

“I felt that there is Justice”: Potentials and Limits of Social Work with Syrian Survivors of Atrocity Crimes in Their Fight for Transitional Justice in German National Courts¹

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Abstract

The purpose of this study is to examine the available support structures for Syrian survivors of atrocity crimes who participate in universal jurisdiction trials in Germany and to discuss the need for improvement. The study is based on the following research question: “How can social work support survivors of atrocity crimes in their fight for transitional justice in German national courts?” Expert interviews were conducted and analysed according to the grounded theory method. Codes and categories were developed from the data collected in the interviews. The major findings of the study are divided into six categories. Syrian survivors experience severe stress in their daily lives; social work can function as a support structure to reduce stress. Social work can empower Syrian survivors to participate in the criminal justice process. Specialised survivor support structures received positive feedback whilst general support services for the criminal justice system lack resources and expert knowledge to support the specific group of Syrian survivors of atrocity crimes. NGOs working with Syrian survivors that follow a survivor-centred approach were described as supportive. Since the criminal justice system, however, is not perceived as survivor-centred, stress for Syrian survivors is increased. Social work can advocate and promote a survivor-centred approach. On a national level, social work can advocate for the rights of survivors and refugees in Germany. Social work can offer political education programs and provide spaces for discussions about justice and human rights for Syrians. On an international level, social work can fight for accountability of the Syrian regime and human rights in Syria. However, social work has to reflect on and address severe shortcomings in their accessibility for Syrian survivors, such as lacking language accessibility and lacking expert knowledge on atrocity crimes.

Key Words:

Syria, atrocity crimes, universal jurisdiction, transitional justice, victim support

¹ This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License and was accepted for publication on 15/03/2024. It is based on the Master thesis with the same title, accepted by the Technical University of Applied Sciences Würzburg-Schweinfurt, on 02/08/2023, and supervised by Prof. Dr. Achim Förster.

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1 Introduction

This paper seeks to critically examine the support structures for Syrian survivors of atrocity crimes who fight for justice in German national courts. According to the Syrian Network for Human Rights (SNHR, 2023b) the Syrian government is forcefully trying to oppress any opposition and create an atmosphere of fear and obedience. Many Syrians have fled to European countries, which opens new opportunities for international jurisdiction and justice outside of Syria. Since Germany is a country within Europe that comparatively hosts a large number of Syrian refugees, it has an important role in the fight for justice (Buckley-Zistel, 2020). This paper discusses which systems and structures are in place to support Syrian survivors of atrocity crimes and shed light on the specific role of social work within these support structures. It aims to examine the social work structures that enable and empower Syrian survivors and witnesses of atrocity crimes to participate in the fight for justice. It examines whether the support structures are effective and sufficient. Lacking support structures will be criticized, and what is needed in the social work practice to fulfil the role of a human rights profession will be pointed out. Furthermore, it will show which structures would be needed to provide guidance and support in the German justice system and enable survivors to actively participate in the criminal justice procedure.

2 Literature Review

2.1 Atrocity Crimes in Syria

The Rome Statute defines a range of atrocities that are the most serious crimes of concern to the international community as a whole (Art. 5). The particular offenses falling under this scope are specified as the crime of genocide, crimes against humanity, war crimes and the crime of aggression (Art. 5). These listed violations fall under the jurisdiction of the International Criminal Court (ICC). The ICC has the ability to exercise its jurisdiction against states that are a Party of the Rome Statute (Art. 12 Para. 1). The list of the harm that the Syrian regime has caused is long and incomplete, as much happens in secrecy. However, Syria is not Party of the Rome Statute and cannot be prosecuted by the ICC (Koleva & Vigh 2021).

2.1.1 Attacks against Civilians

Reports state that the Syrian army is directing military operations against unarmed people, causing severe physical damage and huge amounts of people to lose their lives, not sparing especially vulnerable societal groups such as children or refugees.³ The government is intentionally destroying access to vital resources. In addition, health institutions are under attack (United Nations General Assembly [UNGA], 2022).

³ A recent success of two researchers revealed a “standout piece of evidence in the case against the Syrian leader” (Chulov, 2022: para. 5). A digital recording shows mass executions of civilians in the “Damascus suburb of Tadamon” (Chulov, 2022: para. 2) in 2013. They had covered eyes and were killed through shootings. The shootings were organized by the army in a way that the victims would fall into a mass grave, which was later burned. The recording also shows how some of the victims were fooled and ridiculed prior to their death. The researchers also managed to identify the perpetrator that is shown on the recording, which offers new hopes for future accountability (Chulov, 2022). It is presumed that these actions are ongoing, systematic and widespread (UN, 2022).

Furthermore, in the past, the military attacked people with “deadly chemical weapons” (United Nations [UN], 2020: para. 1).

2.1.2 *Arbitrary Detention and Torture*

According to the UN, the Syrian regime is using “widespread and systematic arbitrary imprisonment and unlawful detention practices and is responsible for violations of the right to life” (UNGA, 2021: 22) against political opponents. High numbers of prisoners are “forcibly disappeared” (European Center for Constitutional and Human Rights [ECCHR], 2023: 7) to scare the society, oppress resistance and enact revenge against requests of freedom. The UN states that the specific amount is unidentified, but there are estimations that more than one hundred thousand are hidden in custody without others knowing about their fate. People of all ages and genders are imprisoned and suffer from degrading conditions and violence. A huge majority of prisoners are denied legal support or a fair trial. Countless people have lost their lives in prison due to ongoing brutal violence. Deadly sicknesses occur due to the “inhuman living conditions,” such as “overcrowding, lack of food and unclean drinking water” (UNGA, 2021: 9). Those released from prison described

“horrific methods of torture (...); they include administering electric shocks, burning body parts, pulling out nails and teeth, mock executions, folding detainees into a car tyre (dulab) and crucifying or suspending individuals from one or two limbs for prolonged periods (shabeh), often in combination with severe beating with various tools such as sticks or cables” (UNGA, 2021: 9).

Aside from these violations against prisoners’ bodies, they are also violated psychologically in many different ways (UNGA, 2021).

2.1.3 *Sexual and Gender Based Violence (SGBV)*

SGBV in Syria can happen at various governmental institutions by official governmental staff or unofficial governmental workers against victims of all ages or genders. SGBV in Syria is “widespread and systematic” (Human Rights Watch [HRW], 2020: 21). It is used as a “weapon of war” (Lawyers and Doctors for Human Rights [LDHR], 2019: 4) to stay in power, punish disobedience and destroy resistance. SGBV is used to pressure prisoners into statements of guilt or break their will, to “dehumanize and humiliate” (HRW, 2020: 13) and to underline the position of subordination of prisoners. The Syrian regime is trying to destroy male prisoners’ “sense of masculinity or manhood” (HRW, 2020: 13). It also extensively imprisons female relatives of political prisoners as a way of “punishing the revolution” (Seif & Nassif, 2020: 16). Knowing about societal structures, they purposefully use sexual violence against female relatives carried out in front of the prisoners to shatter them completely. Female prisoners live with the constant fear of sexual violence, which causes massive emotional stress (Seif & Nassif, 2020).

2.2 *Transnational Justice*

According to Mihr et al. (2018), there is no universal scientific definition of transitional justice. The UN defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (United Nations Security Council [UNSC], 2004: 4). Thereby, the UNSC (2004) specifies that “judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-

seeking, institutional reform, vetting and dismissals" (4) can be useful instruments. Transitional justice, however, has the bigger objective "to reconstruct the human and material capital of societies that have experienced mass atrocities" (Stauffer, 2014: 5273). Transitional justice has the goal of achieving accountability for atrocities and building a new legal and political system. According to Stauffer (2014), transitional justice has to be "restorative", meaning that it should deal with "the revitalization of community and collective harmony after a breach of violence" (5274). Transitional justice is therefore not only concerned with penalty but also with a groundbreaking change in society. It tries to "heal the harms of victims, rehabilitate offenders, and reintegrate both of them into community networks of support as a safeguard of justice" (Stauffer, 2014: 5274).

In the context of Syria, there are ongoing, huge-scale human rights violations (SNHR 2023a). Accountability for atrocity crimes is essential to prevent further harm (Kroker 2019). Syrians need to be an active part of the transitional justice process to ensure that solutions are adequate for their life world and the Syrian context. Trials are important to show Syrians that the regimes' atrocities do not stay unpunished. However, the trials are not perceived as sufficient for transitional justice for Syria, as they happen abroad under foreign rule while atrocities in Syria are ongoing. Instead of being the only source of justice, they should have a supplementary function. The trials cannot fulfil the parts of reparations, societal forgiveness, reconciliation, and conflict resolution that are essential for transitional justice and ongoing peace. The different Syrian societal and ethnic groups would need to be open-minded towards and involved in a process of deciding on the specific instruments to create transitional justice (Syrian Centre for Media and Freedom of Expression [SCM], n.d.).

2.3 Universal Jurisdiction

Universal jurisdiction is "based on the universal recognition of human rights and evokes ideals of justice, impartiality and fairness which are in turn related to, though not dependent upon, the preservation of peace on a global scale" (Hesenov, 2012: 277). The common idea of universal jurisdiction follows the principle of Article 5 of the Rome Statute to prosecute the most serious crimes of concern to the international community as a whole. With universal jurisdiction, states can prosecute crimes that have such a gravity that they have to be persecuted out of moral reasons, even if they did not happen on the national grounds of a state or have no connection to the state's citizens. Acts that fall under the scope of universal jurisdiction are the crimes defined in the Rome Statute of the International Criminal Court (Hesenov, 2012). Universal jurisdiction enables German authorities to "investigate and prosecute serious international crimes, as long as they are of such gravity that they can be considered crimes against humanity" (SCM, 2022: 38). This means that atrocity crimes can be dealt with at German courts even if they have no connection to Germany. Since Germany has given refuge to numerous Syrians, it has a special function in participating in justice and accountability seeking attempts. With regard to atrocity crimes in Syria, Germany is the first country that used universal jurisdiction against former members of the regime and created accountability for crimes. There is a lack of awareness within the Syrian communities in Germany about the principle of universal jurisdiction and its implications for justice and accountability. Since Syrians could not perceive justice in a dictatorship, they have little trust in authorities and criminal justice processes. Activists try to mobilize and enable their communities to actively seek justice and make use of the possibility of universal jurisdiction (Buckley-Zistel, 2020).

Kroker (2019) predicts that universal jurisdiction cases and atrocity crimes will become a standard procedure for local courts. He demands that they need to receive the necessary funds and staff to deal with this huge task.

The first trial in Germany regarding atrocity crimes in Syria, often called the Al-Khatib trial, took place in Koblenz and ended with a “historic Syrian torture verdict” (Deutsche Welle, 2021). The Syria Justice and Accountability Centre (SJAC, 2022) states that the Al-Khatib trial is “the first trial to see the introduction of the Caesar-Files, the photos of dead prisoners smuggled out of Syria by a defecting soldier” (9), which was additionally special for transitional justice for Syria. It showed the context of systematic oppression by the Syrian regime in which those crimes took place (Koleva & Vigh, 2021). The trial has a “symbolic effect” and gives “some form of recognition to victims” (Stokke, 2021: 60). It is a sign that atrocities will not be endorsed and go unpunished forever. However, the conflict in Syria is continuing. In addition, many Syrians fear what the future in Europe will bring them as asylum laws get steadily more exclusive and send-backs to Syria are publicly discussed (Koleva & Vigh, 2021).

The trial itself was challenging for those testifying at court, speaking out of the position of an affected party in the conflict. Trial reports state that witnesses were showing reactions of severe emotional stress while testifying. Witnesses themselves pointed out that some things they have seen or survived are unspeakable. Especially with regard to sexual violence, cultural stigma creates an environment in which it is extremely difficult to speak up about what survivors have been through (ECCHR, 2021)⁴. Taking part in the trials includes a “high risk of re-traumatization” while at the same time “measures to reduce this risk during investigations and in court are often not apparent and difficult to access” (SJAC, 2022: 2). Literature suggests that Syrian survivors lack information about the possibility to receive psychological support at court (Streiff & Skaf, 2021). Adding to that, being a part of the trial might come along with safety concerns for oneself and loved ones, increasing psychological stress (SJAC, 2022). Some Syrians are too afraid of possible actions of revenge by the regime and therefore decide to refuse to be part of the trials. Their fear is not unreasonable, as some people received threatening messages, or their relatives in Syria were harmed. This led some witnesses to testify anonymously (ECCHR,

⁴ Many stay silent about sexual violence to protect their status and prevent exclusion from their community. They fear that the knowledge that they have experienced sexual violence would make them lose their acceptance, strength and role in the community or family. Some stay silent as an attempt to forget, as if it was not real if no one speaks about it. If males address the incidents in prison, sexual violence is often dismissed within other types of torment. As a result, sexual violence against males is not accurately presented in statistics. More dramatically, survivors of sexual violence do not receive the needed support. The mental health of survivors is negatively affected even years after the incidents. Some survivors struggle with severe mental illnesses caused by their experiences. Many had somatic problems stemming from sexual violence (HRW, 2020). Some acts of torture destroyed survivors’ reproductive ability. Overall, sexual violence can influence survivors negatively for a long time. It has consequences on the way survivors interact in their social lives (LDHR, 2019). In the Syrian context, female survivors of sexual violence have to deal with perceived loss of “honor and sexual chastity” (Seif & Nassif, 2020: 30). A former detainee has described that “the man comes out of detention as a hero, while the woman comes out full of shame and disgrace” (Seif & Nassif, 2020: 36). For this reason, it is more secure for female survivors to keep quiet about the violations they faced. Otherwise, they might face stigmatization, exclusion or even murder by their families that consider them a disgrace (Seif & Nassif, 2020).

2021). A lack of translation services is hindering Syrian survivors' and the Syrian civil society's ability to participate actively in the trials. Information in Arabic was only available through the engagement of trial monitoring and translation by human rights organizations (SJAC, 2022). However, the trial paved a way for further criminal justice cases for Syrian atrocity crimes to come (Stokke, 2021).

Moafak D. was convicted in February 2023 for "serious war crimes as well as four counts of murder and two counts of attempted murder" and received "life imprisonment" (Taz Online, 2023: para.1) without the opportunity of early release due to the special severity of the crimes. The convict was a member of an armed group fighting for the Syrian regime. Moafak D. has purposefully attacked people with a missile while they were gathering to collect vital donations by a UN aid agency (El-Hitami, 2023b).⁵ The Moafak D. trial did not have a great audience or media coverage. However, it is the "first to investigate the regime's brutal practice of besieging and starving parts of the population to punish them for their opposition" (El-Hitami, 2023b: para.1).

In Hessen, a case is still ongoing against a person that worked as a doctor for the Syrian regime. The defendant, Alaa M., is allegedly responsible of "acts of torture in a prison of the military intelligence service as well as in military prisons in Homs and Damascus" (von Hein, 2022: para.1). Therefore, the trial will also investigate how the governmental health sector is involved in atrocity crimes (SJAC, 2021). The trial has received broad media coverage and is of global importance (Ordentliche Gerichtsbarkeit Hessen, 2022).

Last year Ahmad H. was arrested in Germany because he is "strongly suspected of having committed crimes against humanity and war crimes through torture and enslavement" as a member of a group working for the Syrian regime (Generalbundesanwalt, 2023: para 2).

2.4 Support Systems

Finnin (2020) states that survivors have an important role in universal jurisdiction trials against atrocity crimes. Survivors are witnesses that can shed light on incidents that happened in a distant location that cannot be investigated with other means by the authorities of universal jurisdiction. Often in such cases, it was the survivor's initiative that led to investigations. Apart from being a witness, often survivors are also politically active and play a connecting role between other potential witnesses and the criminal justice organs. Witnesses give insider perspectives on the setting in which atrocities were carried out and how they affect their society. Therefore, it is crucial to understand and value the importance of witnesses and support their wellbeing in criminal justice procedures (Finnin, 2020). In Germany, survivors are protected by the Directive 2012/29/EU, the so-called EU Victims' Rights Directive. In its recital under point (9), the Directive points out that its goal is to guarantee that survivors are protected from secondary and repeat victimisation, from intimidation and from retaliation and to ensure that victims of crimes receive appropriate information, support and protection and are able to participate in criminal proceedings. The Directive mentions in the introduction that the situation of survivors of

⁵ Syrian survivors criticize that Moafak D. is not additionally charged for crimes according to § 7 CCaIL. The regime and its accomplices intentionally and strategically deprived the residents of the area of the incident of food. Former convictions proved these standardized strategies by the Syrian government. As these actions were not on trial, the conviction falls short to create justice for the immense hardships the survivors experienced through years of deprivation (El-Hitami, 2023a).

grave crimes shall be duly considered and suggests “special protection measures” (57). Their interviews should be held in specialised spaces and by professionals trained for that purpose, and survivors can request to be questioned by a person of the same gender (Art. 23 Para. 2).

3 Methodology

This study is based on a qualitative research approach. Nine qualitative, semi-structured interviews were conducted between November 2022 and April 2023. Two of the participants are Syrian survivors that participated in different stages of the criminal justice process. Two participants are Syrian survivors that participated in a trial as witnesses but are also active as legal professionals in the case building process. Three interview partners are Syrians that work in different NGOs in the area of legal case building and justice for atrocity crimes in Syria. One interview was conducted with a Syrian trial monitor of the Al-Khatib trial. One interview partner is a German member of an NGO working for justice and healing for torture survivors. The collected data was then analysed based on the “Grounded Theory Method” (Bryant, 2014: 116).

4 Results and Analysis

4.1 Stress Reduction

The findings show that Syrian survivors experience severe stress in their daily lives in Germany. Many suffer from sleeping problems and nightmares. Survivors report that they are overwhelmed with daily life struggles:

“[I]n Arabic there is a saying that says that in one hand you cannot carry two watermelons [...]. Maybe I can say that, yes, I was carrying ten watermelons in one hand every day” (IP2).⁶

Survivors are worried that their stress is negatively impacting their family structure. In particular, survivors that are still in the asylum process or accommodated in refugee camps experience stressors like trauma, migration, life in diaspora and face additional hurdles such as accessing the healthcare system, lacking language abilities, being dependent on social services, dealing with bureaucracy, or needing legal support. Survivors underlined the immense pressure they receive from German authorities to function within German society:

“He cannot work and learn the language. He is tired. His mental health is not good [...] he tries to integrate into society but he is not successful. He is tired from trying” (IP8).

Stress in their daily lives and added psychological stress connected to their participation in the criminal justice process reduces the ability to study German, creating a feeling of speechlessness and reducing access to social and psychological support structures. Survivors find themselves in a limbo in which they cannot learn German because of their stress but cannot access stress-reducing services because of their lacking German skills. Survivors are pressured to function and integrate whilst their experience as survivors hinders them from achieving these goals. They feel that they do not receive enough support in this situation. Specialised programs for individual learning, beyond institutionalised and inflexible offers that do not meet survivors’ needs, could enhance survivors’ chances of success at language learning. Social work can connect survivors with

⁶ Translated by the researcher.

such offers and, if unavailable, advocate for their establishment. Survivors expressed that their pain as survivors of severe atrocity crimes is not recognized by the German authorities and society:

“I am Syrian, I am a victim! Jobcenter. Money. Finding work. Learning German. But nevertheless, I made it! [...] I did not come to Germany for work and money. I came ehm, I came to survive, in order not to die” (IP2).⁷

The lack of acknowledgement of their pain and struggle aggravates their stress. Stress hinders survivors from processing trauma and starting a healing process. They demand understanding for their specific life circumstances as survivors of grave atrocity crimes. Some survivors are incapable of receiving citizenship, which would grant more rights and security, because they fail to fulfil requirements due to high stress:

“There are families that have psychological problems. These problems don’t let people integrate into society. They struggle to learn the language. But the problem is that Germany wants to you to learn the language. But they cannot do that. He is stuck. The requirements to get the citizenship, is language and work. There has to be exceptions for these people” (IP8).

This can further have negative consequences on their future in Germany and their access to rights.⁸

They express a lack of information with regard to the social support system. Some Syrian survivors do not know where they can find support for their daily life problems. Even though some appreciate that the German social system has much to offer, they are overwhelmed by the complicated bureaucracy that is often attached to support services. Survivors and NGOs stated that social work could be supportive regarding reducing stress of daily life problems:

“Social work can [...] help them to do that, in their family, in their life to find job, to deal with their situation, legal situation, residence [...] for those specifically who have trauma from torture” (IP3).

The immense stress of the trial is not being taken into account by the German authorities. Social work can function as a mediator between survivors and German authorities by explaining hardships and advocating for understanding and stress reduction. Survivors also mentioned that they would feel supported by receiving appreciation for their fight for

⁷ Translated by the researcher.

⁸ The “lack of citizenship means a lack of political rights, participation, the lack of rights and lack of resources and governmental protection” (Azimipour, 2023: 45) meaning that for many non-citizens, naturalization becomes the obvious choice for a decent existence. Azimipour criticized the bureaucratic naturalization process in Germany that is, among other things, based on productivity. One has to have a stable and adequate income to be eligible for German citizenship. This automatically excludes people that receive social support services or work in precarious conditions and receive a low income. Receiving German citizenship is also connected to efforts of assimilation, causing constant pressure for non-citizens to fulfil the imaginary requirements of a German culture. Additionally, language knowledge is a requirement for naturalization. Azimipour criticises that these implementations are based on a racist perception of belonging and should be replaced by a “consequent implementation of human rights that guarantee that the fundamental needs of every person are not based on personal documents but rather on the universal right to have rights” (Azimipour, 2023: 47).

justice. Survivors and NGOs expressed that social work can be supportive by reducing the everyday stress. This would enable survivors to heal:

“[W]hen everyday life is easier, dealing with your trauma and the experiences that you have can have its place and when you have a lot of everyday stressors you cannot have the space to kind of actually talk about what happened to you, process it and be able to have a life” (IP6).

When the described daily life stressors are reduced, survivors have more capacities to concentrate on participation in the criminal justice process. Therefore, stress reduction is important to overcome impunity of criminals and fight for transitional justice.

Participation in the criminal justice process causes severe stress for Syrian survivors because of fear and lack of protection. Syrian survivors fear that participation could have negative effects on their legal status in Germany; they fear being sent back to Syria. Syrians are afraid to participate in a trial against atrocity crimes committed in Syria when their resident status is uncertain:

“[M]ost Syrians received subsidiary protection and that does not grant the same protection, the same legal protection than the refugee status. That is also another reason why many are reacting a bit reluctant and say that it is great that the trials exist, but I prefer not to be part of it, who knows what could happen to me and my family” (IP9).

Furthermore, survivors described fear that their participation as witnesses in the criminal justice process has life threatening consequences for their families in Germany or abroad. Survivors do not feel safe from Syrian intelligence agencies in Germany. As the Syrian regime is still in power, they fear revenge actions as punishment for their participation. Families of survivors are also afraid, which causes problems within the family system and adds stress:

“I dealt with this trial for two years. I always had to talk to my family and convince them. And eh, several testimonies and talk to the lawyer [...]. That was very exhausting” (IP2).⁹

Adding on fear, survivors experienced a lack of protection. They were afraid to testify at court and wanted to stay anonymous which was not always guaranteed. Survivors wish for the German criminal justice system to take that into account and react more flexibly to their individual protection needs. However, this has not been put into practice in ongoing trials. This fear causes some to refrain from participating in criminal justice procedures. Syrians come from a dictatorship and mostly have no trust towards criminal justice entities, which decreases their motivation to participate in trials. Others decide against participation due to hardships of their trauma and fear of re-traumatization. Another reason for the lack of participation is the lack of information and connection to the criminal justice system. Furthermore, bureaucracy is dis-encouraging survivors to take part as witnesses. As a consequence of the named reasons to refrain from participating in the criminal justice process, criminals are not persecuted and impunity is ongoing. The knowledge that accused perpetrators are located in Europe and walking around freely adds to the fear and stress of the interviewed survivors.

Survivors that decide to participate as witnesses in the criminal justice process experience a lack of support and the feeling of being alone. Not all survivors have the resources to understand the justice system and their rights. The legal system is not very accessible. Survivors lack legal knowledge of and a connection with the criminal justice system.

⁹ Translated by the researcher.

Interview partners described that some witnesses in the trial came unprepared, lacked information, did not know the support structures and were faced with severe stress during their testimonies. From the interviews, it became clear that survivors wish to receive psychological support for themselves and their families. They express their need for specialised emotional and psychological support: “You know, we need more clinics available to help the victims for free, or have funding for that” (IP3). NGOs also see a huge need and high demand for specialised psychological support, which causes long waiting times. In addition, the support structures are not sufficiently geographically distributed, so not all Syrian survivors are able to find support in their local area. Survivors also struggle to access the existing psychological support offers because of language difficulties:

“Witnesses that still have psychological problems because of their time in prison, and still are not able to move on alone, maybe cannot ask for support in German, because they cannot speak German well” (IP4).

However, there is a fundamental lack of psychological support offers in Arabic. Translation in a therapy setting is not perceived as a satisfying substitute for therapy in their mother tongue. They also experience that psychologists lack contextual knowledge of their situation as Syrian survivors of atrocity crimes. They feel that therapeutic offers are not effective and sufficient due to language and cultural differences. One survivor expressed that Western psychological methods cannot deal with the amount of pain or the intensity of trauma experienced by Syrians and felt almost ridiculed by practical suggestions by German psychologists. Survivors also struggle with societal stigma connected to psychological support. They are afraid that receiving psychological support reduces the credibility of their testimony. NGOs stated that as a result of lacking psychological support, many survivors have not processed their trauma. Survivors and NGOs mention that the hardest part of participation in the criminal justice process is often the initial police interview prior to the actual trial. This is often the first time that they have to recall traumatic memories of the atrocities they experienced. Survivors needed more emotional support prior, during and after the police interview. Even though survivors wished to be supported by a person of trust, they were not allowed to be accompanied to police interviews for procedural reasons. A person of trust can give confidence and strength:

“[W]hen I went to the police, my girlfriend accompanied me. She helped me there. They did not allow her to come inside, because of data protection, but it really helped that she accompanied me.” (IP1).¹⁰

Especially after the police interview, survivors lack support because they are left alone with their memories and feelings. Survivors end up with nightmares, depression and other psychological reactions in response to their testimony and feel left alone without anyone to support them in dealing with these issues. Furthermore, many survivors are not mentally prepared for the emotional part of the testimony at court while being confronted with the perpetrator:

“[I]t was really difficult. Honestly really hard. I spoke for more than eight hours, and I was sometimes emotional, not factual. It was really difficult also that the criminal, the criminal is in front of me, in the same room, and I am facing him” (IP2).¹¹

¹⁰ Translated by the researcher.

¹¹ Translated by the researcher.

Even though survivors were trying to be strong during their testimony, many felt that the experience was so intense that they got emotional during their testimony at court and needed to be calmed down. Survivors were confronted with their perpetrator for the first time after the atrocities and were overwhelmed by emotions. That confrontation was re-traumatizing for some of them. In general, survivors felt that testifying was very hard because they have to remember things that happened a long time ago, that might also be hidden away in their memory to deal with the traumatic experience. Survivors are under extreme pressure before, during and after their testimony at court. The stress and re-traumatization sometimes make it hard to remember details and sometimes cause contradictions with initial police interviews. This can aggravate their stress, because they then feel that they are accused of lying and fear legal consequences. Insecurity about the personal testimony can cause further stress. Survivors question whether their testimony was impactful or powerful enough:

“I was emotional and then [...] after the session, it was more than ten days, I stayed more than ten days without sleeping. Yes, I always think to myself ‘what did I say?’” (IP2).¹²

4.2 The Need for a Survivor-Centred Approach

The universal jurisdiction trials that happened so far were not perceived as survivor-centred. Emotional care for witnesses was treated like an afterthought and mostly important in the context of enabling witnesses to testify and bring evidence. Survivors experienced fear while participating in the criminal justice process. This negatively affected their participation. Some interviewees stated that the criminal justice process is lacking accessibility and that the system does not empower survivors or encourage them to participate and speak up. The trial should be for the Syrian survivors:

“[I]t’s their case, so it’s about them having their agency over everything that they say and also having the agency to consent to what is going to happen with the speech” (IP6).

Survivors do not want to be generalized as victims. Their individual experiences have to be acknowledged and respected. Some survivors, for example, have a strong family support system. Since they have this resource and feel stable, they do not need additional support. These individual situations and choices need to be respected. Service providers should not assume that all survivors need or want support. Support should never be imposed on survivors but rather carefully offered. Survivors are the driving factors of cases, and they should be able to make well-informed decisions and be involved in every step of the criminal justice and social support process. The interviewed NGOs claim that the criminal justice process should be more focused on the needs of survivors. They demand a survivor-centred approach: “put the survivors first and in the centre of this trial” (IP5). Syrian survivors felt most supported by NGOs that are engaged in Syrian matters and that follow a survivor-centred approach. The organisations prepare and inform survivors prior to the trial, answer questions, offer support during the criminal justice process and update them on important information. Connections to these NGOs were viewed as important resources in the fight for justice. Being supported by them raised survivors’ confidence. Survivors felt supported and safe in their interaction with NGOs and their work and by knowing that they are not alone in this difficult situation: “being surrounded with people is a support” (IP5). NGOs working on case-building with survivors and fighting for justice are trained for the special context of atrocity crimes. They take it

¹² Translated by the researcher.

seriously to establish a connection of trust with survivors and make sure that they are comfortable. At the same time, they have experience in conducting and documenting testimonies. NGOs gained experience in dealing with the Syrian community from the first universal jurisdiction trials and continue to improve their work. Generally, justice was described as a long process that requires strength and patience. Sometimes cases cannot be brought to court because of lacking evidence, but NGOs continue to advocate for their cases. Apart from their legal expertise, they are also trained to reduce stress during a testimony and prevent re-traumatization. They talk with survivors about the psychological effects of testifying and being confronted with the perpetrator and explain physical reactions, while respecting survivors' agency:

"So this is one of the aspects we do, kind of remind the persons that we might kind of encounter different feelings, nightmares, that might be very difficult or hard for you, you can stop at any time you want, we can pause, we can even not take the testimony at all if you feel like it's a lot for you to take, we can as well leave the whole account if you don't want it to happen" (IP6).

NGOs working in the field assess whether survivors are able to testify and if there is a need for psychological support. They inform them about psychological support options, provide guidance and work on referring survivors to existing institutions. Survivors often reach out to these NGOs with requests for social support. NGOs are motivated to support and are equipped with the specific contextual knowledge. However, the organisations cannot provide support, as they lack funding to provide social support service staff, psychological care or special aftercare programs. NGOs that work with Syrian survivors created collaborations and networks with specialised and general psychological support services or medical facilities that have free services to refer survivors according to their needs and enhance access to psychological support. However, the connection to social work practice is lacking:

"So, I think legal professionals as well have to be trained by social workers to be able, I mean bringing the social aspect to it" (IP6).

This leaves room for creating a network with relevant support services. Such a network could also improve knowledge exchange between social work practitioners and legal professionals, which can be useful in discussing legal, social and emotional aspects of survivors' situations from different perspectives and bundling resources.

A collaboration could lead to mutual trainings with regard to social work support and legal support. Such a knowledge transfer can enhance survivors' experiences within legal and social support structures. NGOs take over a lot of important tasks such as spreading information about trials in a multilingual and easily accessible way. However, they experience a lack of appreciation for their work, which is shown by a lack of funding. Social work could support NGOs with financial resources and appreciation.

Since survivors that participated in the study experienced a lack of information and access, survivors request improved information dissemination and easier access to support offers. A specific demand is the development and distribution of a low-threshold information sheet in Arabic about the criminal justice system and psychological and social support offers to enhance information and access for survivors. For stress reduction throughout the criminal justice process, social work could develop a low-threshold contact point:

“So maybe there are criminals in Germany, there are people [...] that want to report them at court, but because it is difficult and because he does not know it and the police is very bureaucratic and such things [...] so the issue is very difficult. So there has to be someone helping him or an office [...] a number” (IP1).¹³

This could decrease the feeling of being lost and disconnected to social and psychological support and the criminal justice system. Those that have a contact person feel more confident to participate in the criminal justice process. A contact point should accompany the survivor provide guidance about the criminal justice system and inform them about and connect them to social and psychological support structures. Some survivors mentioned that, to reduce stress, they would have wanted emotional support from a person of trust during the interviews. NGOs also agree that this could enhance the testimony:

“[H]aving maybe a social worker at a testimony that is being taking for a person to feel comfortable and to feel that there is someone that is supporting you know the aspects of my life who can be there to support me afterwards” (IP6).

Survivors need emotional support following the trial sessions, as also the direct confrontation with the perpetrator can be highly stressful. Since the testimony at court is emotional and triggers many feelings, survivors need time to process. They feel vulnerable after testifying and need someone to talk to and calm them down, reflect on the experience at court and spend time with instead of being alone with their feelings. Aftercare extends to the direct support immediately after the police interview or trial but also includes being available for the period following the testimony. Survivors profit the most out of long term-aftercare. Partly, these needs are met by social work within psychosocial trial support. NGOs perceive psychosocial trial support as a helpful option for some survivors. Survivors receiving psychosocial trial support were comforted by the general presence of the psychosocial support worker and calming physical contact. Psychosocial trial support is perceived as a useful support offer to prepare survivors, accompany them to interviews and especially to provide optional aftercare following interviews in which survivors have to recollect traumatic memories. To be effective, psychosocial trial support would need to be more easily accessible. This includes the availability of services in Arabic, contextual knowledge and un-bureaucratic access. Survivors also wish for this service to be easy accessible starting from the first participation in the criminal justice process, such as the police interview. At the same time, the offers would need to be on a long-term basis so that survivors can build trust and a relationship and receive sufficient aftercare. The interviewed Syrian survivors were not familiar with available support systems like online platforms, leaflets or general victim support.

NGOs suggest the development of psychological support programs that are specialised for Syrian survivors of atrocity crimes and match their needs regarding language, cultural sensitivity and context expertise. A specific suggestion is the establishment of specialised treatment courses for Syrian survivors and their families:

“A treatment centre. To have distance, to relax. Or a place where there is therapy. A place where is support. Also healthy food and a calm space. Medical and healthy. For the people that are tired and have problems. I want this for the families of victims, I want this for myself” (IP8).

¹³ Translated by the researcher.

The vision is a specialised treatment course or centre with therapeutic support in Arabic, connected to social support, art therapy, physiotherapy, and sport offers. Funding could not be achieved for this idea so far; however, such treatments could be a way to reach compensation and reparations that involve medical, mental health and social aspects. Social work can provide support by activating existing networks and advocating for the development and funding of these psychological support programs while highlighting their meaning for transitional justice. Social work could criticize the “lacking systems of protection for survivors and victims” (IP6). Social work can advocate for a survivor-centred approach that is based on sensitivity

Lack of protection and fear can be overcome by appropriate protection measures. One example would be the opportunity for witnesses to testify anonymously which would increase comfort and the willingness to participate. Social work can advocate for protection measures and support survivors in their demands to testify anonymously.

IP9 stresses that social workers need to focus on the individual situation of survivors and work on individual solutions for justice and acknowledgement:

“[O]ne has to find a very individual approach on what means acknowledgement and justice for the respective individual based on the four pillars of truth, justice, compensation, and political actions that it never happens again” (IP9).¹⁴

Interview partners explained that sometimes survivors may not want to take legal steps against atrocity crimes or participate in the criminal justice system. Therefore, social workers have to find individual solutions for survivors for acknowledgement and justice:

“To make sure that the person receives a kind of acknowledgement, that is possible through showing people that we are at your side, we believe you, we make sure that you receive a documentation of torture concerning the Istanbul protocol and have evidence” (IP9).¹⁵

These individual solutions can have a different form and character regarding the respective needs of the individual survivor. Acknowledgement can take place on a broad spectrum. It could mean to collect evidence of atrocities or evidence of resistance. Social workers have the task of being creative, finding customized ways to make Syrian survivors feel acknowledged and finding measures of healing that lead to alternative justice.

4.3 Empowerment of Syrian Survivors

NGOs think about empowerment of survivors on an individual level as an important aspect within the fight for justice: “With a strong survivor, empowered survivor we can fight impunity” (IP5). Without appropriate support and safety, survivors are often not capable of facing their trauma. For survivors of SGBV, empowerment is a particularly important key factor to enable participation in a criminal justice process. Female survivors of SGBV are perceived as more vulnerable and in need of additional support:

“[T]hey have an additional layer as women in Syria not to trust the justice system that always systematically worked against them” (IP6).

¹⁴ Translated by the researcher.

¹⁵ Translated by the researcher.

They face societal stigma, which can hinder them in seeking support and in speaking up and participating in the criminal justice process, which upholds impunity of criminals. Female survivors of SGBV have more hurdles to speaking up publicly:

“So still any survivor has to think about the price that they would pay and the consequences they would pay, especially when they are not supported from the family” (IP5).

The criminal justice system and social work need to focus on vulnerable groups and provide appropriate support and protection to enable survivors to feel safe enough to speak up. Speaking up is painful and survivors need time to slowly face their trauma and be ready for participation in the criminal justice process: “To admit things, it also needs time” (IP5). Therefore, they need specialised long-term support, financial support and a safe environment and shelter. Social work can support and strengthen these resources and self-help strategies. Social work can offer spaces and programs for survivors for exploration and expression through creativity and artistry. Social work can advocate against societal stigma and create an environment that is safe in which survivors can open up, receive support and fight for justice. IP6 describes what social work can do: “reducing the stigma, fighting the stigma, campaigning against it is also something social work can do” (IP6).

Apart from individual empowerment, there are also measures that empower on a community level, decreasing impunity and supporting Syrian survivors. IP9 elaborates that increased information spreading can enhance access to justice and suggests a campaign to raise awareness of universal jurisdiction and the German Code of Crimes against International Law. Social work can advocate for increased information spreading campaigns by German authorities but also incorporate information spreading about universal jurisdiction in social work practice. IP9 expressed that acknowledging experienced pain is an important aspect. NGOs create meetings to connect survivors in which they could exchange their stories and experiences in a safe space:

“to let people talk about their experiences, to let people tell their stories and to be heard, and to talk with one another, and to be empowered by one another” (IP6).

Survivors felt heard and understood in the exchange with others that share their situation and reached individual and collective healing: “people can share the pain” (IP8). Having such a space to heal was empowering for some survivors. Such exchange creates a new narrative for Syrian survivors. IP6 describes that this “gives back agency to the community over the experiences that they went through” (IP6). Social work can provide support by providing safe spaces for exchange and empowerment. Syrians that lost family members and loved ones suffered tremendously. Social work can engage with Syrian communities and offer opportunities to exchange about their individual and collective pain and grieving in a safe space:

“The families can come together and talk. They share their stories together. Maybe paint, do theatre. There are many activities we can do in a group. The people would understand each other, they have the same pain” (IP8).

Social work could support Syrian communities in creating spaces of memorial for lost loved ones, in order to have a space to honour victims and allow families to grieve and mourn. Social work can create spaces by advocating for improved legislation and raising funds. Social work can network with Syrian NGOs that play an important role in community mobilization through information spreading and by connecting survivors with the criminal

justice system, which encourages survivors and advocate to participate in universal jurisdiction trials.

4.4 Advocacy

4.4.1 *Advocacy for Enhanced Protections of Refugees*

Asylum seekers and refugees often live in unstable and unprotected situations in Germany, and many feel overwhelmed by daily life struggles. Furthermore, refugees and asylum seekers have less rights than citizens:

“Basically a lot of survivors and victims of human rights atrocities came to Europe. In different ways and they stayed in the reception centres or in refugee accommodations [...], they are people who in addition of the experience that they suffered from they also found themselves in places where they have less rights” (IP6).

Survivors that have asylum seeker status have to live in refugee accommodations where they are not protected from re-traumatization and stress. Furthermore, they fear for their futures because being sent back to Syria would mean a threat to their lives. Survivors with the status of subsidiary protection are forced to provide valid Syrian identity documents.¹⁶ These documents can only be received from the Syrian embassy, so survivors find themselves in a moral dilemma. Survivors are forced to endanger themselves by visiting the Syrian embassy and additionally fund the dictatorship that has severely harmed them in order to receive a passport; otherwise, they experience insecure living conditions and less rights in Germany with the constant pressure to obtain the requested documents.¹⁷ This issue aggravates stress:

“[H]ow is it possible that my brother has to renew his passport from the government that killed his brothers?” (IP8).¹⁸

Social work can raise awareness amongst German authorities about the hardships that this practice upholds for Syrians and how this system financially supports the Syrian regime. Social work can advocate against the requirement to provide Syrian documents for subsidiary protection status holders. Social work can also support Syrian activists that already fight for those matters with resources or media outreach. Social work can support

¹⁶ § 48 AufenthG states that foreigners are obliged to obtain passports or travel documents and submit them to the immigration authorities. According to § 5 AufenthV, foreigners can receive a German substitute passport if they cannot otherwise obtain a passport of their country of origin without facing unreasonable hardship. However, the German authorities do not recognize general unreasonable hardship and request individual proof of an existing unreasonable hardship, which is impossible in many cases. Furthermore, most Syrians receive subsidiary protection and legally claim against that decision. They are afraid that visiting Syrian institutions can have a negative influence on their claim (Moghdeb, 2020).

¹⁷ Syrian travel documents are among the most expensive ones globally and mostly have to be renewed in an every-two-years rhythm. It is assumed that the Syrian government has already received more than €1,000,000 through this process (Moghdeb, 2020). Many Syrians resist the pressure of the German immigration authorities and refuse to visit the Syrian embassy, even though this is connected with disadvantages to their residency, work permits and mobility (Moghdeb 2020). Activists are fighting for the recognition of unreasonable hardship in order to end the obligation to provide Syrian passports to the immigration authorities. They fight against the bureaucratic obligation to financially support or interact with Syrian institutions (about:change, n.d.).

¹⁸ Translated by the researcher.

survivors using advocacy approaches to fight for the change of refugee regulations and the adjustment of governmental approaches for refugee accommodation like decentralised refugee accommodation, for specialised psychological support and for protection from re-traumatization. Social work can question existing inequalities and legal restrictions to ensure that refugees can access human rights. The social work profession can advocate for the enhancement of naturalization laws to decrease hurdles in accessing citizenship.

4.4.2 *Advocacy against Atrocities of the Syrian Regime*

The interviewed survivors and NGOs mostly believed that achieved universal jurisdiction outcomes are not enough to achieve transitional justice. Syrians were the driving factor that pushed for universal jurisdiction of atrocity crimes in German courts. The interviewees are satisfied with the convictions and that systematic crimes committed by the Syrian regime were discussed publicly. Nevertheless, they did not feel that the convictions were sufficient. Instead of punishing individual criminals, they want accountability for the entire regime: "Not this small criminal, just the small criminals, we need to bring the regime to international trial" (IP8). IP7 mentioned that justice is not possible anyway because the convicted criminals will never feel the horrors of Syrian detainees in a German prison where they will probably still be treated like humans and have rights (IP7). Some also question whether universal jurisdiction is the right choice:

"The justice process should be done in Syria. For them to have that experience. Because they should be the one who are strategizing their cases and why they are doing their cases. They are the ones who are having these conversations with one another" (IP6).

The interviewed Syrian survivors and NGOs have strong feelings towards the Syrian revolution. They have witnessed and experienced severe atrocities and stood up for justice and political change. Witnessing atrocity crimes has fired their active fight for political change, freedom, democracy and human rights in Syria. However, they are disappointed and think that Syria was left alone: "The international community, they did not assume their responsibility for Syria. We took over this mission" (IP2). Social work can lobby and advocate for political change in Syria and create pressure on the international community to take responsibility. Social work can raise awareness about these matters and actively advocate against normalizations of a relationship with Assad and deportations to Syria. IP9 describes the meaning of advocacy for survivors:

"[T]he fight for justice can heal, the hope for justice can heal. And if we offer people, let us fight together, let us be loud together, let us do something together, that already makes a great difference" (IP9).¹⁹

Advocating for justice, accountability and peace is therefore an important factor of acknowledgement and transitional justice, which leads to the conclusion that social work can engage in these fields to support Syrian survivors. Survivors and NGOs pointed out that the situation of Syrian survivors has similarities to other survivors from e.g. Ukraine or Iran. Survivors and NGOs share solidarity with survivors from other countries and hope for information spreading in more relevant languages and the political will for justice and accountability: "Our goal is justice for everyone, for all victims, not only the Syrian victims, but also for Ukrainian victims" (IP2). Positive change has been witnessed with regard to

¹⁹ Translated by the researcher.

information spreading about opportunities for Ukrainian survivors to report atrocities. Social work can increase these efforts, spread informative material and enhance access to justice for survivors of atrocity crimes. Nevertheless, it has been criticized that justice attempts are highly dependent on political will. This means that justice is accessible for survivors from certain countries whilst others are excluded from justice. Social work can show solidarity with all survivors, regardless of their heritage and fight for accountability and justice.

4.5 Discussing Justice and Healing

Most of the interviewed survivors had positive thoughts and feelings regarding the trials. They were in positive disbelief about being able to testify against a member of the Syrian regime and had good experiences in court. They enjoyed being able to speak, sharing their story and being heard. Even though it was painful to talk about traumatic moments in their lives, it was also satisfying to tell their stories and take a little piece of justice. Survivors felt acknowledged for their pain when they talked about their stories. Even though the testimony was physically and emotionally exhausting, it was also healing, as it was a moment of release to let memories free. For some survivors, these positive feelings last until today. It was important for them that they were treated with kindness and humanity. It was a new and positive experience to feel eye to eye to a judge or police officer, be treated equally and have human rights:

“Honestly that was very nice and exceptional for me. It was very nice. I felt that there is justice. And the judge brought me water. And the judge gave me the feeling to be a human being” (IP2).²⁰

Survivors described that their experiences in the criminal justice process in Germany are the very opposite of the treatment received in Syria by justice authorities. They said that they experienced justice and human rights for the first time in their lives. The trials had a special meaning for IP5 because they:

“Let people again feel that human rights are something real. Human rights are something real, it's not just a slogan or something to talk about, but to work for it and to fight for it” (IP5).

IP2 described that whilst he was in the position of the victim, he was also empowered by being a plaintiff and fighting actively for justice. Survivors mentioned that even though the confrontation with the perpetrator was difficult, it was also empowering to experience the change of roles of being a free person whilst the perpetrator is being tried in court. They feel pride for participating in creating justice, doing something really meaningful and being part of a historical trial:

“Never [...] it did not exist that someone tortures you and then you can report him [...] so it is something new. Something new that is good” (IP1).²¹

Love and pain that is felt in relation to deceased family members were important driving factors to participate as witnesses. Survivors have hope that the trials will lead to more convictions, more justice and political change in Syria. Survivors felt a moral obligation connected to their testimony. They testified in the name of all victims, for their individual and collective suffering, for all of humanity. It gave them meaning and strength for their testimony and helped them in overcoming fear:

²⁰ Translated by the researcher.

²¹ Translated by the researcher.

“This trial made history. And we did something for the victims. Not only for my brother. For all victims. When I spoke in court, this is what I felt. That I spoke for all victims. I am a victim myself, because I have been in prison, too. I know what it means what I am doing [...]. If there is someone that speaks in his name and raises his voice” (IP2).²²

Some aspects of the German criminal justice system, however, were critiqued and made people question whether universal jurisdiction is the right tool for transitional justice. The German legal system is faced with challenges of finding evidence and lacking context. Translation at court was criticized by survivors. The translators were not Syrian and did not know the specific context, which created translation mistakes. The lack of translation is preventing Syrians from accessing the criminal justice process. As a consequence, some do not relate to the trials:

“Starting with the language that the court hearing is held within. We are not the ones who are meant within the work” (IP6).

The lack of translation for the public creates a lack of identification with the trials. Although Syrians worldwide are interested in the trials, they cannot understand the trials and are excluded from the justice experience:

“you do not translate your court hearing. You systematically do not allow the access of Syrians within these courts. So you do not allow the conversation. That is a very very valuable one” (IP6).

A lack of translation services prevents Syrians from experiencing justice and creating a new narrative of justice. It discourages the participation of civil society in the transitional justice process even though including communities is a crucial aspect:

“So you see a city in Berlin that has a very high amount of Syrians. You go to Moafak D. court hearing, and I go to every each one of them and I see no one. Survivors are there, giving their testimony but there is no one. There is no community backing them up. There is no one witnessing this moment. Because it is not ours. This is how they think. So for them to relate more to it, for them to have these conversations, that can transform their thinking, this needs to be in Arabic” (IP6).

NGOs did not observe positive changes regarding translation at ongoing trials. Instead, NGOs feel obliged to take over the task of translation, information dissemination and awareness raising for the Syrian communities. Therefore, some believe that the trials should have taken place in Syria. As the precondition for establishing such a dialogue is translation, social work can advocate for outreach programs by courts and for the translation of the criminal justice process.

Interview partners critiqued that German justice is perpetrator driven, meaning that Germany convicts perpetrators of atrocity crimes out of security concerns, to create safety for citizens and morality. However, Germany is not aiming at transforming society, building a new Syria or changing the political agenda of the Syrian regime. The trials are important because they prove systematic and strategic atrocity crimes of the Syrian regime but Syrians wanted such trials to take place in Syria because they are essential to forming a new justice system that could prevent future atrocity crimes. The universal jurisdiction trials in Germany have shortcomings:

²² Translated by the researcher.

“So basically to transform, to make sure that this crime won’t happen again you need to transform the thinking of people about these crimes and about the rights. Their rights. And about their understanding of what being a citizen means. What is happening in Germany does not provide that. Because A: refugees – survivors and victims who are in most of the cases refugees – are not citizens with all the rights. They do not practise the citizenship. And ergo they don’t understand what the right to have a right²³ means. Ergo you are not working to build up the human factor and build the country. You are working to build up a case that punishes a perpetrator and you keep your countries safe” (IP6).

Within the trials, Syrians were able to create a legal proof of atrocities committed by the Syrian regime. They created a Syrian story of collective pain but also resistance:

“[T]he narrative of the Syrian people, the narrative of the revolution that we as a Syrian civilians, we were just fighting for the main basic human rights that we deserve. And we were just faced with all this brutality and being killed in jail and everywhere with all kind of weapons and torture and everywhere” (IP5).

This narrative is important for the transformation of Syrian society. Monuments or museums and acts of remembrance can be used to stabilize such a narrative. In connection with the narrative of survival, resistance and accountability of Syrians, discussions about human rights are essential for the transformative justice process:

“This is what happened with Koblenz, you start opening a topic of what is justice for me? What does it mean to seek justice? What does this concept mean? Something that for a German citizen might be a given, because they lived under that and they understand what it means. But for a Syrian who never had the right to have right because they lived under a dictatorship is a very interesting conversation to have” (IP6).

As Syrians were systematically deprived of human rights, such discussions can have an empowering effect and are an important step towards justice. Social work can provide safe spaces to initiate discussions about justice. Social work can support Syrians with programs that focus on the issue of human rights and transform people’s thinking:

“The role of social work at that stage would be supporting people to understand what it means to have a right to have a right and basically having the right to have a right is not a concept that we as Syrians ever had in Syria” (IP6).

²³ IP6 referenced Hannah Arendt’s concept of “the right to have rights” (Benhabib, 2004: 50). It means the “right to belong legally to a state and have one’s human status (and all that that implies) be guaranteed by its laws” (Cotter, 2005: 110) which is “the right to belong to a political community” (108). This thought is based on the situation in which refugees find themselves in their place of refuge. Benhabib (2004) explains that the “stateless were deprived not only of their citizenship rights; they were deprived of any human rights” (50). They have become persons without shelter, work and influence. This separates them from nationals of the country of their refuge: “The rights of citizens are exclusive and conditional since they only apply to those who legally belong to a nationstate” (Cotter, 2005: 97). Refugees are excluded from this privilege of rights which shows a contradiction within human rights which “would be available to everyone without conditions by virtue of membership in the human race” (Cotter, 2005: 97). Instead, the enforcement of rights is dependent on the willingness of respective nation states. Added to that, countries can deny access to naturalization processes and belonging, upholding refugees’ situations of rightlessness (Cotter, 2005).

4.6 Shortcomings of Social Work in Supporting Syrian Survivors of Atrocity Crimes

Some interview partners assessed that social work is fighting in a system that is not supporting refugees or does not prioritise their safety. Social work is in a difficult and powerless situation within the German system and cannot offer safety for survivors:

“It is unsafe, and you have to be transparent [...] and then social workers find themselves working within systems that does not provide the safety to people” (IP6).

Apart from social work's powerlessness in the German system, there is more critique or doubts that social work can provide effective support for Syrian survivors. Some survivors perceived that they were treated in a patronizing way by social workers without receiving understanding of their individual life situation. Survivors feel that existing social work offers do not match their needs. Services are rarely offered in Arabic and cultural differences are perceived as a barrier to understanding and receiving support. The lack of language and contextual knowledge of the situation of Syrian survivors of atrocity crimes creates hurdles in accessing services. Survivors do not believe that German social workers could understand the collective or individual suffering and pain of Syrians. Hence, they doubt that social work can offer appropriate and sufficient solutions for their situation. IP7 believed that German social workers learned to solve German problems but that they are not equipped to deal with Syrian problems. Survivors questioned not only “how” but rather “if” social work can support Syrian survivors of atrocity crimes. Critiques were also brought up against psychosocial trial support as a specialised field of social work. Some survivors did not believe that psychosocial trial support offered by German social workers could be a useful tool for Syrian survivors because social workers lack connection, availability, contextual knowledge and language skills. If psychosocial trial supporters would enhance their accessibility and offer long-term services that are based on trust and relationship building, and support survivors from the very beginning of participation in the criminal justice process as well as provide aftercare, it might be a supportive option for Syrian survivors.

Specialised support services for survivors of torture or refugees are mainly focused on psychological stabilization but not specifically on legal support. This creates a gap in the support system for the specific group of Syrian survivors. Collaborations between general and specialised support services, police and courts could enhance support structures. Specially trained social workers with expert knowledge of the Syrian context and language skills were envisioned as a support opportunity by the interview partners. Support should be available easily and quickly to be successful though. Survivors' agency and consent have to be of the utmost importance throughout any social work interaction. Furthermore, stronger collaborations, mutual training and knowledge exchange between general and specialised support services with police, court and legal support were envisioned as a way to enhance survivors' support systems by raising sensitivity to their situation. As some interview partners did not have a broad understanding of social work and what the profession is about, social work should enhance its professional representation and outreach towards society to be more approachable as a support service.

5 Limitations and Further Research

The research is lacking perspectives and expertise of professionals in the field of general victim support and psychosocial trial support as no participants from these fields could be recruited. Furthermore, the research outcome is mostly focused on experiences made in

the Al-Khatib trial. This creates room for further research from different trials and other perspectives. All of the Syrian survivors that participated as witnesses in trials are male, so the research lacks female views outside of personal expertise. The interview questions did not specifically address questions of class, queerness or disability; these topics are therefore lacking in the research outcome. Further research would be necessary to discuss these important issues. The research questions did not specifically focus on monetary reparations for Syrian survivors. Generally, victims in Germany seem to have hurdles to receive compensation; however, research is lacking (Weisser Ring, 2024: para 3). Therefore, research on the accessibility of compensation for victims generally, and Syrian survivors specifically, would be necessary. Forgiveness and reconciliation are essential for transitional justice and sustainable peace (Ottendörfer, 2018). These topics were not specifically addressed and could be examined in future research projects. According to Hochstätter (2023), there is a general lack of research in the field of victimology and support measures. Further research in that field is necessary to enhance support systems for Syrian survivors. Research on survivors' resilience, strength to survive and strength to fight against an oppressive system is lacking but would be an opportunity to show acknowledgement. This research project focuses on the situation of Syrian survivors, but research on survivors of atrocity crimes in other countries, and their understanding of transitional justice and experiences in the criminal justice process, could be an interesting point of comparison. Similarly, as justice and accountability processes for atrocity crimes in Syria take place in other countries as well²⁴, research on the situation of Syrian survivors and support structures there could be valuable in order to compare approaches, identify successful interventions and expand knowledge exchange.

6 Conclusion

This paper aims at contributing to discussions about transitional justice and universal jurisdiction with a focus on the situation of Syrian survivors participating in the criminal justice process. The perceptions of Syrian survivors and NGOs that are involved in the justice process about the outcomes of universal jurisdiction trials in Germany were studied. The findings add specific implications for social work practice to enhance support for Syrian survivors and enable them to participate in the criminal justice process. The profession can support Syrian survivors by reducing daily life stressors and thereby enable them to participate in the criminal justice process and fight against impunity. A survivor-centred approach that is focused on survivors' needs is of utmost importance for social work practice and the criminal justice system. Social work can advocate for the rights of survivors within the criminal justice process and demand a survivor-centred approach including information, translation, protection and psychological support. The main driver

²⁴ Similar cases exist in other European countries (Buckley-Zistel, 2020). Also, European countries started to investigate or convict their own nationals with regard to actions that enable or support atrocity crimes in Syria (Kroker, 2019). At the French Criminal Court, France has started a trial against Jamil Hassan and two other high state officials, Ali Mamlouk and Abdel Salam Mahmoud, who allegedly committed severe atrocity crimes. The trials will be held on French territory without the presence of the accused (International Federation for Human Rights, 2023). The Dutch investigation team for international crime located a Syrian person last year that allegedly was part of a group investigating civilians for the Syrian government and committed "torture, complicity in torture as a crime against humanity and complicity in various forms of sexual violence as a crime against humanity" (Openbaar Ministerie, 2023).

needs to be the acknowledgement of survivor experiences. Social work can provide support in creating alternative justice solutions according to the individual needs of survivors. Furthermore, social work can empower survivors individually so that they are strong enough to fight against impunity. Social work can create group empowerment spaces for families to mourn and heal. Social work can advocate for adjustments in German refugee regulations to reduce fear, enhance protection and enable survivors to participate in the criminal justice process. On an international level, social work can advocate against normalizations of the Syrian regime and for intensified involvement of international organizations and efforts for peace. Social work can support families of the detained and advocate for their release and against torture and arbitrary detention. Social work has to reflect on shortcomings and intensify accessibility for Syrian survivors through enhanced language access and expert knowledge in the context of atrocity crimes in Syria. In addition, networks and cooperation between the police, judiciary and social work should be intensified to encourage mutual training. As universal jurisdiction trials in German are ongoing, continuous reflection and research is needed to support Syrian survivors of atrocity crimes in their fight for accountability, acknowledgement, transitional justice and peace.

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