



**TRIAL OF ANWAR RASLAN and EYAD AL GHARIB**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 2

Hearing dates of May 18 & 19, 2020

**Highlights**

**Trial Day 5**

- **Four witnesses from the German government, including a translator, testified about their interviews with Eyad Al-Gharib during his asylum procedure.**
- **Anwar Raslan’s defence counsel read his statement to the court, denying the accusations, claiming that he had never ordered torture, that he did not have any power, and that he had helped many detainees.**

**Trial Day 6**

- **A police chief testified about a letter from Anwar Raslan that described his experiences of being followed by Syrian intelligence in Germany.**
- **A former researcher and NGO founder testified about her interactions with Anwar Raslan in Germany, and her knowledge about Syria’s religious groups and intelligence services.**
- **Proceedings were adjourned until May 27, 2020.**

**Trial Day 5 - May 18, 2020**

There were about 16 spectators and 14 individuals from the media present. The proceedings began at 9:30 am.

**Testimony of Marco Pütz**

The 1st witness was Marco Pütz, a 27-year-old case worker (“Sachbearbeiter” in German) at the Federal Office for Migration and Refugees (BAMF) who interviewed Accused Al-Gharib. A memorandum between the witness, Eyad Al-Gharib and a translator was shown.

According to the witness, Accused Al-Gharib stated that he had travelled from Turkey to Greece in 2016, stayed in Greece, and then moved to Germany in 2018. He travelled by foot and by airplane.

Copies of Al-Gharib’s asylum application, asylee registration (dated May 25, 2018), military ID, and resident permit were shown. In his asylum application, he mentioned he was Sunni. A copy of Al-Gharib’s wife’s ID and asylee registration were also shown.

The prosecutor asked how long the admission interview lasted and Pütz stated that the admissions interview usually lasts about 80-90 minutes.

The defence asked Pütz if he asked Accused Al-Gharib about Branch 251, and Pütz said no.



### Testimony of Klaus Wöllner

The 2nd witness was Klaus Wöllner, a 46-year-old decision-maker (“Entscheider” in German) at BAMF who also interviewed Accused Al-Gharib. Wöllner testified that Al-Gharib said that he used to bring people to prison.

The judge, defence and prosecutors asked him to speak clearly, and the judge asked him to speak more slowly.

In his interview with Wöllner, Accused Al-Gharib described the intelligence services’ military exercises and their weapons training. There was some confusion regarding the translation of a type of bomb. [the issue was put to the translator of this interview, Ahmad Abdullah, who testified later the same day].

Wöllner said that Accused Al-Gharib told him he worked in Branch 251 (on Baghdad street in Damascus) until 2012. Accused Al-Gharib used to work in the “religions department,” where he monitored religious activities, such as Friday sermons in mosques. He worked in various locations between 2010 and 2011 (including Al-Yarmouk camp and Al-Hajar Al-Aswad).

Wöllner testified that when he asked Accused Al-Gharib why he wanted to leave his job, he said he did not want to harm Syrian civilians. He worked in Al-Khatib Branch , فرع الخطيب, and then was transferred to division 40, near the president’s house, which was under Hafez Makhlouf’s حافظ مخلوف’s command.

According to the witness, Accused Al-Gharib left Syria on December 2, 2013, and applied for asylum through the UN in Greece.

Al-Gharib went to school until the 12<sup>th</sup> grade, but he did not graduate. He did not serve his compulsory military service, but said he has a military ID because one receives it automatically if they work in the intelligence services.

Accused Al-Gharib said in his interview with Wöllner that he saw people getting beaten, including on their heads. He mentioned that Hafez Makhlouf came to Duma once with his car, shot and killed 5 people.

Al-Gharib said that there were ISIS detainees in his department in 2012. Wöllner stated there could not have been ISIS detainees in 2012, when ISIS in Syria was not established yet.

Wöllner testified that Accused Al-Gharib stated he now wanted to fight against the government. Al-Gharib left Damascus, went to Muhasan (in Deir-ez-Zor) and hid there for 6 months while his family stayed in Damascus. Syrian intelligence told to return to Damascus or his family would be harmed. Accused Al-Gharib's family fled to Muhasan by car. Their house in Muhasan was shelled with rockets,



though they escaped injury as they spent days at the Euphrates to avoid daily shelling. They then fled to Abu Hasan, but some problems arose in the family and the house was too small for them, so Al-Gharib went back alone to Muhasan.

When Wöllner asked how Al-Gharib's wife used to move around with no ID card, he said that she was using her cousin's ID card as they resemble one another.

#### Testimony of Ahmad Abdullah

The 3<sup>rd</sup> witness was Ahmad Abdullah, a 48-year-old translator who works at BAMF and who translated the interview between Wöllner and Accused Al-Gharib. Abdullah described how he translates.

When asked what he does when faced with difficulties in translation, Abdullah said he asks the "client" to repeat what they said and mean. He said he must be sure of what he is translating. Abdullah was asked about the confusion on the translation mentioned in Wöllner's testimony and if he knows what "Strombomben" means. Through Abdullah's translation, Accused Al-Gharib said he was trained to use the "Strombomben" in military training. Note this did not make sense to the judge and the defence team. The defence asked Abdullah if there is a possibility of errors caused by retranslating the term and Abdullah said yes.

Dr. Anna Oehmichen, one of the plaintiff's attorneys, asked the witness where he studied Arabic and Abdullah said he studied in Baghdad.

#### Testimony of Kerstin Zinsius (Zensius)

The 4<sup>th</sup> witness was Kerstin Zinsius, a 49-year-old female from the Zweibrücken municipality.

Copies of Accused Al-Gharib's asylum application, family registration and marriage document were shown. His children's names [redacted] were read out.

Zinsius spoke of charges that Accused Al-Gharib faced in Germany as a refugee. In one incident, Al-Gharib hit a child and threatened the child's father that he would chop his head off and break his hand. He was charged with physical abuse and personal/health injury, and he paid the fine. Al-Gharib also faced assault charges for allegedly fighting and beating two Afghans.

His wife's original work ID card was shown and her name [redacted] was read out. The translator was asked to translate it directly from the screen.

Accused Al-Gharib's original military ID card (ID #232512 – D/738606), issued on June 15, 1998, was shown. He was a "volunteer" [not-conscripted] sergeant.

#### Procedural matters

A lunch recess was called from 12:45-1:45 pm.

#### Anwar Raslan's statement (read out by his attorneys)



Accused Raslan's defence attorneys presented his statement over the course of 2 hours. At the end of the statement, the Judge asked Accused Raslan if this was his statement, and he responded "Yes" in Arabic.

Accused Raslan explained how he joined the police and intelligence services, how the situation changed after 2011, and how his superior (Tawfik Younis) grew suspicious of him since Accused Raslan released many prisoners and since he was from Al-Houla. Allegedly, Accused Raslan's responsibilities were thereafter reduced, and he said he did not have any power after that.

Raslan addressed each of the plaintiffs and other parties; stating their name, giving a brief summary of each person, and how and/or when the person was detained. Subsequently, Raslan noted conflicting evidence in the plaintiff's and other parties' accusations against him (such as discrepancies in dates and contradictory statements).

Raslan stated that many plaintiffs knew that he was helping and sympathizing with the opposition. Accused Raslan was treating prisoners according to the protocol and offered them coffee when they first came to be interrogated. Accused Raslan met some of them later on in Jordan and Turkey, and drank coffee with them in cafes.

Raslan stated that he helped one plaintiff [name redacted] to be released and helped another to escape from Damascus to Jordan. He noted contradictions between two plaintiffs' testimony for example, he stated that one plaintiff [name redacted] did not see Raslan personally, and only saw a board with his name written on it. He also stated that he did not know two assailants that two plaintiffs [names redacted] claimed had sexually mistreated them. In response to [name redacted]'s claim that there was "shabh" شبح (a torture act where the victims, either standing or sitting down, are tied and suspended), Accused Raslan stated that the prison's ceilings were too high to tie someone and thus, it was not possible for such an act to occur. Further, he noted that one plaintiff helped him get to Germany. Raslan also stated he did not know another of the plaintiffs.

After addressing each person, Raslan said whether he saved each person's contact information in his phone, including their phone number or Messenger, Viber or Facebook contacts.

Additionally, Raslan named multiple persons who could testify that he was supporting the opposition.

Accused Raslan claimed that he did not hit or torture anyone nor did he order that anyone be tortured.

He stated that he participated in the Geneva conference "against Al-Assad." Raslan was in contact with opposition figure Ahmad al-Jarba أحمد الجربا until a few months prior to his arrest by German authorities.



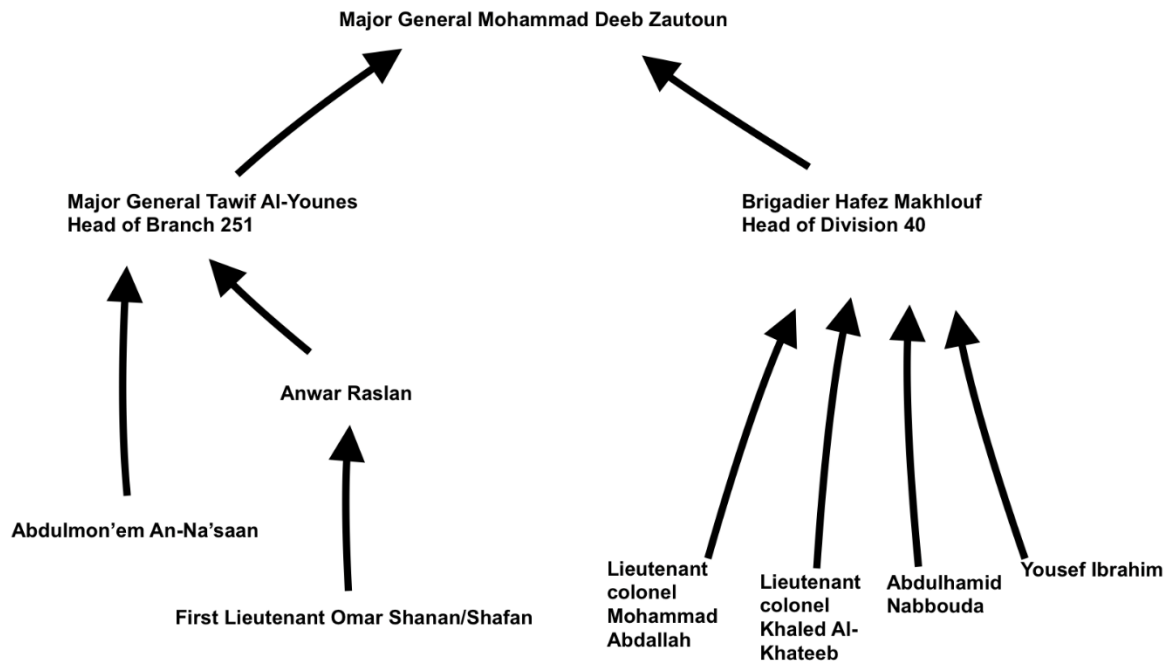
Raslan stated that he travelled from Jordan to Germany, and how he obtained asylum. He went to visit his daughter in Turkey, but was caught in the airport when he was traveling back to Germany using a fabricated passport, and thus had to wait in Turkey for 3 months before being allowed to travel. The passport listed Raslan’s profession as “lawyer,” but it was not far from the truth as he had studied law.

When he was applying for asylum, Raslan told the authorities that he was from the military, gave them his military ID and stated that many were imprisoned in his branch.

Accused Raslan stated that he wants a democratic Syria, free from dictatorship and sectarianism.

Following the statement, the defence stated that Accused Raslan would not answer any questions regarding the statement, but would answer questions on other topics.

The prosecution and plaintiffs’ attorney requested that a sketch, originally drawn by Accused Raslan in Arabic, be shown. The sketch, shown in Arabic and its German translation, illustrated Accused Raslan’s place within the intelligence services, and it was noted that there was some mistranslation. A redrawing of the sketch is here:



The proceedings ended at 3:45 pm.

Trial Day 6 - May 19, 2020



There were about 11 spectators and 10 individuals from the media present. The proceedings began at 9:30 am.

#### Testimony of Corinna Müller-Durmann

The 1st witness was Corinna Müller-Durmann, a 45-year-old police chief inspector of the Berlin police.

She stated that Accused Raslan sent the Berlin police a three-page letter expressing his concerns that he was being watched on multiple occasions by Syrian intelligence because he defected. The letter asked the police to do something and signed the letter as “Colonel Anwar Raslan.”

The original letter in Arabic was shown, followed by the translated version. The inspector said she asked for the letter to be translated to check that the police’s direct translation is the same as the statements written in the letter. Judge Kerber began to read out the letter and told the translator to stop her if there is a mistranslation.

One of the incidents addressed in the letter involved a time when Accused Raslan was at the dentist. He looked outside the window, saw people looking, and assumed they were part of the Syrian intelligence services. When he left the dentist, he was not being followed. Then, he found 2 people standing between the dentist clinic and the S-Bahn [urban train] station. They entered the train with him. One got off at the station before him and the other one got off at the same station with him. That person followed him for a bit, and then disappeared. When he arrived at his home, he saw an olive car parked close to where he lives. Inside the car was a man with a light beard who started to speak on his phone the moment he saw Raslan. He approached the car to see the license plate number as the car moved away.

Another incident mentioned in the letter occurred in a refugee camp in Germany where 2 people who looked Syrian were watching him before they spoke on the phone.

#### Testimony of Petra Becker

Petra Becker is a 57-year-old founder of an NGO that supports Syrian refugee children. She lived and studied political science in Syria for 14 years. Previously, she was the head of the German Embassy’s language services in Damascus and researched the Syrian conflict at the Stiftung Wissenschaft und Politik (SWP) (German Institute for International and Security Affairs). She left Syria in 2012 due to the war.

Becker met Accused Raslan when he was aligned with the opposition. She said it was interesting to meet him due to his experience in Syria and she was looking for a conversational partner. Becker said that [redacted] and his daughter [redacted] recommended him to the German authorities, but later added that it could have been other individuals.



Becker stated that Raslan asked her to request the foreigners' registration office to help him, but the office suggested that he seek help from the State Criminal Police Office in Berlin. Becker stated that she cannot recall the exact details of this incident.

Accused Raslan told Becker about the events in 2011-12, the intelligence services and Al-Nusra. He also told her about the Al-Houla massacre and that he was under pressure because the intelligence services threatened his family.

He did not tell Becker about the nature of his work with the regime.

The judge asked Becker about her impressions of her discussions with Accused Raslan, and Becker replied that when a researcher speaks with individuals about what happened in Syria, there is a 50-50 chance that the statements are true or false, and she was not sure of what she is being told.

Becker stated that Accused Raslan had called her, asking for help and stating the Syrian intelligence services were monitoring him.

Becker spoke about her background, stating that people call her "Mother of the Syrians," because she speaks their dialect, helps them and brings attention to the situation of Syrian refugees.

Becker said that she was wary because Accused Raslan worked with the intelligence services. When asked if she knew the nature of his work with the intelligence services, she acknowledged that offences are committed in a sector like the intelligence services, but she cannot say exactly what type of offenses they would be.

When asked if she knew how Accused Raslan came to Germany, she said no.

Accused Raslan called Becker on another occasion and asked her to meet him and his wife in a café. He asked for Becker's help in bringing his daughter to Germany. Becker stated she could not help, but he insisted. Becker refused, left the table, and Accused Raslan's wife followed her and asked her "OK. How much do you want?", which was suspicious and disappointing to Becker.

Counsel Patrick Kroker, plaintiff's representative, asked Becker about the regime's stability in 2012, and Becker replied that the regime was under pressure. Kroker asked if she knew about the role of intelligence apparatuses in Syria, and Becker confirmed, stating that this was common knowledge among the people in Syria.

Counsel Kroker asked if she knew about the methods of torture in Syria, and Becker mentioned some methods like Falaqa, the German chair and beating until death. When asked if this occurred before 2011, Becker said yes.



Counsel Michael Böcker, one of Accused Raslan's defence lawyers, asked whether Becker would be willing to go to the police with him if he felt that he was being followed by Mossad. She answered that she might only if she was an expert in Israeli affairs.

Counsel Böcker asked whether Becker brought German authorities with her to her arranged meetings with Accused Raslan without Raslan's knowledge. Becker asked for clarification, and Böcker clarified by mentioning authorities like BND (the German Federal Intelligence Service). She said that she does not remember such a thing. Böcker emphasized that he was talking about the BND, and questioned how she would not remember such a thing. Becker affirmed that she does not remember any such instance.

Counsel Böcker asked about the Sunnis and Alawites, and the effect of this on power in Syria. Becker asked for clarification, and Böcker gave a past example of the Catholics in Europe. Becker responded and stated that until the beginning of 2011, the population consisted of about 70% Sunnis and about 10 – 12% Alawites. The Alawites occupied key positions as Bashar Al-Assad's father (Hafez) built security and intelligence apparatuses in that manner so other sects do not have a big role.

Counsel Böcker asked for historical context regarding the disproportionate power between the two sects. Becker replied that Sunnis predominantly controlled the economy until the 1950s, which changed after the rule of Al-Ba'th party.

Counsel Böcker asked what it is like when a Sunni and an Alawite met each other in normal life. Becker said that in normal life, it does not have an important effect. The regime was integrating other sects and ethnicities in the system, so they remain loyal to it. She added that Sunnis were surveilled more than others.

Counsel Andreas Schulz, one of the plaintiffs' representative, asked if she knows Asef Shawkat أصف شوكت. Becker said that he is Bashar al-Assad's brother-in-law and that he is an important figure in the regime. Schulz asked if she knows other Sunnis who have high positions in the regime, and Becker answered that these positions are not exclusively for Alawites, as the most important thing is that they have loyalty towards the regime. Non-Alawites are positioned in the regime to maintain stability in the country. When asked if she knows other similar Sunni commanders who have committed offences, Becker responded yes, but said that she cannot give examples at the moment.

Counsel Schulz asked Becker how many individuals were working at the German embassy in Damascus during her tenure, she said 40. Schulz continued to asked Becker if she met someone from BND, but the Judge interrupted him, stating he had gone off course [it was irrelevant].

Counsel Kroker asked Becker if she knew Anwar al-Bunni and his case while working at the German embassy in Damascus, and Becker said yes.





INTERNATIONAL  
RESEARCH AND  
DOCUMENTATION CENTRE  
FOR WAR CRIMES TRIALS

Syria Justice and  
Accountability Centre



Senior prosecutor Jasper Klinge asked if there were other defected Sunni commanders, and Becker said there were many who began to defect in June and July 2011. Klinge asked if she talked with other defectors and Becker said yes. When asked where she spoke with them, Becker said Turkey and Germany. Klinge asked her if she can mention some of the names of individuals who are now in Germany, but Becker said she cannot remember.

The proceedings were adjourned at 11:45 am.

The next trial will be May 27, 2020 at 9:30 a.m.