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# Syria Torture Trial in Germany is an Arab Issue: Where are the Arab Media and Human Rights Organizations?

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A view of the Higher Regional Court of Koblenz, Germany, where two former security officers of the Syrian regime are standing trial, April 2020. © AA/Mesut Zeyrek



# Arab Reform Initiative

On 23 April, Germany started a landmark trial of two Syrian regime officers accused of committing crimes against humanity, namely torture, killings, sexual assaults, and forced disappearance, during their time in the Syrian General Intelligence Service. Jurists, academics, and international human rights organizations described the trial as historic and unprecedented. The trial attracted considerable attention from the international and major mainstream media. Despite COVID-19 travel obstacles and social distancing measures, reporters were standing outside the court building early in the morning waiting to attend.

Given the importance of this trial on the legal, academic, and practical levels, and considering that torture is a systematic practice in most Arab intelligence apparatuses, why didn't such a trial attract Arab media coverage or the attention of legal and human rights advocacy groups? Is it because the state authorities that control national media fear such a case would set a precedent that may one day affect them? Or is it a mere indication of the weak transnational support for the human rights issues or even an alarming sign of the diminishing solidarity among the peoples of the region?

## Lacklustre Arab media coverage

Some of the mainstream media in different Arab countries covered the trial in the form of a short piece of news or very brief reports, while the majority did not. It is worth noting the trial gained broader attention from the international media than from the Arab ones, with coverage by the Deutsche Welle, BBC Arabic, TRT, and the US-based news channel Alhurra. Pan-Arab channels such as Al-Jazeera and Al-Arabiya also covered the trial. However, all these Arab media outlets did not follow the proceedings of the case and its court sessions, even though each session revealed important information and the Syrian conflict has always been a focal point of continuous coverage?

Various explanations are possible. Some are related to the inability to attend the trial for practical reasons. While the first day of the trial saw many reporters seeking to attend the opening session, only fourteen were allowed to enter the court due to Covid-19 measures. However, the following sessions were attended by only one or two reporters. Another reason that could explain the absence of



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interest from the Arab media is that the trial was in German, which required the presence of a journalist fluent in German – but this will soon change as legal requests have been put forward asking the court to provide Arabic translation to journalists and others attending the trial. Nonetheless, these reasons do not justify the absence of coverage in many Arab mainstream media that could make use of the news agencies reports and report on the trial in media coverage, programmes or analytical articles on their websites.

To understand this absence, it is important to recognize that mainstream media and transnational broadcasters are state-owned, semi-governmental, or financed by political bodies. Are they, therefore, concerned about covering a judicial precedent that could one day affect Arab rulers or senior officials? Are regional parties involved in the Syrian conflict worried about shedding more light on a trial that would expose who is siding with who in Syria's conflict? Or is the lack of interest linked to the poor human rights culture in the Arab media?

In fact, trials in the Arab region are rarely discussed from a social point of view or in the media, especially if it involves illegal practices involving government officials. What is clear, however, is that the absence of media coverage of first court proceeding against torture, killings, enforced disappearances is a missed opportunity to promote more informed community debates on these horrendous crimes and strengthen the dialogue on accountability and justice in MENA.

## **The Arab civil society, including the rights organizations, is a victim of MENA governments**

Syrian and international human rights organizations welcomed the trial, including [Human Rights Watch](#), [Amnesty International](#), and [Reporters Without Borders](#), but Arab national and independent human rights organizations were absent. Neither the national civil society organizations nor the Arab regional ones covered the trial with the attention and interest it deserves. Like the media, civil society is subject to government pressure and control.

Needless to say, human rights organizations affiliated with Arab governments will



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not welcome the trial, because they cannot welcome a trial of crimes and violations that their governments also commit. Arab regimes hijack the civil and human rights work by creating national institutions such as the “National Council for Human Rights” in Egypt, which was founded by the Parliament in 2003. The adoption text states “a council called the National Council for Human Rights shall be established, affiliated to the Shura Council. The Council will be sponsored by the state, its grants and other aids.” The affiliation clause was not amended until 2017 when President Abdel-Fattah al-Sisi issued a new law. The amendment included the definition of the Council as “independent” in an attempt – perhaps – to prove it is not subject to government interference. However, the Council continued with its previous activities praising the government performance, including its action in Sinai, without mentioning the human rights violations that are taking place there.

Neither did the trial get much attention from the independent Arab human rights centres, such as the Cairo Institute for Human Rights Studies; there are no statements or news about the trial on its website. The same applies to the “Legal Agenda” in Lebanon, the Jordanian “Adaleh Center”, and others.

Furthermore, the lack of debate on a trial of such importance cannot be separated from political and religious polarization in MENA and the low levels of freedom of expression and independent civil society work the region suffers from. It is also the result of the fear people in the region are living in because both their regimes and the media threaten them with Syria as an example of the fate of people who aspire to recover their basic rights, including their right to freedom of expression.

The absence of societal debate on this trial also provides further evidence of the entrenched culture of impunity and the indifference to torture and human rights violations in Arab consciousness in general. Arab societies may be not familiar with this trial at all.

Any citizen of any Arab country who has been subjected to torture at the hands of the Assad regime can seek the help of human rights organizations or lawyers to try to file lawsuits in his country, and submit complaints and reports to the relevant UN bodies. Although the political system of Arab states and the nature of their judiciary may not be supportive of such action, torture is a crime in the legislation



of Arab countries. In theory, legal cases can be filed, and we should at least try to study the different possibilities to achieve justice.

### The importance of discussing the trial in the Arab community

Some people may consider that every country has its concerns, so why do we ask the regional media or civil society to focus on this trial? Isn't it enough that the Syrian media – except for the governmental media and those loyal to the Assad regime – have widely circulated news of the trial and followed its sessions and proceedings?

Nonetheless, it must be emphasized that the crimes and violations under on trial in Germany are widespread in almost all countries of the Arab region, and are committed in similar ways and by similar security bodies. This makes the trial – perhaps – a starting point for justice for all people of the Arab region, not just Syrians, because it investigates the torture and forced disappearance committed by the state.

Former Colonel Anwar R. is on trial for torturing more than 4,000 people, dozens of killings, sexual assaults and forced disappearances. While Iyad A. is being tried for allegedly helping Anwar to torture and hide dozens of people. Legally, the trial is against two members of the security forces, but it comes in the context of their work within a government institution that uses torture and forced disappearance as a method of investigation and revenge. Anwar alone could not have arrested at least 4000 people, forcibly hid them in his home, and committed crimes against them, including torture, sexual violence and killings. Anwar was an individual in a state institution that gave him immunity against accountability in Syrian law and provided him with detention centres, torture tools and assistants. Anwar and Iyad are both parts of one torture system. So the trial in Germany is against the entire Syrian torture system – a system that was established decades ago by Hafez al-Assad and is now run by Bashar al-Assad with full power, and that was expanded to accommodate hundreds of thousands of people, including women and children.



Torture did not suddenly begin in Syria after 2011, but the Assad regime practised it as a major tool and a systematic interrogation procedure for decades, during which it tortured Syrians, Palestinians in Syria, the Kurds and several groups in the Syrian society, and suppressed the rights of minorities and dissidents.

Syrians were not the only victims of this torture institution. Lebanese, Iraqis, Jordanians, Sudanese, and other Arab nationals have also suffered from it. For instance, the Syrian regime used to kidnap Lebanese opponents from their homes in Lebanon and torture them inside Lebanon or hide them in Syria inside a maze of detention centres all over the country.

Thus, understanding the trial of Anwar R. and lyad A. and the information it discloses is key and may help in judicial proceedings in Lebanon against the Assad regime for arresting and hiding Lebanese citizens. Defendant Anwar R. may have information about detained and missing Lebanese citizens, as he has been working in Syrian General Intelligence since 2006. During the trial, the accused and some dissident witnesses disclose important information, such as the whereabouts of mass graves hidden by the Assad regime that may also include non-Syrians, bombings planned by the intelligence service, and other information that would not have been revealed otherwise.

The trial also provides a clear picture that the case against Anwar R. and lyad A. is tightly built and based on legal grounds and evidence. Otherwise, it may only become media news and may not reach the trial stage or a verdict and possible compensation by the Syrian government. The lack of solid lawsuits often leads to the failure of trials and causes harm to victims and their families, negatively affecting accountability work and leading others to avoid filing court cases – except in cases where the purpose of the trial is simply to draw attention to the use of torture in general, despite a lack of sufficient evidence.

## **Standing up to the Syrian torture institution is a step against torture in the Arab region**

Jordan's national media and civil society have not addressed the trial, nor have



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they discussed or analyzed it, although the Syrian regime has been detaining an unknown number of Jordanians in the circumstances amounting to enforced disappearances. One reason the Jordanian state neglected the legal rights of its citizens, who are being killed, arrested, and tortured by the Assad regime, is linked to the use of torture practices in Jordan. Even if those who practice torture in Jordan are held accountable in cases that lead to death, the punishment may only be imprisonment or dismissal from work. While this is somehow still inadequate, there have been positive developments in the Jordanian anti-torture laws and trial procedures in recent years as a result of the effort of Jordanian civil society and some MPs.

For instance, the Jordanian human rights organizations "Adaleh Center" is behind a lot of efforts to fight torture and seek justice for torture victims in Jordan. In their last [report](#), they pointed out that "the increasing number of reported complaints about alleged torture and ill-treatment against the Public Security officers means an increase in the level of awareness of the complaints mechanism". Similarly, filing lawsuits against torture and killings committed by the Assad regime against Jordanian citizens and demanding effective compensation raises awareness of the torture in Jordan and provides justice to victims and their families. These lawsuits can also work as a deterrent to the Assad regime to better treat Jordanian detainees.

The Syrian regime detains an unknown number of Jordanians in circumstances of enforced disappearance, including journalist and photographer [Omair Al-Gherabiya](#). Forced disappearance is a crime that is punishable by law, not just an event to be covered by the media. Jordanians released by the Assad regime can communicate with lawyers and human rights organizations to explore bringing lawsuits against the Syrian regime for torture, inhuman treatment, forced disappearance, and degrading conditions of detention – the same offences for which Anwar and Iyad are being tried.

The Syrian torture institution has crossed the Syrian border to become a regional actor by directly cooperating with neighbouring countries and is thus responsible for transnational human rights violations. In addition, intelligence cooperation between the Assad regime and Arab and Western governments, based on confessions extracted under torture, is a recognition and condoning of the use of



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torture. This cooperation is what has bolstered the Assad regime to continue its brutal practices as “beneficial” to the international community.

Media and civil society organizations are key actors in instigating debates and highlighting relevant topics in the communities in which they operate. In some Arab countries, these actors enjoy relative freedom to speak that enables them to deal more broadly with this trial and other thorny issues common to many Arab countries. They can develop transnational communication and exchange experiences. They could also establish transnational bodies to deal with specific issues such as torture and enforced disappearance, and investigate Arab regimes cooperation in committing abuses in their efforts to promote the fight against impunity. The Arab media could organize joint programmes to discuss such practices, as well as similar crimes and abuses common in their respective countries.

In addition, diaspora individuals and communities from the Arab region, including Kurds and other nationals living abroad, can play an important role in expressing the conscience of their people. Living abroad and enjoying high levels of freedom of expression, they bear the responsibility of discussing and taking action on issues the people in their homelands cannot.

Not only do the peoples of the region share the unity of language and other slogans taught to them; they also share the torture, totalitarian regimes, and the suppression of fundamental freedoms.



## About the author



### **Mansour Omari**

Mansour Omari is a Syrian journalist and human rights defender. He has a Masters in Law (transitional justice).

## About Arab Reform Initiative

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

Founded in 2005, the Arab Reform Initiative is governed by a Plenary of its members and an Executive Committee.

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