture in Syrian Detention Centers](#). n.d. Accessed February 2, 2026.

204 See a summary of the case [here](#).

205 [Trial Report #3](#) of the trial of Hasna A., the Hague, the Netherlands.

substantive civil law under Article 10(2) of the Dutch Civil Code and Syrian civil law. The judge also elaborated that Syrian law applied for the assessment of the claims of the injured parties, given that the damaging events had occurred in Syria. However, the judge believed that the report on Syrian law submitted by the plaintiffs did not provide enough of a legal basis for the court to establish these issues, which required a broader assessment of liability and damages under Syrian law. The judge further argued that such an assessment would place a disproportionate burden on the criminal proceedings and lead to an unacceptable delay in judgement. The judge emphasized that only the plaintiff who was recognized as a victim of Hasna A. could bring her claim before the civil court.²⁰⁶

In contrast, in another Dutch case pertaining to the trial of Mustafa A., a former commander in the pro-regime militia Liwa Al-Quds, SJAC provided an expert opinion to clarify key aspects of Syrian tort law. This contribution proved decisive to claiming damages related to criminal conduct by Mustafa A. In a landmark decision for Syrian victims and survivors, the Hague Court of Appeal awarded €40,000 to a Syrian victim of torture.²⁰⁷ SJAC's report was subsequently put before the court in the appeal of the Hasna A. denial of compensation.

206 [Trial Report #4](#) of the trial of Hasna A., the Hague, the Netherlands.

207 Trial of Mustafa A, the Hague, the Netherlands. This trial was not monitored by SJAC's trial monitoring team. SJAC's report on Syrian tort law is available in English and Arabic. [In a first, Dutch Court Awards Damages to Syrian Victim Based Upon SJAC's Expert Report](#).

Recommendations

- Retributive measures such as fines or forfeiture imposed against individuals or corporations in Syria-related cases should benefit, at least in part, the Syrian people. This would contribute to restitution of property and assets looted during the Syrian war. Syrian state and civil society actors should be included in the discussion regarding the implementation of such restitution.
- While retributive measures remain the primary sanction in cases involving individual criminal responsibility, SJAC welcomes the increased recognition of the losses and suffering of victims through compensation.
 - ▷ SJAC recommends that courts order compensation and damages for Syrian victims whenever possible, including by relying on external expertise on Syrian tort law.
 - ▷ SJAC recommends that lawyers and civil society actors support Syrian victims in filing civil lawsuits against individuals, corporations or the Syrian state to be entitled to damages.



Alaa M. at trial – Frankfurt Higher Regional Court, Germany

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List of SJAC’s Trial Reports

Trial of Anwar Raslan & Eyad A., Higher Regional Court – Koblenz, Germany

Trial Report #2, May 18 & 19, 2020: Raslan speaks (through his lawyer)

Trial Report #5, June 24 & 25, 2020: The First Insider Witness Testifies

Trial Report #8, August 12 & 13, 2020: Questions regarding Raslan’s authority and false death certificates

Trial Report #10, August 26-27, 2020: “There was Gandhi, Mandela and I am the third”

Trial Report #15, October 6, 7, & 8, 2020: Corpses as Chattel and Raslan’s Photographic Memory

Trial Report #17, November 3 & 4, 2020: A Forensic Analysis of the Caesar Photos

Trial Report #19, November 25 & 26, 2020: Eyewitness Declares 90% Certainty That Raslan Beat Him

Trial Report #45, September 1 & 2, 2021: Good Cop – Bad Cop

Trial of Alaa M. Higher Regional Court – Frankfurt, Germany

Trial Report #10, May 3 & 5, 2022: The First Survivor Testifies

Trial Report #15, June 14, 2022: Descriptions of Emerald Planet

Trial Report #22, September 27 & 29, 2022: Nothing goes as planned

Trial Report #50, September 14, 2023: Confusion and Misunderstandings

Trial Report #52, August 1 & 3, 2023: The Strange Case of Dr. Alaa and Mr. Hyde

Trial Report #53, August 8, 2023: Al-Bunni's Methods Questioned

Trial Report #54, September 5 & 7, 2023: To Err Is Human, But to Persist, Diabolical

Trial Report #55, September 18 & 19, 2023: Understanding the Syrian Conflict – Better Late Than Never

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Trial Report #80, July 15, 16 & 18, 2024: The President's Slave

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Trial Report #91, December 10 & 12, 2024

Trial Report #100, March 13, 2025

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Trial of Mohammad A. and Asmael K., Higher Regional Court – Düsseldorf, Germany

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Trial Report #12, September 12, 2024 (internal notes on file)

Day 25, September 25, 2024 (internal notes on file)

Day 28, October 30, 2024 (internal notes on file)

Day 29, November 8, 2024 (internal notes on file)

Day 30, November 21, 2024 (internal notes on file)

Day 31, November 22, 2024 (internal notes on file)

Day 32, November 27, 2024 (internal notes on file)

Day 37, December 23, 2025 (internal notes on file)

Trial of Ahmad H., Hanseatic Higher Regional Court – Hamburg, Germany

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Trial Report #2, May 29 & 30, 2024: The First Witness's Unsettling Video Documentation

Trial Report #3, June 5 & 6, 2024: The Source

Trial Report #4, June 10 & 11, 2024: The Expert – When Pieces Form a Picture

Trial Report #5, June 24, 2024: The First Victim Account

Trial Report #8, July 23 & 24, 2024: “You better shut your mouth, I am not alone”

Trial Report #13, September 18, 2024: Chronological Confusion and Mistaken Identity?

Trial Report #17, October 30, 2024: Key Witness Resummoned as Trial Evidence Concludes

Trial Report #20, December 3 & 4, 2024: Final Defense Motions Rejected As Trial Nears Verdict

Trial Report #21, December 10 & 11, 2024: Crimes, Claims, Credibility, and the Closing Arguments

Trial of Ammar A., Higher Regional Court – Stuttgart, Germany

Day 6, November 12, 2024 (internal notes on file)

Day 10, December 3, 2024 (internal notes on file)

Day 13, December 17, 2024 (internal notes on file)

Day 15, January 7, 2025 (internal notes on file)

Trial of Twana H.S. and Asia R.A., Higher Regional Court – Munich, Germany

Trial Report #5, June 30, July 1, 2 & 3, 2025: Pieces of a Puzzle Leading to Munich

Trial Report #6, July 8, 9 & 10, 2025: Bearing Witness: F29's experience

Trial Report #7, July 29, 30 & 31, 2025: Retraumatization and Conflict in Court

Trial Report #18, December 1 & 2, 2025: Lost in Translation

Trial Report #19, December 10 & 11, 2025: (Un)Interrupted Plaintiff Testimony

Trial Report #21, January 12 & 13, 2026 (not yet published)

Trial of Jihad A., Mahmoud A., Mazhar J., Sameer S., and Wael S., Higher Regional Court – Koblenz, Germany

Trial Report #3, December 10 & 11, 2025: SJAC Under Attack

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Trial in absentia of Ali M., Jamil H. & Abdel Salam M., Court of Assize – Paris, France

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Trial of Majdi N. aka Islam Alloush, Court of Assize – Paris, France

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Trial Report #16, May 14 & 15, 2025: Testimony of Syrian Witness on the Kidnapping of Razan Zeitouneh and Jaysh

Al-Islam's Detention and Recruitment Practices

Trial Report #17, May 16, 2025: Testimony of Syrian Witness on Majdi N.'s Commitment to Apply International Humanitarian Law in Jaysh Al-Islam

Trial Report #19, May 19, 2025: Testimony of Syrian Witness on the Detention of Civilians after the Attack on Adra Al-Omaliya

Trial Report #23, May 21, 2025: Testimony of Syrian Witness on Jaysh Al-Islam's Detention System and Torture Methods

Trial Report #24, May 19 & 20, 2025: Request for Referral by the Defense and its Dismissal by the Court

Trial Report #25, May 11, 2025: Testimony of Civil Party Mazen Darwish

Trial Report #29, May 12 & 13, 2025: Interrogation on Majdi N.'s Role in Propaganda and the Recruitment of Minors

Trial Report #30, May 21, 2025: Interrogation of the Accused's Involvement in Trainings in International Humanitarian Law for Jaysh Al-Islam's Fighters

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Trial Report #33, May 23 & 26, 2025: Requisition of the Prosecution

Trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim Benghalem, or “ISIS HOSTAGE CASE”, Court of Assize – Paris, France.

Trial monitoring notes are courtesy of Impact Litigation and are on file with SJAC.

Day 7, February 25, 2025

Day 8, February 26, 2025

Day 12, March 4, 2025

Day 13, March 5, 2025

Day 16, March 10, 2025

Day 17, March 11, 2025

Day 22, March 18, 2025

Day 23, March 19, 2025

Trial of Lafarge SA, Court of Assize – Paris, France

Part 3 of the Courtroom diary by Sharon Weill and the students of the Capstone Course, Paris School of International Affairs

Part 4 of the Courtroom diary by Sharon Weill and the students of the Capstone Course, Paris School of International Affairs

Part 6 of the Courtroom diary by Sharon Weill and the students of the Capstone Course, Paris School of International Affairs

Trial of Samir Al Sheikh, U.S. District Court for the Central District of California

Trial Report #1, Description of the Case

Samir Al-Sheikh Bail Hearing, April 3, 2025

Trial of Alexanda Amon K. and El Shafee Elsheikh, U.S. District Court for the Eastern District of Virginia

Day 2, November 17, 2021, of Evidentiary Hearing United States of America vs. El Shafee Elsheikh

Day 3, November 18, 2021, of Evidentiary Hearing United States of America vs. El Shafee Elsheikh

Date April 4, 2022, of Trial Proceedings United States of America vs. El Shafee Elsheikh

Mzaik v. Syrian Arab Republic, United States District Court – District of Columbia – Washington, DC

Trial Report #1, August 7, 2025: Survivor's Recollections of State-Sponsored Torture

Trial of Hasna A., District Court of the Hague – The Netherlands

Trial Report #2, October 16, 2024: Plaintiffs' Right to Speak and Prosecution Office's Final Submissions

Trial Report #3, October 17, 2024: Final Submissions by the Defense, Rebuttal of Injured Party Claim, Rebuttal and Surrebuttal of Prosecutor and Defense Teams

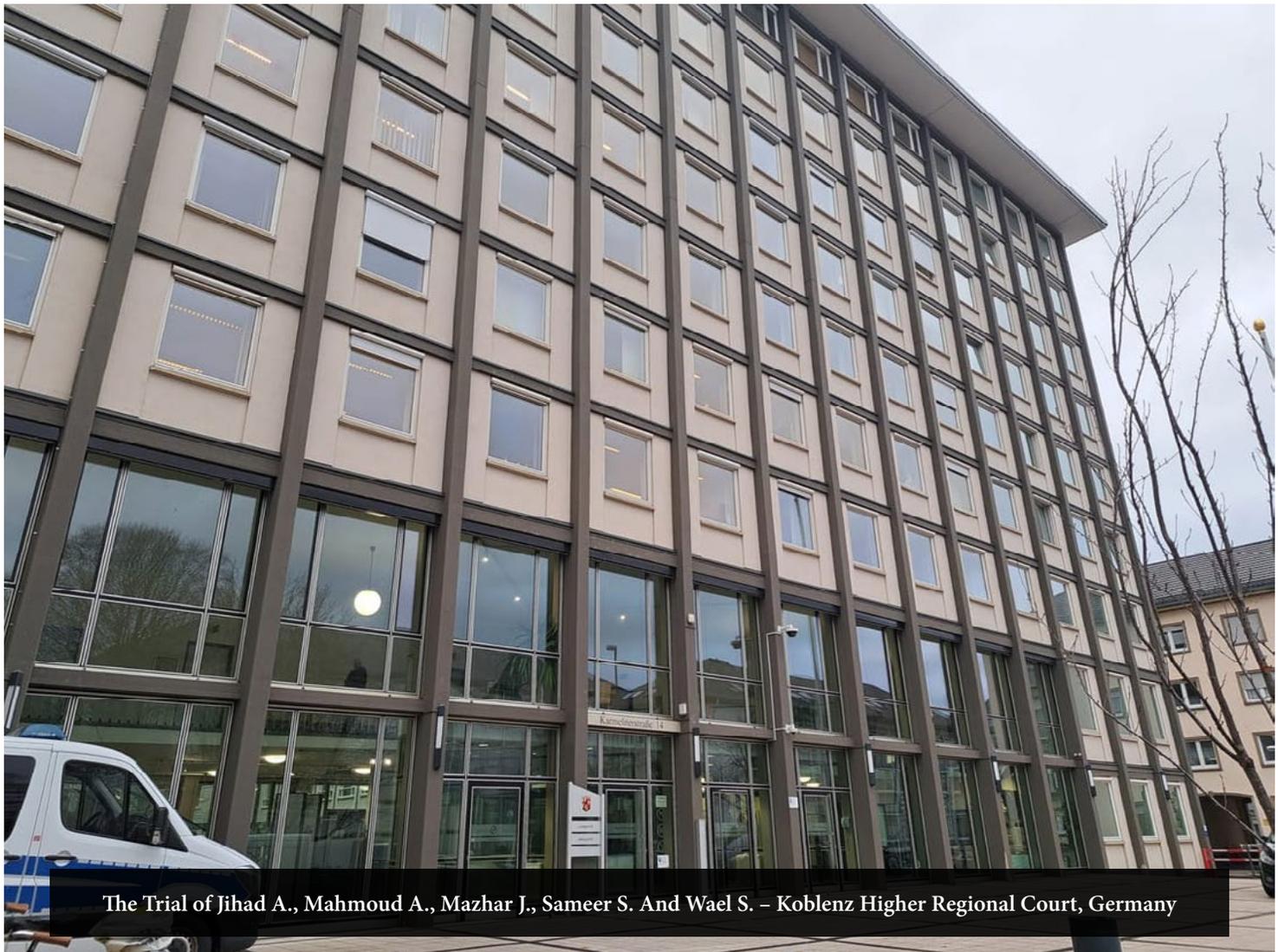
Trial Report #4, December 11, 2024: Trial Judgement

Trial of Mahmoud S., Solna District Court – Solna, Sweden

Trial Report #1, October 20, 21, 22 & 24, 2025: The Opening Statements

Trial Report #2, November 5, 6, & 7, 2025: Plaintiffs' Testimonies

Trial Report #3, November 10, 12, & 13, 2025: Testimonies of Plaintiff



Annex – Trial Summaries

1. KOBLENZ, GERMANY – Trial of Anwar Raslan and Eyad A.

| <u>Trial of Anwar Raslan & Eyad A.</u> | |
|--|---|
| Court | Koblenz Higher Regional Court, Germany |
| Who | Affiliates of the Syrian Government (Branch 251 or so-called Al-Khatib Branch) |
| Duration | Start: April 23, 2020. Eyad A. End: February 24, 2021; Appeal: April 20, 2022. Anwar Raslan End: January 13, 2022; Appeal: March 20, 2024. |
| Charges | Eyad A. was sentenced to four and a half years' imprisonment for 30 counts of aiding and abetting torture as crimes against humanity on February 24, 2021. Then, on January 13, 2022, Anwar Raslan was sentenced to life imprisonment for co-perpetrating crimes against humanity in 4,000 cases of torture and deprivation of liberty, two cases of sexual violence, and 27 killings. Both judgments have been appealed, and confirmed by the German Federal Court of Justice. They are final. |
| Context | This was the first criminal trial worldwide on state torture in Syria. |

2. FRANKFURT, GERMANY – Trial of Alaa M.

| <u>Trial of Alaa M.</u> | |
|-------------------------|---|
| Court | Frankfurt am Main Higher Regional Court, Germany |
| Who | Doctor; Affiliate of the Syrian Government |
| Duration | Start: January 19, 2022. End: June 16, 2025. Appeal pending. |
| Charges | The accused was found guilty of committing crimes against humanity for the intentional killing of two individuals, as part of a systematic and widespread attack against civilians. He also committed crimes against humanity by torturing prisoners in his custody and depriving a person of the ability to reproduce, as well as other war crimes and crimes against humanity. The accused was also criminally liable for domestic charges of murder. The court also established the particular gravity of the guilt and ordered the accused to be placed in preventive detention after imprisonment. |
| Context | This was the first criminal trial worldwide on the role of medical professionals in fostering state torture in Syria. This former Syrian doctor is alleged to have tortured, killed and sexually abused people in military hospitals. |

3. DÜSSELDORF, GERMANY – Trial of Mohammad A. and Asmael K.

| <u>Trial of Mohammad A. and Asmael K.</u> | |
|---|---|
| <i>Court</i> | Düsseldorf Higher Regional Court, Germany |
| <i>Who</i> | ISIS affiliates |
| <i>Duration</i> | Start: April 30, 2024. End: September 18, 2025. |
| <i>Charges</i> | Membership in one or more foreign terrorist organizations, murder, taking hostage resulting in death as a war crime, and murder as a war crime allegedly committed in Syria. Mohammed A. was sentenced to seven years' and Asmael K. to six years' imprisonment. |
| <i>Context</i> | In the fall of 2012, Mohammad A. founded an opposition battalion and then merged with the Ahfad Al-Rasul terrorist brigades, which aimed to overthrow the regime in Syria. As his battalion commander, Mohammad A. planned an attack on a security force building in the Yarmouk area of Damascus. At the end of 2013, Mohammad A. and Asmael K. joined ISIS. The latter contributed to the kidnapping of two opponents of ISIS in Damascus and detained victims in ISIS-affiliated centers before they were executed in mid-January 2014, along with 10 other prisoners. |

4. HAMBURG, GERMANY – Trial of Ahmad H.

| <u>Trial of Ahmad H.</u> | |
|--------------------------|--|
| <i>Court</i> | Hamburg Higher Regional Court, Germany |
| <i>Who</i> | Affiliates of the Syrian Government |
| <i>Duration</i> | Start: May 17, 2024, End: December 19, 2024. |
| <i>Charges</i> | War crimes and crimes against humanity, including causing physical and mental pain, enslavement, cruel and inhumane treatment, and deprivation of physical liberty under threat of a dangerous weapon. |
| <i>Context</i> | The accused allegedly committed these crimes between 2012 and 2015 while he was serving as a member of a Shabiha, which operated as part of the National Defense Forces. |

5. STUTTGART, GERMANY – Trial of Ammar A.

| <u>Trial of Ammar A.</u> | |
|--------------------------|---|
| Court | Stuttgart Higher Regional Court, Germany |
| Who | Allied with the Syrian Government (Hezbollah) |
| Duration | Start: October 14, 2024. End: June 3, 2025. |
| Charges | Aiding, partly as an adolescent, in killing, torture and deprivation of liberty as crimes against humanity; War crimes against persons and against property; Domestic offences of murder, robbery, and aggravated robbery. Ammar A. was convicted and sentenced to life imprisonment. |
| Context | Ammar A. was a member and leader of the local Hezbollah militia in the Syrian village of Busra Al-Sham placed under control of the Syrian government. Hezbollah's objective was to intimidate and displace the Sunni population through various acts. |

6. MUNICH, GERMANY – Trial of Twana H.S. and Asia R.A.

| <u>Trial of Twana H.S. and Asia R.A.</u> | |
|--|--|
| Court | Munich Higher Regional Court, Germany |
| Who | ISIS affiliates |
| Duration | Start: May 26, 2025. Ongoing, judgment expected in July 2026. |
| Charges | Genocide, crimes against humanity, war crime and domestic human trafficking charges, as well as participation as a member of a foreign organization whose aims and activities are directed towards committing murder, manslaughter, genocide, crimes against humanity, and war crimes. Twana H.S. was further indicted of rape and sexual intercourse with a child. |
| Context | Twana H.S. bought two Yazidi girls in October 2017. Both accused, of Iraqi nationality, allegedly held them captive in Raqqa, Syria, and subjected them to sexual and economic exploitation and physical violence. |

7. KOBLENZ, GERMANY – Trial of Jihad A., Mahmoud A., Mazhar J., Sameer S., and Wael S., or “Yarmouk Trial”

| <u>Trial of Jihad A., Mahmoud A., Mazhar J., Sameer S., and Wael S.</u> | |
|---|--|
| Court | Koblenz Higher Regional Court, Germany |
| Who | Allied with the Syrian Government (Palestinian militias FPM , PFLP-GC, and Syrian Intelligence Services) |
| Duration | Start: November 19, 2025. Ongoing. |
| Charges | Murder, war crimes, and crimes against humanity for their alleged involvement in the Syrian government’s violent suppression of opposition voices in the Yarmouk District in Damascus between 2012 and 2014. They are accused of torture as a war crime, murder/attempted murder as a war crime, use of prohibited methods of warfare (starvation, only Mahmoud A.), murder, torture (sometimes causing death), and severe deprivation of liberty as crimes against humanity, and murder, attempted murder under the German Criminal Code. |
| Context | <p>The accused acted in their capacity as members of the armed militias Free Palestine Movement (FPM), the Popular Front for the Liberation of Palestine – General Command (PFLP-GC) during the siege of the Palestinian Camp of Yarmouk, Damascus.</p> <p>They are accused of having participated in lethal attacks on peaceful protesters and civilians, tortured and detained civilians, sometimes leading to their deaths, collaborated with Syrian military intelligence, particularly Division 235 (Palestine Division), and impeded humanitarian aid, contributing to civilian starvation.</p> <p>Connected to the trial of Mahmoud S. in before the Solna District Court in Stockholm, Sweden.</p> |

8. PARIS, FRANCE – Trial of Ali M., Jamil H. & Abdel Salam M.

| <u>Trial in absentia of Jamil H. & Ali M. & Abdel Salam M.</u> | |
|--|---|
| Court | Paris Criminal Court, France (<i>in absentia</i>) |
| Who | Affiliates of the Syrian Government |
| Duration | May 21 to 24, 2024. (Investigation: Nearly 7 years.) |
| Charges | Crimes against humanity, more specifically imprisonment, torture, enforced disappearance, and deliberate attempt to life, war crimes, including extortion and concealment of extortion. |
| Context | <p>This was the first French trial addressing crimes committed by the Syrian regime. The accused were three high-ranking Syrian officials, Ali M., a close advisor to Bashar al-Assad and former head of the National Security Bureau, Jamil H., former director of the Syrian Air Force intelligence service, and Abdel Salam M., former head of investigations for Mezzeh military airport in Damascus. They were tried <i>in absentia</i>.</p> <p>The two victims carried both Syrian and French nationalities. In November 2013, they were arrested and taken to Al-Mezzeh military airport detention center in Damascus. In July 2018, the Syrian authorities issued death certificates informing that both had respectively died in January 2014 and November 2017.</p> |

9. PARIS, FRANCE – Trial of Majdi N. aka Islam Alloush

| <u>Trial of Majdi N. aka Islam Alloush</u> | |
|---|--|
| Court | Paris Criminal Court, France |
| Who | Affiliate of Jaysh Al-Islam |
| Duration | Start: April 29, 2025. End: May 28, 2025. (Investigation: 5 years.) Appeal pending. |
| Charges | Majdi N., also known as Islam Alloush, former spokesperson and senior official of the Syrian armed group Jaysh Al-Islam, was tried for complicity in the forced recruitment of minors as a war crime and for participating in a group formed with the intent to commit war crimes committed in Syria and Turkey between 2013 and 2016. The Paris court sentenced Majdi N. to 10 years' imprisonment. |
| Context | This was the first trial related to the conflict in Syria that takes place in France on the basis of universal jurisdiction. At the end of July 2019, Majdi N. traveled to France to study. He was arrested on January 29, 2020, in Marseille and placed in pre-trial detention. |

10. PARIS, FRANCE – Trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B..

| Trial of Abdelmalek T., Kais A., Mehdi N., Osama A. and Salim B., or “ISIS HOSTAGE CASE” | |
|---|--|
| Court | Paris Criminal Court, France |
| Who | ISIS affiliates |
| Duration | Start: February 17, 2025. End: March 21, 2025. (Investigation: 11 years.) Appeal by Kais A. pending (expected in September 2026); appeal by Medhi N. withdrawn. |
| Charges | Kidnapping and unlawful detention of hostages in connection with a terrorist organization, acts of torture and barbarity, participation in a group formed for the purpose of committing acts of terrorism and incitement of acts of terrorism. |
| Context | Between June 2013 to April 2014, ISIS kidnapped four French nationals in Syria. They were detained along with twenty other Western hostages, among whom six were assassinated and three were presumed to have died under undetermined circumstances. Three accused, Mehdi N., Abdelmalek T. and Kais A. appeared at trial, while the other two accused, Osama A. and Salim B., both presumably dead, were tried <i>in absentia</i> . |

11. PARIS, FRANCE – Trial of Lafarge SA and 8 former executives

| <u>Trial of Lafarge SA</u> | |
|----------------------------|---|
| Court | Paris Criminal Court |
| Who | Support to ISIS and Islamist factions (financing terrorism) |
| Duration | Start: November 4, 2025. End: December 19, 2025. (Investigation: 9 years.). Verdict expected on April 13, 2026. |
| Charges | Financing terrorism and violation of the European Union embargo on oil purchases. |
| Context | A complaint filed by NGOs in 2016 accused Lafarge SA of making arrangements with ISIS and several other armed groups in order to keep its Jalabiya cement factory plant open and running between 2012 and 2014 in northeastern Syria. The plant was owned and operated by its subsidiary, Lafarge Cement Syria (LCS), whose employees continued working while foreign management was evacuated and despite a number of risks, including extortion and kidnapping by various armed groups. During this time, LCS made payments through intermediaries to armed groups that controlled the area and allegedly purchased commodities from ISIS, for an amount estimated to be at least 13 million euros. The plant was finally evacuated in September 2014, shortly before ISIS seized it. |

12. LOS ANGELES, UNITED STATES – Trial of Samir Al-Sheikh

| <u>Trial of Samir Al Sheikh</u> | |
|---------------------------------|---|
| Court | U.S. District Court for the Central District of California |
| Who | Affiliates of the Syrian Government |
| Duration | Indictment filed on December 12, 2024. Start: March 2, 2026. Ongoing. |
| Charges | Torture and conspiracy to commit torture. |
| Context | Samir Ousman Alsheikh was arrested at Los Angeles International Airport on July 10, 2024 for making false statements on his applications for permanent residency and U.S. citizenship. From 2005 to 2008, Alsheikh was the head of the Damascus Central Prison, the so-called Adra Prison, which was notorious for the severe mistreatment of prisoners and alleged torture under Alsheikh's supervision. He did not disclose this prior involvement in his applications. |

13. ALEXANDRIA, UNITED STATES – Trial of the “ISIS Beatles”

| <u>Trial of Alexanda Amon K. and El Shafee Elsheikh</u> | |
|---|--|
| Court | U.S. District Court for the Eastern District of Virginia |
| Who | ISIS affiliates |
| Duration | Alexanda Amon K. pleaded guilty on September 2, 2022. His sentence was announced on April 29, 2022. El Shafee Elsheikh’s trial started on March 29, 2022. He was convicted on April 14, 2022, his sentence was announced on August 19, 2022. |
| Charges | Conspiracy to commit hostage taking resulting in death; Four counts of hostage taking resulting in death; Conspiracy to murder United States citizens outside of the United States; Conspiracy to provide material support to terrorists - hostage taking and murder - resulting in death; Conspiracy to provide material support to a designated foreign terrorist organization resulting in death. El Shafee Elsheikh and Alexanda K. were sentenced to life imprisonment. |
| Context | Known as the <i>Beatles</i> , four British nationals left the UK and went to Syria, where they joined ISIS. Together, they were responsible for the detention of foreign prisoners, including four Americans: James Foley, Steven Sotloff, Peter Kassig, and Kayla Mueller. The men were nicknamed the Beatles by their American detainees because of their British accents. |

14. WASHINGTON DC, UNITED STATES – Mzaik v. Syrian Arab Republic

| <u>Mzaik v. Syrian Arab Republic</u> | |
|--------------------------------------|---|
| Court | U.S. District Court for the District of Columbia – Washington, DC |
| Who | Affiliates of the Syrian Regime |
| Duration | Public hearing: August 7, 2025. Judgment: August 8, 2025. |
| Charges | Detention and torture |
| Context | Mr. Mzaik is a dual Syrian-American citizen who was detained in the Al-Mezzeh Military Airport in Damascus in 2012, where he was physically and psychologically tortured, as part of a documented pattern of torture the Assad government engaged in. Mr. Mzaik brought forth a civil suit against the state of Syria under the Foreign Sovereign Immunities Act (FSIA) for the detention and torture he had to endure, to both create a historical record and set a precedent for future accountability efforts. The Judge ruled that Syria’s Assad regime was responsible for the torture of the complainant Mr. Mzaik. |

15. THE HAGUE, NETHERLANDS – Trial of Hasna A.

| <u>Trial of Hasna A.</u> | |
|--------------------------|---|
| Court | Schiphol Judicial Complex, Netherlands |
| Who | ISIS affiliate |
| Duration | First instance trial: October 14-December 11, 2024 (4 trial days). Appeal hearings: February 9-12, 2026. |
| Charges | <p>Hasna A. was indicted to have, between November 2014 and November 2022, in the Netherlands, Syria and Iraq, aided and abetted slavery as a crime against humanity against two persons, participated in a terrorist organization, committed preparatory acts with terrorist intent and endangered a child in bringing her 4-year-old son to Syria and Iraq. Hasna A. was convicted and sentenced to ten years' imprisonment.</p> <p>On appeal, Hasna A. XXX</p> |
| Context | Hasna H. is a woman of Dutch and Moroccan nationalities who travelled to Syria in 2015 to join ISIS. There, she married an ISIS fighter and lived in Raqqa. Two Yazidi women claimed to have been forcibly retained and enslaved both by Hasna A. and her husband. |

16. STOCKHOLM, SWEDEN – Trial of Mahmoud S. or “Yarmouk Trial”

| <u>Trial of Mahmoud S.</u> | |
|----------------------------|---|
| Court | Solna District Court, Sweden |
| Who | Allied with the Syrian government (Palestinian militias FPM and PFLP-GC) |
| Duration | Start: October 20, 2025. Expected end: March 23, 2026. |
| Charges | <p>Mahmoud S. is indicted for having, in Syria:</p> <ul style="list-style-type: none"> intentionally injured and killed several civilians and participated in the coordinated targeted attack against civilians, during a demonstration in Yarmouk on July 13, 2012; participated in the siege of Yarmouk as a member of or affiliated with armed militias loyal to the regime, intentionally deprived civilians of their lives and subjected civilians to severe suffering, reported civilians to the security services of the Syrian regime, which led to their deprivation of liberty, in the Northern roadblock of Yarmouk between December 2012 and July 2013. |
| Context | <p>The accused has allegedly been allied with the Popular Front for the Liberation of Palestine – General Command (PFLP-GC), the Free Palestine Movement (FPM), and the Free Syrian Army (FSA) during the siege of the Palestinian Camp of Yarmouk, Damascus.</p> <p>Connected to the trial of Jihad A., Mahmoud A., Mazhar J., Sameer S., and Wael S. before the Higher Regional Court in Koblenz, Germany.</p> |



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