



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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 4

Hearing dates of June 3, 4, & 5, 2020

*Note: Some testimony includes descriptions of torture.*

*[Information located in brackets are notes from our court monitor].*

*(Information located in parenthesis is information stated by the witnesses themselves).*

**Summary / Highlights**

**Trial Day 10**

- **Witness and plaintiff [name redacted] [P1], the first plaintiff to testify, spoke about his background, his experiences as a detainee in Syria and how he knows Accused Raslan. P1, a filmmaker, was detained twice, primarily due to his work and footage of demonstrations in Syria. He testified about his interrogations and the abuse and torture he experienced in the Al Khatib Branch, which included *Shabh*. He also spoke about the Branch's inhumane living and sanitary conditions, as well as the confined living space in the shared cells. Judge Wiedner asked how he knew Accused Raslan. The Witness said he was about 60-70% sure that his interrogator at Al-Khatib was Accused Raslan due to facial features that he remembers and conversations with other prisoners during his detention. Prosecutor Klinge questioned him further about his experiences in Al-Khatib.**

**Trial Day 11**

- **P1's questioning and testimony continued. He spoke further about the interrogation tactics used while he was detained, including threats and insults towards him and his family. He mentioned that he saw a child who showed signs of being tortured, and heard the screams of women in the prison. He spoke about his personal health and psychological conditions as a result of his experiences as a detainee. He stated that he believed he could recognize his interrogator's voice and that anyone who works at Al Khatib Branch is aware of the torture and abuse there.**
- **[Name redacted] [P2], a Syrian human rights lawyer, testified about his experiences as a lawyer in Syria and his experiences in detention. This Witness stated that the regime has detained his family members since 1977. He spoke about his five years in Adra prison, where he was arrested for his human rights-related work in Syria. Using his own experiences and the experiences of his detained clients, P2 shared his knowledge about the Branch 251's hierarchy, noting that it was the main branch that detained, tortured and interrogated detainees, before transferring them elsewhere. He testified how he identified Accused Raslan as the individual who delivered him to court while he was detained in Syria, and stated how he came across Accused Raslan three times in public places in Germany.**

**Trial Day 12**



- **P2's testimony and questioning continued. P2 spoke further about Branch 251's hierarchy and noted that Division 40 was under Branch 251, and thus Division 40 followed 251's orders. Using his own experience and his clients' experiences, he described Branch 251's layout, including the underground prisons. He testified about the experiences of female detainees, and more specifically the sexual assault they endured. He stated that a non-Alawite could have a high-rank in the prisons, and stated he was able to distinguish a person's sect or hometown from their dialect.**
- **The next trial session will be June 24, 2020 at 9:30 a.m.**

### Trial Day 10 – June 3, 2020

There were about 15 spectators and 10 individuals from the media present. The proceedings began at 9:30 am.

Chief Judge Dr. Anne Kerber stated that witness Martin Holtzky [chief inspector who testified on May 29 about his questioning of Accused Raslan] sent a passenger receipt that belongs to Accused Raslan. The receipt was shown via the projector and listed Raslan's flights on Eurowings airline between Berlin and Stuttgart.

Counsel Arne Bodenstein, one of Accused Raslan's attorneys, filed an objection regarding the use of Accused Raslan's interrogation from 2017 in which Raslan explained where he worked, mentioned information about detainees and was asked about arrests and torture methods. The defence objected to the interrogation being used as testimony because it assumed that Raslan was being interrogated as an accused (as opposed to a witness), and thus no statements from that questioning should be admitted as evidence. Counsel Sebastian Scharmer, a plaintiff attorney, said that the objection was obsolete [no ruling was issued as it was no longer necessary].

Judge Kerber called upon the first witness, and explained to him that he will be questioned both as a witness and a plaintiff.

### Testimony of P1 [Name redacted]

The 1<sup>st</sup> witness was plaintiff [name redacted] referred to as P1 in Trial Monitoring Report #1], a 35-year-old film director. He testified in Arabic with German translation.

### ***Questioning by Judge Kerber***

Judge Kerber asked the witness to introduce himself. He testified he was born in [redacted] province to a mother with Kurdish origins and a Syrian father. His father was an Arabic teacher and his mother was a teacher. He has seven sisters and two brothers. He completed his elementary school education in his home village [redacted], and his junior high/preparatory education in a nearby town called [redacted] because there were not many schools in his home village. He went to high school in [redacted].

Judge Kerber said that she was aware that his father had two jobs. P1 explained that his father studied Arabic literature and was active in the political field. He said that his father wrote pieces, but never published anything due to regime oppression and censorship in the 1980s. He stated that members of his family, specifically three uncles, were detained. He said that this forced his father to collect everything he wrote, burn it and bury the ashes in the house's yard to protect the family. The



Witness mentioned that his father switched to teaching, but then left it as his father felt that he was not able to change anything within the community. He said this made his father become depressed, which affected the whole family. He stated that his father's decision to burn his writings and switch professions was needed to save the lives of his family members, and not get involved or entangled with the "criminal" regime.

Judge Kerber asked P1 to explain his father's work in sales. He testified that his father became a dealer in car replacement parts and sanitary ware parts in the town of Khan As-Subul خان السبل.

Judge Kerber asked P1 about his fields of study. He said that he switched between multiple fields of study. He said he first studied law, then switched to acting at the high institute of the dramatic arts, where he was advised by one of his teachers to study film directing. Judge Kerber asked him where he studied directing, and he said Lebanon. He mentioned that he wanted to specialize in cinema, so he went to France to study in English.

P1 also stated that he studied in France for three years. Judge Kerber stated that P1's academic journey lasted for a long time, and she asked him if he served his military service. He replied that he did not serve in the military. He said that he went back to Syria in 2005 or 2006, and applied multiple times for "open learning" [an education program in Syria that allows a wide array of people to enroll in classes. Many men used the program to delay their military service]. He said he always tried to register in universities so he would not join the army and that his family suffered from the Syrian army as it detained family members. Judge Kerber asked him to elaborate further on his education history. He said that he studied media for 3 years, but did not graduate.

### ***Witnesses involvement in the 2011 protests and 1st detention***

He testified that at the beginning of 2011, public movements began in Egypt and Tunisia. He added that him and his friends believed that this type of movement would reach Syria sooner or later, and it did on March 15, 2011. Judge Kerber asked him about his experiences in 2011. He mentioned that he took his camera and went to the streets on the first day, where there were short demonstrations. P1 said that he tried to film the demonstrations to inform the world what was happening in Syria. He testified that his filming included footage of how demonstrators were shot at, showed that tear gas was used, that people were beaten with batons, and how individuals at demonstrations were arrested and kidnapped. P1 added that later (he said he did not recall exactly when) he installed a camera in a taxi with the taxi driver's consent during a Friday demonstration in Al-Midan الميدان in Damascus. P1 said they drove through right when security forces attacked the demonstration. He added that shooting occurred. P1 stated that all his films were confiscated after he was arrested in Al-Khatib Branch.

In response to a question from Judge Kerber, P1 also testified that he was detained twice.

According to P1, the first time was at the end of March 2011. He said he was in Dahiyat Harasta ضاحية حرسنا [Harasta suburb/outskirts], part of Al-Ghouta, الغوطة but the regime calls it Dahiyat Al-Assad. ضاحية الأسد. He stated that he was in an internet café with one of his friends before he was abducted. He answered that he was detained for a total of two months—he was first detained for one month in the Air Force Intelligence branch, and then he was transferred and detained for another month in another department. He testified that the Harasta Air Force Intelligence abducted him from the café and he was beaten on the way to the branch. He stated that he was fiercely hit by



a sharp object (he said he was not sure what the object was, but assumed that it could be a razor) on his face and the back of his neck. He continued and stated that when he arrived to the Air Force Intelligence branch, he was blindfolded and was hit on his face. He said he was not sure how many people were there, but he was certain that there was more than one person. He alleged that the beating was fierce and grave; as a result, he said he could hardly breathe for several days. P1 said that he was taken inside [the building] and went down a number of steps, where he was prostrated on the ground and was beaten by hard and sharp objects.

This was during his first detention. P1 said that there was someone who was killed there as a result of torture and children under ten-years-old.

Counsel Michael Böcker, one of Accused Raslan's attorneys, intervened and asked P1 if he saw this occurring during the night. Judge Kerber did not allow for questioning and said that questions will be asked later.

### ***Second detention in Branch 251***

Judge Kerber asked P1 about the second detention. He said that he was arrested due to materials he had filmed; he said he had a lot of filmed footage. He stated that he received information from a friend that "they" will continue chasing him and that he should be careful. Subsequently, he said he packed his stuff and a lot of his filmed material. He asked his friends if his name was distributed on checkpoints or was on the "wanted list," and his friends said no. He added that at this point, he left Dahiyat Harasta ضاحية حرسنا and moved to Mazzeh Sheikh Sa'd. مزة شيخ سعد. He stated that there were demonstrations emerging from a mosque near his place of residence, several people were detained, and the area close to him was raided. He stated that the detainees' heads were covered by their t-shirts and people dressed in army clothes were beating them. He noted that it was a swift operation. P1 testified that his friend gave him a ride to the airport, and following his security check in the airport, a person summoned him. He said that this person and a few others took him to an empty corner, arrested him and covered his head with his t-shirt. He stated that they went upstairs and walked in a hallway before entering a room, where he found his two suitcases open and his stuff rummaged. He stated that they took his hard disk drives, and sorted his film material and his clothes. He said there was a computer that connected his hard drives and played his film materials.

Judge Kerber asked P1 when that was, but he said that he could not remember precisely. He said he could estimate since he remembered he spent his birthday (September) in prison. Judge Kerber told P1 that during a prior questioning, he said that it was in October. P1 replied and said it was in August and not in October, because he spent September entirely in the Al-Khatib Branch.

P1 continued his testimony of his second detention and said that he was transferred to another location, where the person in charge asked him why he was filming demonstrations and which part of intelligence services he was working for. He said the beating then started and lasted for about one–two hours. Afterwards, P1 was transferred via car, where he was also beaten. He testified that there were three other people in the car—one in the front, one on his right and another on his left. He said he used to have long hair, and they were pulling his hair and trying to pull his hair out. He added that one of the persons on his side told the one in the front that he wanted to take some hair. Additionally, he said his head was pushed downwards until he could not breathe, and they were trying to harm him with a sharp object on the back of his neck.



Judge Kerber asked P1 to clarify if the beating occurred in the first or second detention, and P1 answered that it occurred in both.

Judge Kerber asked P1 where he was taken, and he said that he did not know because he could not see around him. He said the car arrived at an unknown location, where he went upstairs and was put in a corridor. He stated that after a while, another detainee came and both he and P1 were prostrated on the floor. P1 said he talked to the detainee and asked him if he knew where they were. He stated the detainee told him that they were in the information branch [branch 255, one of the branches of the General Intelligence Directorate]. P1 said that he asked the other detainee how could he know, and the detainee answered that he was a taxi driver, was giving someone a lift and suspected the passenger could be a member of the security forces. The taxi driver told P1 that the passenger was criticizing the regime and the taxi driver did not defend the regime. Consequently, the security forces member [the passenger] forced the taxi driver to go to the Branch.

P1 said that afterwards, he was taken to a person in charge, who gave P1 a paper and a pen and told him to write down the names of all people P1 was allegedly working with and who P1 was filming material for. P1 said that he told the person the material was for himself, not for someone else. P1 testified that they started to beat him on his face and his lower limbs' muscles. He said he stayed there for about two and a half days, was then transferred by car (where he was also beaten) and arrived to another location, where he stayed for about two days. P1 said he was then transferred again by a car, where he was also beaten, to another location. P1 said he was not placed in a cell, but rather in an office. He said that after that, he was taken to Al-Khatib. When he arrived there, P1 said they pulled him down from a microbus, insulted and swore at him, beat him and went downstairs. He said that individuals at the branch also stole his mobile phone and his luggage so he was there without his belongings but with his passport. P1 testified that people were being beaten and tortured in an inner yard at the branch. P1 said that he was told to keep his head down, he was highly afraid and the screaming was horrifying. He stated that they beat him, took him to a shared cell and his body was smashed and broken.

Judge Kerber asked if the beating was with hands or with tools. P1 stated that the beating was committed via hands during his transportation between locations, while both sticks and hands were used at the Branch.

Judge Kerber asked P1 about the shared cell. P1 said that people were all over each other in a shared cell. P1 testified that there was a person at the corner, who seemed to be about 80 to 90 years old. P1 said that this man called P1 and told him to sit knees to the chest [P1 demonstrated the sitting position to the courtroom]. P1 stated there were also people standing. He added that the elderly man asked multiple prisoners to stand up and give some space to P1 so he could sit down. P1 said multiple prisoners were summoned on the first day, one of whom was a 14-year-old child. After a few hours, P1 said the child was brought back to the cell and his legs were bleeding, and some prisoners tried to stop the bleeding. He testified that there were prisoners, whose leg wounds were festering, and he could see through their faces that they were mistreated and were not capable of moving. P1 said that there were many elderly prisoners and a child. P1 stated that he was not summoned on the first two days. He said that prisoners were summoned on a daily basis; some were summoned and returned while others were summoned and did not return, but rather newcomers entered the cell. He testified that when the prisoners returned, he could see the signs of beating and



torture on their bodies and backs like in movies, and he stated that he could not even describe how horrible their condition was.

P1 testified that on the second or third day (he said he was not sure), he was taken to the interrogation. He stated that he was blindfolded, but was able to see from underneath because the blindfolds were made out of a cheap material. On his way to his interrogation, he said that he saw people being tortured. He said that some people were lying on the floor and were being tortured, and others were lying on the floor and were not moving. He stated that he was not sure if they were dead.

Judge Kerber asked P1 which floor the interrogation was conducted, and P1 said that he did not know because he was underground. Judge Kerber asked P1 if he was taken upstairs for the interrogation; P1 said that he always stayed in the underground level.

P1 stated that in the interrogation room, he sat down with his head facing down and there was a person in front of him sitting on a chair with no table between them. P1 said that the person crossed his legs (P1 said he wanted to show P1 that he was relaxed and prideful). P1 said the person spoke with him, did not remove his blindfold and told him that he knows that P1 is a director (P1 felt that the person was feeling powerful at that moment). P1 said that he lifted his head up and saw the person's face. The person was wearing shoes, a formal uniform and a tie. P1 stated that he glanced at a mole and did not know or see that person previously. P1 said that he kept note of the interrogator's mole as his mother had multiple moles and used to tell him that these were fulfilled wishes. P1 said that the person lowered P1's head down and asked P1 whether he saw him.

Judge Kerber asked P1 how he could have seen the interrogator's face when he was blindfolded. P1 answered that he saw him when he lifted his head up, before the interrogator lowered his head down. Judge Kerber asked P1 if he meant that he saw from underneath the blindfold, and P1 affirmed.

*The Court took a five-minute break.*

Judge Kerber asked P1 to clarify his reference to the mole as P1 did not mention the mole during his prior questioning in Germany. P1 said that he was exhausted at the questioning in Germany; it lasted too long (about 7 hours) and he said he was working on the montage phase of his very tough film at the time. P1 stated that he did mention the features of the interrogator's face during the questioning in Germany, and added that he did not mention details, because he was planning to forget everything during his stay in Germany. P1 said his questioning in Germany began at around 11:30 a.m. (he said he was not sure, but it was daytime), and there were breaks. He said he arrived in Germany after 12 hours of travelling on the previous day. He said his questioner in Germany was wearing a clean white shirt, which P1 said he could not forget, due to the prisoners' abysmal conditions in Syria. P1 testified that though these are small details, they are related to human dignity, which was the reason he left Syria and which is what the German constitution expresses in its first article.

Judge Kerber asked P1 to go back to what happened to him during his second detention. P1 said that the interrogator talked to a person, asked him what P1's profession was, and that person answered that P1 was a cinema director. He stated that another person behind the interrogator said, "this man is specialized in artists" [apparently telling P1 to get ready as this investigator is specialized for artists



like him]. P1 said that the person in the back was speaking with the interrogator using a low tone, which made P1 feel that the interrogator in front of him had a higher rank. P1 stated that the person in the back did not address the interrogator with a name or a title, and P1 believed that it was on purpose to not let him know the interrogator's identity. He said the interrogator continued asking P1 questions about his personal life to confirm P1's identify. P1 stated the interrogator then asked him who he was filming the footage for, told him they knew everything and that P1 should not lie. P1 mentioned that the interrogator told him he has all the power to do whatever he wanted with P1 to get answers. P1 stated that he told the interrogator that he personally filmed and recorded the footage. He said the interrogator asked if someone helped him and P1 answered negatively (P1 told the court that he did not want to embroil anyone with him). P1 said the interrogator asked him which external parties he was dealing with, and P1 told the interrogator that he was a director and working on a film. The interrogator asked him "against the government?" and P1 did not respond (he told the court that he knew that they already knew everything, so it did not make sense to answer that question). P1 stated that the interrogator told him "don't answer" (in a threatening way). P1 said that he tried to raise his head up, but his head was lowered down again without being beaten. P1 said that cursing, beating and torturing were occurring around him. According to P1, it was as if he was being told that this is what would be happen to him, as the interrogator was letting him hear the sounds of torturing and the screams by taking pauses of silence.

Judge Kerber asked if the surrounding torturing, beating and screams were happening in the same room. P1 explained that the rooms were open towards each other and there was an open area behind him. P1 said that sounds were coming from every direction, and torture and interrogations were being conducted around him. P1 said that the interrogator asked him if he liked the President, and P1 responded that he did not know what to answer, because his film footage already answered the question and any answer from him would not help. P1 answered that he did not like the people around him [the President]. P1 mentioned that the interrogator did not respond to his answer, continued to ask if P1 had relations to the committees in Aleppo, Idleb and Damascus, and demanded the names of individuals P1 was dealing with inside and outside of Syria. P1 said he told the interrogator that it was for a film, it had nothing to do with anyone inside or outside of Syria, and that he was not dealing with any intelligence party. P1 said that the interrogator asked him if he was a French or American agent. P1 said that he was immediately afraid when the interrogator asked him that question [it seemed P1 was afraid to be accused of being a traitor], and he told the interrogator that he was a director and worked alone. P1 said that the interrogator told him again, "don't answer" (in the same threatening way). P1 said that the interrogator then called a person to "come here." P1 said he was then taken to the open area, where he was prostrated on the floor among the other people and they began to beat him. P1 said that he did not hear if the interrogator ordered anything, but the beating on the floor began only a moment after his interrogation. P1 said other interrogations occurred and after that specific one, he was taken to the solitary confinement cell.

Judge Kerber asked if the same interrogator conducted the other interrogations. P1 answered that he could guess from the interrogator's voice, clothes and shoes, but he was not 100% certain.

Judge Kerber asked how he went to the solitary confinement cell, and P1 answered that there were small stairs. He added that there were two other solitary cells, then stairs, a toilet and a hallway that leads to the interrogation rooms.



Judge Kerber asked how P1 identified Accused Raslan. P1 said that before his interrogation, he was in the shared cell. He said that prisoners in the shared cell used to share names of interrogators and information. P1 mentioned that he used to know some names but cannot recall them anymore. He said that a prisoner in the shared cell told him about the features of the person who interrogated him, and that Accused Raslan might interrogate P1. P1 added that he was not able to recall details until he got out of the prison, where he began to link the events and experiences he went through. P1 said he saw photos of Accused Raslan before Accused Raslan's arrest and after Raslan became part of the opposition. P1 mentioned that he saw the photo where Accused Raslan was wearing a suit, had a mole and said that it was the face of his interrogator.

Judge Kerber read out what P1 said during his questioning in Germany. She read "I went to him on the third day and he told me that he was Anwar Raslan, the head of the branch." Judge Kerber added that in a previous questioning, P1 answered that he was sure he did not go to the shared cell after that interrogation. Judge Kerber said through these statements, P1 had discrepancies with what he stated previously. P1 stated that he was sure that he went to the solitary cell after the interrogation, but he was not certain if he went to the shared cell prior to going to the solitary cell. He said that he did not sleep in the shared cell that day. He said that it could be that he was brought to the shared cell and stayed there for few hours, before he was taken to the solitary cell. P1 said he was not sure.

Judge Kerber asked if the guards were addressing the interrogator with "Sidi" سيدي [sir/my master]. P1 answered that he did not remember. Judge Kerber asked P1 if there were breaks during the interrogation, and he said no.

#### ***Questioning about interrogation methods***

Judge Kerber asked P1 about his status after being interrogated. P1 alleged that he was beaten by a cable (he said he does not know its type) on his back and legs during his interrogation. He also stated that they attempted to place pressure on his anus with a fairly hard object. Judge Kerber asked if this was only an attempt, or if the object was placed inside. P1 said that because he was wearing underwear, only part of the object was placed inside.

Judge Kerber asked if the interrogator was present at that time. P1 answered that he did not know, but they were asking him the same questions and were telling him that he must speak.

Judge Kerber asked whether it took place in the same interrogation room, P1 said no as it was in the open interrogation area. He said that his hands were cuffed behind his back with a cable.

Judge Kerber asked P1 whether he was tortured through *Shabh* شبح. P1 said that throughout the six days, constant torture occurred either daily or every other day, and *Shabh* occurred on the last day with a cable. Judge Kerber mentioned that it was claimed [Accused Raslan stated this on Trial Day #5, May 18] that there was no place to hang the cable. P1 said that there was a wall, but he did not look upwards and he could not accurately say where it was precisely hanged. P1 stated that whoever could build such a prison for torturing would be able to find a way to tie up the cables. Judge Kerber asked how long *Shabh* lasted, and P1 said that it lasted for a long period of time. He stated that he remembered having so much pain and still had difficulties in his legs and toes.

Judge Kerber asked if P1 recalled if the introduction of the object mentioned earlier occurred in the *Shabh* position. P1 said no, as he was on the floor when that occurred. Judge Kerber asked if the



object entered inside, and P1 answered that they attempted more than once and when he has on the floor, he felt it inside. He said that this incident injured him and he spent five-six months recovering.

Judge Kerber asked if the beating targeted certain areas of the body. P1 responded that he was beat on his lower limbs and across the body with the cable, as well on his upper limbs and back. He stated that beating was indiscriminately done across the body. He added that there was *Falaqa* فَلَاقَة [beating the victim on the soles of their feet with a baton, whip or another object], punching and kicking.

Judge Kerber asked how often that person interrogated him, and P1 answered more than three times. Judge Kerber affirmed that P1 stated the same during his questioning in Germany [by the investigator].

Judge Kerber asked if the interrogator was present during the *Shabh*, and P1 said that he did not know. Judge Kerber further asked what types of torturing methods were used in the interrogator's presence. P1 said that there were beatings and *Shabh*, but he did not know if the interrogator was present and he did not directly hear him during the torture.

Judge Kerber asked about the torturing methods in the shared cells. P1 said that food was rotten, unhealthy and inedible; the prisoners ate it because they had no other options. He said that in the shared cell they used to drink from the toilet. P1 stated that the solitary cell had harsher conditions for water, food and toilet as there was only one meal per day which consisted of a few olives, potato and a piece of bread that was mouldy. P1 said he could choose between either getting the mouldy piece of bread and the potato, or the mouldy piece of bread with three olives.

Judge Kerber asked about sleeping conditions. P1 said that in the shared cell he used to sleep sitting while others stood. In the solitary cell, P1 said he used to bend himself to sleep. Judge Kerber asked if P1 used to sleep on the bed or on the floor, and he said the floor. Judge Kerber asked P1 how big was the solitary cell, and P1 described it visually using the courtroom as a measurement guide. Judge Kerber said that, according to P1's description it was 80 x 80 cm, and P1 affirmed.

Judge Kerber asked about the toilets' condition. P1 said that there was no toilet in the solitary cell and if he had the urge to use the restroom, he used to knock on the door. He said the guards would come, but they did not take him to the restroom; instead, they would beat him.

Judge Kerber asked if water was available, and P1 said no. Judge Kerber asked how often he used to drink water. P1 said that when he used to go to the restrooms, he used to drink from the toilet. He said that prisoners could only drink until the guards counted to five.

Judge Kerber asked about the air ventilation, and P1 said that the health condition was bad. P1 alleged that no one with respiratory problems would be able to withstand the air there. He added the air was filthy, smelled like blood and mould, and breathing was difficult.

Judge Kerber asked if P1 saw corpses in the cell. P1 answered that there were prisoners who were near death and suffering, and could die in a week. He added that prisoners had ulcers in their feet and bodies, disfigurement on their faces, fractured bones and respiratory diseases. However, he said he did not see corpses in the shared cells. He added that when he used to be taken out in the hallway, he used to see incapacitated people.



Judge Kerber asked how long he stayed in the branch, and P1 answered about two – three months; he said he was certain that he spent his birthday there.

P1 said he was then transferred to the General Intelligence Directorate. P1 said he was released in mid 2012 or July 2012, but he said he was not exactly sure.

P1 also said he was still having problems in his upper limbs' muscles, which became aggravated [by recalling all the events for trial].

Judge Kerber asked if P1 was still receiving treatment. P1 said that he was in treatment recently, but due to COVID-19 and his move to Berlin, his treatment ceased as his therapist was in Copenhagen. Judge Kerber asked if the treatment was over, and P1 said that it was on hold because of COVID-19. He added that that experience caused him daily psychological damage and put him in a state of distrust against people, made anxious about being abducted, and lead to memory problems.

Hannes Linke, one of Accused Al-Gharib's attorneys, asked P1 if this affected his long-term memory. P1 answered that sometimes he has to exert effort to remember. P1 added that he became nervous at work occasionally. P1 said the films he made included harsh scenes, and thus, he was slow in accomplishing his work and faced fears and anxiety due to the footage he worked on. He said this was contrary to his filmmaking experience prior to being detained.

*A lunch break was set until 01:30 p.m.*

### **Questioning by the Judges**

Judge Wiedner referred to P1's second detention and asked P1 where he wanted to travel before his second arrest. P1 said that he wanted to travel to Dubai as he could stay with relatives there and work.

Judge Wiedner asked P1 if he was renowned in Syria, and P1 answered that several of Syrian newspapers mentioned the films he was preparing. Judge Kerber asked what was the film's topic, and P1 answered it was a documentary about immigrant and displaced people coming into Damascus.

Judge Wiedner asked P1 if he had anti-government sentiment at that time. P1 said yes but said it was not declared, because Syrians cannot do that [i.e., criticize the government openly]. He added that he was not affiliated with any party or group, and that he was independent.

Judge Wiedner asked P1 if he was asked about his films during the interrogation. P1 said that he was asked who he is making these films for, and if these parties were demanding specific things.

Judge Wiedner referred back to P1's statement that he was transferred to different locations until he arrived at Al-Khatib Branch (following being detained in the airport). Judge Wiedner asked P1 how he knew it was Al-Khatib Branch. P1 answered that he knew from the prisoners inside the shared cell as they talked about the prison, the interrogators and the torture.

Judge Wiedner asked P1 what he was wearing during the interrogation. P1 answered that the interrogator was wearing shoes, classic pants, a suit, a white shirt and a tie. Judge Wiedner clarified and said they meant what was P1 wearing. P1 said that he was wearing pants [underwear]. Judge Wiedner asked P1 if he kept the same wardrobe throughout the detention period, and P1 affirmed.



Judge Wiedner mentioned that P1 stated that there was more than one interrogation and asked him about the intervals between them. P1 answered that there were days in between interrogations. Judge Wiedner asked P1 if he was mistreated during these intervals, and P1 affirmed.

Judge Wiedner asked if there were any physical signs left after the torture or beating, and P1 answered that he had only psychological problems and nightmares left. Judge Wiedner asked if P1 had signs on his body, and P1 said that he had one on his leg, but it had been a long time since he got the mark and it was not clear. Judge Wiedner clarified that they meant if he had wounds during the imprisonment period, and P1 answered that he had wounds on his legs, bruises on his thigh and an anal fissure.

Judge Wiedner asked P1 whether he was able to walk in spite of his leg wounds. P1 answered that he was struggling and was forced to walk. Judge Wiedner asked if the guards noticed that, and P1 said he did not know. Judge Wiedner asked P1 if he was limping, and he affirmed.

Judge Wiedner mentioned that P1 stated that the interrogator did not hit him and P1 affirmed.

Judge Wiedner asked P1 whether he noticed changes in Accused Raslan's features. P1 said Accused Raslan's face changed and that Accused Raslan looked very tired. Judge Wiedner asked P1 if he believed that Accused Raslan is the same person who interrogated him. P1 answered that he is about 60 – 70 % sure because he did not see him directly, but rather glanced at some features from underneath the blindfold. He added that when he saw Accused Raslan in the courtroom, he could say that he is certainly the same person.

Judge Wiedner asked if P1 talked with the prisoners, and P1 affirmed. Judge Wiedner asked if they talked about Accused Raslan, and P1 affirmed. Judge Wiedner asked P1 what they said about Accused Raslan and if they described him. P1 said that Accused Raslan was described as short who wears a suit and talks slowly when he starts to interrogate. P1 added that they said that one will be tortured with him and that he has moustache. P1 said that more descriptions of Accused Raslan were shared, but he only recalled those descriptions at that moment.

Judge Wiedner asked if the other prisoners said that Accused Raslan tortured them. P1 answered that they did not state that he directly tortured them, but they stated that "you will be tortured after he interrogates you."

Judge Wiedner asked P1 if he searched for information about Accused Raslan after his release. P1 said no and said that he tried to forget. He added that the [Syrian] community is not as open and he did not want to be attacked, abused or bullied for the experiences he endured, specifically rape. He said that he was able to reconcile with himself what happened after about five years, and he saw a psychiatrist during that period.

Judge Wiedner asked P1 if he heard that Accused Raslan moved to the opposition. P1 said that when he knew about that, he was not interested as he had no faith in the opposition and said that the opposition could not do anything. P1 alleged that many opposition members were working with the regime and some of them stuck to partisan ties. P1 said he was independent.

Judge Wiedner asked P1 when was the first time he saw Accused Raslan's picture. P1 answered that he was reading the news on the internet around 2015 – 2017. Judge Wiedner asked P1 if he was able to recognize Accused Raslan and P1 answered: yes, immediately. P1 said that when he saw the



picture, he matched it with the image in his head of the person who interrogated him, and they were the same person. P1 said that as a Syrian, he knew that some people who used to work with the regime became part of the opposition to establish a good image about themselves [they were acting good].

Judge Wiedner asked P1 if he was interrogated more than once, and P1 affirmed. Judge Wiedner asked if the interrogation occurred in the basement, and P1 affirmed.

Judge Wiedner asked P1 if he could recall the furniture and the equipment in the interrogation area. P1 said that he was blindfolded and was not able to glance at anything.

Judge Wiedner told P1 that he mentioned that there was a desk and the interrogator was sitting on a chair. P1 denied that he mentioned a “desk”, but rather said it was a “table.” He added that he glanced at a table, but did not recall the details as his head was lowered down whenever he tried to raise it up. P1 said that at the moment, he cannot recall the details of the room’s equipment.

Judge Wiedner asked P1 if there was a different room where he was mistreated. P1 said that there was a space outside in the hallway. Judge Wiedner asked if P1 meant “space” to be like a yard, and P1 clarified that it was a space inside the building and there was a pillar there. Judge Wiedner asked P1 if all of that was in the basement. P1 affirmed and said that he did not know that there was a ground or other floor. He said that he only knew that he was in prison downstairs.

Judge Wiedner asked P1 if his job as a director was mentioned during the interrogation. P1 said that the interrogator mentioned it and expanded his questioning to P1’s associations, relations and political orientations.

Judge Wiedner asked P1 if the interrogator was aware of P1’s work, and if the interrogator asked him direct questions about it. P1 affirmed and said that he could understand that the interrogator was aware from the way he was conducting the interrogation. Judge Wiedner asked P1 if they talked about certain films and people. P1 said the questions were particularly about previous films and the film he was working on at the time. P1 said that the interrogator was focusing on the footage and how it was financed. P1 stated that as a Syrian filmmaker, he did not work with the artists association in Syria so they used to seek financing from Europe, as it was the only way to make films and avoid government propaganda.

Judge Wiedner asked P1 if he was assaulted when he did not answer a question. P1 said that when he did not answer a question, the interrogator used to tell him “don’t answer” (P1 described this as a veiled threat). Judge Wiedner asked P1 if he received a direct threat when he did not answer, and P1 stated that the interrogator insinuated once that P1 would not be able to see life outside the prison again. P1 added that the interrogator did not torture him personally.

Judge Wiedner referred to P1 statement that he was not personally tortured or directly threatened by the interrogator, and asked P1 if the interrogator ever told him that he was not satisfied with his answers. P1 said that the interrogator did not tell him that he was not satisfied with his answers, but he told P1 that he has all the capabilities to extract answers. P1 added that the guards were able to behave as they want, and in some moments, there were no guards around.

Judge Wiedner mentioned that during his questioning in Germany, P1 stated that Accused Raslan had a long list of guards that he could use. P1 said that he told the police during his questioning in



Germany that the interrogator told him that he has all the power to extract answers from him, but he did not personally state that he got a long list of the guards. Judge Wiedner asked P1 if the interrogator directly told him that he has the power to extract answers from him, and P1 affirmed.

Judge Wiedner referred to how P1 stated that his hands were injured, and P1 answered that it was due to the torture. Judge Wiedner asked P1 what happened. P1 said that his hands were tied with plastic straps, tightened to its maximum and sometimes multiple straps were used. P1 said that these straps were used to cease blood flow and compress the nerves. P1 added that beating on the forearms also caused harm to his hands.

Judge Wiedner asked P1 if there was healthcare in the branch. P1 said no and that the branch's only practice was torture until a prisoner lost consciousness. P1 stated that if one was lucky, one could get healthcare from other prisoners. P1 added that there was not even an attempt to show some kindness.

Judge Wiedner mentioned that P1 stated that they used to drink when they used to go to the WC, and asked P1 if there was a basin there. P1 explained that the prisoner had one of two options: either drink water or use the toilet. He said that if one chose to use the toilet, then he does not have the right to drink from tap water, so he had no choice but to drink from the toilet.

Judge Wiedner asked P1 how big the shared cell was, and P1 answered that the police asked him that in the questioning, and he told them that he did not know how big it exactly was but it was approximately 30m<sup>2</sup>.

Judge Wiedner asked how many prisoners were there. P1 said that he could only estimate as he did not count the prisoners in the shared cell. He estimated they were 200–300 prisoners. He added that this was not an accurate number, because some prisoners sat down.

Judge Wiedner asked P1 if he faced despair or feared death. P1 answered that he had the feeling that he was going to be executed and was hoping that it would come quickly, as the torture was intense and seeing people in that state of being was not easy. P1 said that he used to communicate with the prisoner next to him by knocking. The prisoner had two little girls and was from Al-Ghouta. P1 did not know why that prisoner was detained, but the prisoner mentioned that he was taken when he was gathering people for a demonstration. P1 said he told the prisoner that he was a film director and captured footage, including footage of the President's picture falling down. The prisoner told P1 that he will be executed [because of that] and P1 felt that was going to happen.

Judge Kerber asked if the solitary cell contained windows, and P1 said that there were two in the cell door. Judge Kerber mentioned that P1 stated that there was a window in the cell. P1 clarified and stated that by "window," he meant the door's vision panel and a service hatch at the bottom of the door. Judge Kerber asked if there was light in the cell, and P1 said no and it was dark.

*The Court issued a ten-minute break.*

#### **Questioning by Senior Prosecutor Jasper Klinge**

Senior prosecutor Jasper Klinge asked P1 how he was released after his first detention. P1 stated that he got help from the lawyers [name redacted] [P2] and [name redacted]. P1 was set to be tried in Duma.



Prosecutor Klinge asked if P2 had something to do with P1's second release, and P1 said that several lawyers were involved, including P2.

Prosecutor Klinge mentioned that a release certificate was included among the documents P1 handed in when he applied for asylum. Klinge asked if this document related to the first or the second release. P1 said that he did not remember since he handed in many documents, and that it depended on the type of the document Klinge was referring to. The release certificate was shown via the projector showing the release date of February 20, 2012. Judge Kerber mentioned that P1 previously state a different release date, and asked P1 if the one on this document is correct, and P1 confirmed.

Prosecutor Klinge asked P1 if he had to sign any document when he was released. P1 answered that he had to sign that page [the release certificate] in addition to another blank one. P1 added that he had signed more blank pages when he was in the Branch.

Prosecutor Klinge asked P1 about his arrival at Al-Khatib Branch. P1 said that when he arrived at Al-Khatib Branch, his head was covered with his t-shirt and he was beaten. Klinge asked if the beating was inside the branch and P1 replied that it occurred at the outside yard/space. Klinge asked how long the beating lasted and P1 said he was not sure, but it lasted minutes. Klinge asked if tools were used, and P1 said rifles and fists were used for the beating. P1 also mentioned that his head's hair was pulled. Klinge asked how many people were involved in the beating and P1 said that they were multiple people.

Prosecutor Klinge asked if P1 had to take off all of his clothes and be naked. P1 answered that at first, he had to be completely naked but he was then allowed to wear his pants [underwear]. Klinge asked P1 if he was frisked while he was naked and P1 affirmed. Klinge asked P1 to depict what happened. P1 said that the person started to inspect his entire body, then ordered P1 to spread his legs apart and held P1's inner part of his leg with his hand, then moved his hand downwards then upwards.

Prosecutor Klinge asked P1 how the guards addressed him. P1 said he was called by his name when he was in the shared cell, and by his number when he was in the solitary cell. Klinge asked P1 what his number was, and P1 said he did not want to say as it would not be accurate. Klinge asked if other prisoners had numbers and P1 affirmed.

Prosecutor Klinge asked P1 if he heard the name Caesar, and P1 answered he heard about it only after Caesar defected. Klinge asked P1 if the regime was known for that [photographing corpses], and he said that he did not know before he researched it. Klinge asked P1 if he found something while researching. P1 said that he tracked stories of people who died under torture and found out they were given a number that was related to the Branch they were in and another number placed on their corpse. P1 stated that additional numbers and symbols were added on the corpses. Klinge asked if there were corpses from Al-Khatib branch among Caesar photos. P1 affirmed and said that he was working on a film about it.

Prosecutor Klinge asked P1 if the guards used to jump around on the detainees' bodies when they were prostrated on the floor. P1 said that he forgot about that and only remembered it after Klinge mentioned it.



Prosecutor Klinge asked P1 what kind of torture he was subjected to. P1 mentioned *Shabh* and deprivation of water, food and toilet use. Klinge asked P1 if he heard from other detainees that *Shabh* was used, and P1 affirmed and said that prisoners in the shared cell mentioned that it was used.

Prosecutor Klinge asked P1 if he and the other prisoners used to talk and if so, what they would talk about. P1 said that they used to talk daily about torturing methods and if someone disappeared, they used to predict how he disappeared. Klinge asked P1 if he got the impression from the rest of the prisoners that *Shabh* was a standard method of torture. P1 answered that according to his talks with prisoners in the shared cells, *Shabh* was a routine torture method.

Prosecutor Klinge asked if P1 was tortured using electro shock, and P1 said that it was used only in the main General Intelligence branch. Klinge asked P1 if he was tortured by it in Al-Khatib branch, and P1 said electric shock existed in Al-Khatib, but it was not used on him.

Prosecutor Klinge asked P1 if he knew about *Doolab* دولااب [Torture tactic that translates to “tire”]. P1 said that he knew about it, but it was not used with him. Klinge asked P1 if he got information that it was used in Al-Khatib. P1 affirmed and said from the prisoners in the shared cell.

Prosecutor Klinge asked P1 if he used to scream and P1 said of course.

Prosecutor Klinge mentioned that P1 stated the torturing location was the open space/area and asked if there were other locations for torturing. According to P1’s knowledge, some guards used to torture prisoners in front of or inside their solitary cell, but he had not been tortured in the solitary cell.

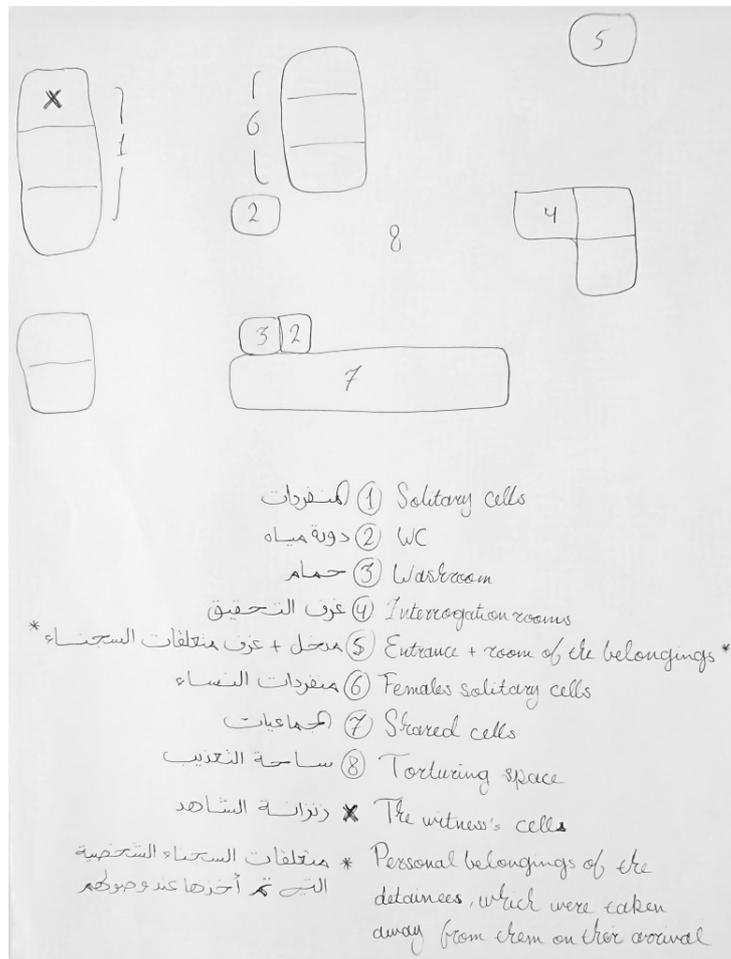
Prosecutor Klinge asked P1 if he saw any children and females. P1 replied that he only heard females and children, but saw one child in the shared cell. Klinge asked P1 if he only heard sounds of females and children being tortured, and P1 affirmed.

Prosecutor Klinge asked P1 if the prisoners in the shared cell used to talk about whether they were sexually mistreated. P1 said that he did not imagine that one would talk about that, because it was a harsh experience to discuss. Klinge asked P1 if he himself talked about it and P1 said no.

Prosecutor Klinge asked P1 how long he stayed in the shared and the solitary cells. P1 said that he stayed in the shared cell for about around 2 –3 days (from what he remembers) and he spent the rest of his detention period in the solitary cell. Prosecutor Klinge asked P1 which cell was more difficult, and P1 answered that the solitary cell was more difficult as it was complete deprivation and there was no one to speak with.

Prosecutor Klinge asked if cutlery was offered with the meal, and P1 answered that there was a piece of bread and three olives.

**A sketch by P1 of the prison was shown via the projector. This is a re-draw of it:**



Prosecutor Klinge asked P1 if he saw members of the presidential guards or soldiers with uniforms. P1 said no and that he only saw the guards.

Prosecutor Klinge asked P1 to briefly mention how he escaped from Syria in 2012. P1 said that before he was released, a complaint was issued that he was wanted for the military service and therefore, they had the right to detain him until he signed the paper [the release certificate was shown to court] (P1 explained that the paper [the release certificate], was written by “them” and it was not his handwriting). He said that after his release, he went to his village [redacted] to see his family and stayed there for a short period of time. P1 stated that during this time, the regime was conducting a military campaign in that area. P1 said he feared for his family because of his status with the regime, so he left and sneaked into Damascus, avoiding checkpoints. P1 said he stayed in Damascus for around 3 months. After that, P1 testified he left Syria due to threats of re-arrest. He said he arrived in Jordan at night, along with 200 – 300 other Syrian refugees, and stayed in a refugee camp for 4 – 5 days. P1 said one of his Jordanian friends, whom he knew for a while, helped P1 leave the camp. P1 stayed for two months in Amman, and then left to Istanbul. P1 stated that he started to enter Syria and film with the White Helmets, and because of the footage he obtained, he left Turkey (he feared Russia in particular) and escaped to Europe. He applied for asylum in Germany and began the montage of his film about the White Helmets. P1 stated that he tried to forget everything from the past period at that time, because he did not know that he would see Accused



Raslan again or that there would be trials related to Syria. Therefore, P1 said he focused on working on his films.

P1 testified that when Accused Raslan was arrested, it was not interesting as he did not believe that something would happen. He said his friends summoned him to testify because they knew that he was detained in Al-Khatib. P1 stated he was hesitant at the beginning, because he was worried that his family may be threatened or harmed. He added that he was also hesitant as he did not think anything will happen and thought that he was dreaming, until he received a letter from the court and gave his testimony with the help of [name redacted]. P1 said that it was not easy as it re-opened wounds that he tried to seal. He said had an intention to forgive Accused Raslan, if the latter confessed to torture, brutality in the branch and that he had the power. However, P1 stated that because Accused Raslan disclaimed the torture, the sexual mistreatment and the beating, he was obliged to testify.

### **Procedural Matters**

Judge Kerber said that the witness will not be dismissed and the session was adjourned to the following day.

Counsel Sebastian Scharmer, plaintiff representative, raised an error in the translation. P1 stated that “prisoners” tried to help the child in the shared cell (to stop the bleeding) after he was tortured, whereas the translation stated that the “guards” tried to help him. The translator Sami Koca explained that both words in Arabic originate from the same stem “سجن” i.e. “imprison.” Judge Kerber asked P1 to repeat his statement, which was retranslated by Koca as “prisoners.”

The proceedings ended at 03:55 pm.



### Trial Day 11 – June 4, 2020

There were about 19 spectators and 11 individuals from the media present. The proceedings began at 9:30 am.

Judge Kerber asked members of the media to stay inside the courtroom for a bit. She stated that an Arabic media channel took a photo of one of the translators and published it in an article, claiming that it was one of the defendants. Judge Kerber requested the photo to be deleted and asked that if someone knows who published it, to tell the individual to fix this matter. Judge Kerber then dismissed the members of the media.

### Testimony of P1, Questioning continues

Judge Wiedner asked P1 if he was able to recognize Accused Raslan in his questioning in Germany. P1 answered that he was shown a photo array and he recognized Accused Raslan in that line up [the same photo array was shown via the projector in the courtroom]. Judge Wiedner asked P1 if the individual he identified was Accused Raslan, and P1 affirmed. Judge Wiedner asked P1 how certain he was and P1 said he was not 100% certain, but rather 60%.

### ***Transferral and detention in different Branches***

Judge Wiedner asked P1 what happened after he was detained at Al-Khatib Branch. P1 said that he was transferred to the General Intelligence Directorate in Kafar Sousah كفرسوسة. P1 said that upon the arrival to this branch, there was a “welcome party” for P1 and other prisoners where they were brutally beaten, threatened with weapons on their heads, and the branch’s forces jumped on them while P1 and others were prostrated on the ground. P1 said that after two-three hours, he was brought to the basement, where he was forced to take off all of his clothes. He stated that they went to an open area inside where cold water was poured on them (as they were prostrated on the floor) and they were beaten with cables. Afterwards, P1 said they were ordered to stand up, raise their hands up and face the wall, before they were beaten with cables for one hour. P1 said that the torture was inexpressibly brutal, and mentioned that he became unconscious and almost died.

Judge Wiedner asked P1 if he saw corpses. P1 said no but he did hear about it from others.

Judge Wiedner asked P1 if he was transferred to another prison afterwards. P1 said that at night, he and other detainees were transported in groups by buses with black-tinted windows. He said they were on the road for three-four hours and that it was completely dark. P1 added that they were blindfolded. He said they got off the busses and entered the state security training camp in Najha نجها, where they were beaten, had their hair shaved off and heard constant shooting in the air.

P1 testified that two weeks later, he was transferred back to Branch 285, where he was tortured. He said he stayed there for 3 weeks, before he was transferred to Adra ادرا prison. P1 said he was transferred to Aleppo for his trial, where he was sentenced for harming the country through his work and for having contacts living abroad. P1 also mentioned that someone from the general intelligence was next to the judge, watching him. P1 said he was brought back to prison. He said that lawyers [name redacted] [P2] and [name redacted] helped to release him, but he also needed to sign many blank pages.

### ***Questioning by Counsel Khubaib Ali Mohammed, representative for P1***



Counsel Khubaib Ali Mohammed asked P1 how he got from the cell to the interrogation room. P1 stated that he was called by his name in the shared cell, whereas he was called by his number in the solitary cell. Mohammed asked what happened afterwards. P1 said that he was blindfolded and taken to the interrogation. P1 stated that on his way to the interrogation room, he heard voices and saw people lying on the floor (from underneath his blindfold).

Counsel Mohammad asked what happened inside the interrogation room. P1 stated that he used to kneel down and was ordered not to look up. He said that when he was in the cell, the guard used to order P1 to turn around and face the wall so P1 would not be able to see him.

Counsel Mohammed asked P1 what was the first thing he heard after entering the room. P1 stated that the interrogator told him that he usually removes the blindfold during the interrogation, but he would not remove it from P1 so P1 would not see him. P1 added that the interrogator had a dreadful aura. P1 said that the interrogator told someone that P1 was a film director, and then a person in the back said that P1 works with artists. P1 said he was asked to explain “artists,” and he told them that all directors and writers are “artists.”

Counsel Mohammed asked P1 how the interrogator was being addressed. P1 said that the guard who brought him to the room called the interrogator “my master/sir” سيدي. He stated that from the way the interrogator was talking, he felt the interrogator was from a higher rank. Mohammed asked if anything else was said about the interrogator’s salutation. P1 said that he did not recall anything else, other than how the guard greeted the interrogator (P1 felt that there was an attempt to cover-up identities).

Counsel Mohammed asked P1 how the interrogator greeted him. P1 said that there was no greeting and the interrogator began directly to ask questions, after he spoke about the blindfold. Mohammed asked P1 if the interrogator used to say something at the end of the interrogation (e.g. to indicate interrogation ended). P1 said that there was no greeting at the beginning, nor was there a goodbye at the end.

Counsel Mohammed asked P1 who accompanied him to the cell. P1 said the guard, but he did not know if it was the same guard or someone else.

Counsel Mohammed asked P1 if there were instructions or orders given to the interrogator [if the person in the back gave orders to the interrogator] and P1 denied.

Counsel Mohammed asked P1 if there were severe insults during the interrogation. P1 said that the interrogator used to begin the interrogation “kindly” and then it escalated. However, P1 said that “kind” did not mean that the interrogator was showing human kindness, but rather, it was a type of the kindness that was not expected from guards. P1 said he considered it kindness as the interrogator was speaking without hitting P1. P1 stated that he received insults about himself and his family. Counsel Mohammed asked for examples and P1 mentioned that he was called a traitor to the country, his mother was a whore, his father was a traitor, and that he was a bastard. Counsel Mohammed asked if the insults were coming from the interrogator or the guard, and P1 answered from both.

Counsel Mohammed referred to P1’s statement that he saw females and children in prison, and asked if P1 saw them being tortured or saw that they had signs of torture. P1 stated that he used to see torture when he was passing by [accompanied by the guards], but did not personally see



children being tortured. However, he said he saw the signs of torture on the child, who was in the same shared cell as him. P1 said that he used to hear screams of females begging and pleading, and could conceive that someone was trying to do something with them. P1 was asked what they were screaming and he answered that he heard “No, No, I beg you sir/my master. May God preserve your children.” P1 stated that these screams and sounds were present throughout his detention period in Al-Khatib.

Counsel Mohammed asked if P1’s family was threatened. P1 testified that they told him that they would bring his father, mother and siblings. Mohammed asked why would they say such a statement and P1 answered that they said it so he would reveal information. Mohammed asked P1 if the guards or the interrogator said these threats. P1 answered that both put pressure on him. He added that the guards used to threaten him during the torturing or used to come to his cell and ask him “don’t you want to speak?”

Counsel Mohammed asked P1 if he heard conversations between the guard and the interrogator. P1 said that he did not recall at that moment. He explained that there was huge amount of information that he was trying to remember and needed time to recall all of that. Counsel Mohammed asked P1 about his joints pain, and injuries on his hands and legs. P1 stated that he was constantly suffering from his nerves, hands and legs. He said he visited a doctor in Berlin due to an increase in pain as a result of him struggling to recall events, and the psychological impact that has exacerbated his pain.

Counsel Mohammed asked P1 if he was exercising. P1 answered that he used to be engaged in sports, but his doctor advised him otherwise.

Counsel Mohammed asked P1 if he was depressed. P1 affirmed, and said that it was a constant part of his life that he had to cope with. Judge Kerber asked P1 if a psychiatrist diagnosed him or he diagnosed himself. P1 denied being diagnosed by a psychiatrist and said that he used to go to a therapist. He added that he visited a neurologist. Judge Kerber asked P1 if the psychiatrist told him that he was diagnosed as having depression, and P1 said no.

Counsel Mohammed asked P1 about his sleep. P1 said that his sleep was poor and that he had constant nightmares about being chased and caught by the police, especially Syrian security.

Counsel Mohammed asked P1 if he thought about committing suicide. P1 answered that he thought about it several times, but he could not find a method to do it.

Counsel Mohammed asked P1 if he would release [name redacted] [P2] from his obligation of breach of secrecy as his former lawyer, and P1 affirmed.

Counsel Mohammed asked P1 about his doctor, and P1 mentioned that he was a neurologist in Berlin.

Counsel Mohammed mentioned that P1 stated that he was afflicted by an injury and underwent surgery due to the sexual abuse he suffered in the prison. Mohammed asked where was the surgery performed, and P1 said Turkey.

### ***Questioning by other Plaintiff representatives***



Counsel Sebastian Scharmer recalled that P1 described the interrogator's clothing in Al-Khatib Branch, and he asked P1 if he saw other persons there with similar clothing. P1 said no and stated the guards used to wear comfortable clothes, such as clothes worn in the house.

Counsel Scharmer referred to P1's statement on the previous day that he needs time to recall. Counsel Scharmer asked P1 if he would say that his ability to remember decrease with time. P1 said yes and especially in the current situation [the trial]. P1 then gave an example that he could not sleep the previous day. Scharmer asked if that worsened his mind's ability to recall. P1 affirmed, and said that was because he needed to remember things. P1 mentioned that he had a dream the previous day that his daughter's hand was cut off, and that he could not sleep as he was thinking about his family.

*The Court took a ten-minute break.*

Counsel Dr. Patrick Kroker asked P1 if his family knew what happened to him. P1 said that when he was abducted from the airport, he disappeared completely and his family had no information about him. He added that his family was shocked that he was still alive.

Counsel Dr. Kroker asked P1 if he could recognize his interrogator's voice if he heard it again. P1 said that he believed so.

Counsel Dr. Kroker mentioned that P1 was asked about other locations of torture in the prison, and asked him to elaborate on that. P1 stated that the guards used to occasionally enter the solitary cells and beat prisoners with cables. He stated that he could hear the cables and prisoners' screams before the sounds stopped when the prisoner fell unconscious. P1 added that he was not able to describe the sounds of beating and screams with mere words, but he would try to one day depict it by the films he would make.

Counsel Dr. Kroker asked Judge Kerber if a voice test was possible. Judge Kerber asked Accused Raslan. Before Accused Raslan replied, Counsel Michael Böcker (Accused Raslan's representative) stated that Accused Raslan was not ready for the voice test, and mentioned that P1 was only 60 – 70 % certain about recognizing the voice.

Counsel Andreas Schulz asked about communications in the cell. P1 stated that in the shared cell, voices were faint and whisper. He said that if someone wanted to communicate with another, he had to be close to him and whisper in his ear. According to P1, conversations were about who would interrogate the newcomers, or who interrogated the old ones. He added that old prisoners told about torture methods and sometimes family topics were addressed.

Counsel Schulz asked if the old prisoners used to provide advice to others. P1 said that old prisoners used to tell newcomers not to talk or raise their voices, not to look at the interrogator if he orders that, how to protect oneself from fatal injuries to avoid death under torture, and not to resist the guards or the interrogator because it would result in him being killed.

Counsel Schulz asked if there were talks about escaping from prison. P1 said that it was advised among the prisoners not to resist or try to act smart, or else one would be executed.

Counsel Schulz asked P1 if he saw non-Syrian personnel in the prison. P1 answered that he could not completely differentiate between people's faces, but people who worked there had Syrian features,



according to what he observed from insults and words said by different sects and dialects. He said that he heard Dara'a, Homs and Alawite coastal dialects.

Counsel Schulz asked P1 if he knew whether Accused Raslan did some video interviews in the media (for instance Al-Jazeera). P1 said he did not know, but he heard information that Raslan was uncooperative in helping people after he left Syria. He said that Accused Raslan did not issue an apology statement about his service at the intelligence services. P1 said that it was the least thing that Accused Raslan could have done and it was expected that a man of Raslan's position, who worked in a place with a bad reputation, would issue such statement. P1 stated that he did not hear Raslan's voice after detention [i.e., did not hear Accused Raslan's voice in the media].

Counsel Dr. Anna Oehmichen told P1 that she can imagine how difficult the trial process must be for him. She mentioned that Accused Raslan stated that he did not hit or torture anybody, and he did not order that. Then, she asked P1 whether he believed that such thing as "Raslan did not know about torture" would be possible. P1 answered that his interrogator did not hit him and he did not hear any verbal command of torture from him. However, P1 stated that he was tortured only seconds after the end of the interrogation.

Counsel Dr. Oehmichen asked if the interrogator could be connected to the torture. P1 said that he did not rule out the idea that any person who works at Al-Khatib would be aware of the torture and sexual abuse happening there. Judge Kerber asked P1 if he was stating that the person must have been aware of that. P1 rephrased his answer and stated that he believed that anyone who works in that place is aware of what is happening inside. P1 added that the information was known even outside the branch through released prisoners and those who talked about it.

Counsel Dr. Oehmichen referred to P1's statement that Accused Raslan told him that he had all power to extract answers from him. Dr. Oehmichen asked if Accused Raslan stated that clearly. Counsel Michael Böcker, one of Accused Raslan's attorneys, interjected and stated that P1 said "the interrogator" and not "Raslan." Counsel Dr. Oehmichen rephrased the question and said that P1 stated that the interrogator—whom P1 identified later as Raslan—stated that and asked if his interrogator said that clearly. P1 answered that the person's statement was totally clear. P1 said that it meant using all the possible means in Al-Khatib towards prisoners, from torture to killing.

Counsel Manuel Reiger referred to P1's statement that he was tortured after the interrogations in Al-Khatib. Counsel Reiger asked P1 if there were signs of torture or injuries between interrogations that remained visible. P1 stated that when he used to go to the interrogations, it was clear that there were blood, wounds and signs of torture.

Counsel Reiger asked P1 if he was able to differentiate the interrogator's dialect. P1 said that he was not 100% sure, but it was clear that it was a Damascene dialect. Counsel Reiger asked P1 if he would be able to confirm the dialect if the interrogator spoke again. P1 said that he could not affirm that, but noted that it was not an Alawite nor "heavy" dialect. There was discussion between the translator, P1 and the Judges on what a "heavy" dialect is. P1 explained that the interrogator's dialect was not a Bedouin one and gave an example of a Dar'a dialect.

Counsel Michael Böcker, one of Accused Raslan's defence lawyers, stated that he wanted to address P1's questioning on July 20, 2019, and wanted to know if P1 stated whether the interrogator said that "he was specialized for artists," or if the person in the back said that "this interrogator is



specialized in artists.” P1 replied that he did not remember exactly what he said during the questioning, as he was speaking in general and not giving accurate details like he is now. He added that he noticed problematic issues in translating what he had said during his questioning; P1 stated that he did not say that he was tortured in the shared cell, but rather in the open area inside the branch.

Judge Kerber asked P1 if he experienced difficulties with the translation in the courtroom. P1 said that today it was fine, but stated there were mistranslations on the previous day, such as the difference between “guards” and “prisoners.” Judge Kerber asked P1 if he had more examples. P1 said that he said “brutal torture” was mistranslated [the translation was along the lines of “intense”, but our court monitor wrote “brutal” as he heard the Arabic word directly]. P1 said that the translation should describe the brutal expression.

Counsel Böcker mentioned that P1 stated during a prior questioning that he was not tortured on the day of his detention, contrary to what he stated later in the court. P1 said that during the questioning, only one question was asked about this matter and no details were asked about them. However, P1 said that the details he is sharing now are letting him remember and elaborate.

Counsel Böcker asked P1 if he remembered that he gave these answers [in the questioning transcript] and P1 affirmed.

Judge Kerber stated that the questioning was over. When no one had any more questions, P1 was dismissed. P1 said that he wanted to utter a brief statement, but Judge Kerber told him that his questioning was over and he could be dismissed.

The prosecution read out a statement responding to the defence’s objection regarding the application of Accused Al-Gharib's testimony [this was raised on Trial Day #7, May 27]. The prosecution refuted the objection and listed their reasons. The prosecution mentioned that one can incriminate himself during the questioning when one applies for asylum.

#### Testimony of [name redacted] [P2]

The 2<sup>nd</sup> witness was [name redacted] [P2], a Syrian human rights lawyer.

#### ***Questioning by Judge Kerber***

P2 sat in the witnesses’ seats with his attorney Stephan Kuhn. He was introduced as an expert witness.

P2 said he cannot practice his [legal] profession in Germany. P2 said he is the head and founder of a human rights centre in Berlin.

P2 testified that he has been a human rights lawyer since 1986, and decided to become one to defend human rights. P2 said he remained in his profession until he was detained in 2006 and continued until he left Syria in 2014. P2 said he was detained in state security Branch 285 and spent five years in Adra عدرا prison. P2 stated he then returned to Branch 285 for five days, before he was released.

P2 was asked if he had issues with the regime. He answered that it was not an issue, but more about human rights violations. P2 mentioned that the regime has detained his family members since 1977—specifically his three brothers, sister, brother-in-law and sister-in-law. P2 said he was



detained in Branch 251 in 1978. He said that in addition to the torture he personally experienced, he became more informed about torture after he was released. Therefore, P2 said he decided to become a lawyer to defend his family members and others whose human rights were violated. P2 stated he became a lawyer in 1986 and his two brothers and his sister were detained again during that same year. He stated that his family spent a total time of 73 years in prison, and for most of that period, his family members were victims of enforced disappearances and nobody knew anything about them. P2 mentioned that his brother was tortured and his hands were paralyzed due to imposition of *Shabh* شبح for periods up to two consecutive weeks.

Judge Kerber asked P2 when his first detention occurred. P2 answered that it was in 1978 in Branch 251. Judge Kerber asked how long it lasted and P2 said one week. P2 explained that he was living in an apartment in Damascus together with his sister. P2 said that “they” raided the apartment at 02:00 a.m. to detain his sister, but she was not home. He said they detained him instead and tortured him to know her location.

Judge Kerber asked P2 about his second detention. He said that it was sometime in 1989 – 1990, and lasted for one or two days in the political security branch. He added he was detained in 1986 in the military security branch for one or two days. Additionally, P2 stated his last detention was in 2006. He said that in the periods between these detentions, he received threats, and would be summoned for daily or weekly visits to the Branch.

Judge Kerber asked about his last detention, and P2 answered that it was in state security management [General Intelligence Directorate] in Branch 285 in Kafar Souseh كفر سوسة.

Judge Kerber asked P2 to speak about his experience. P2 said that he was abducted from the street on May 17, 2006. He said he did not know who abducted him and the “responsible” [i.e. the official] was sitting in the front of the car. P2 said he asked them why they took him; he said they accused him of criminal charges (theft and murder) and put him in cell number 10 or 11 in the branch. P2 said that no one hit him except when he was detained, but they used to get other prisoners out of their cells and torture them there or when they were being interrogated. P2 said they interrogated him at night, while he was blindfolded. He stated that they asked him “Why are you speaking about human rights? What is wrong with human rights?” and P2 answered “Nothing is wrong, they are excellent. The proof is me standing here in front of you.” P2 said he was slapped two times after his answer and was taken back to the cell. He said he declared a hunger (food and drink) strike and spent the whole night with constant torture sounds next to him. He stated that the following morning, he was blindfolded and taken to court by car.

Judge Kerber asked him to elaborate on how he was abducted. P2 stated that he used to drive to his office at 5 – 6 pm. He said his car was in front of the house and he crossed the street for about 20m and reached the car. P2 stated that before he opened his door, a car drove in fast, and two people came out and threw him between the front and back seats. P2 said they sat above him, took his belongings and blindfolded him, before the car drove away fast.

Judge Kerber asked if there was someone in front passenger’s seat. P2 said yes and that person was speaking with him and accusing him. P2 also stated that it was the same person who took him to the interrogation. P2 said that from underneath his blindfold, he saw the legs of one of the persons who hit him and said it was the same person who accompanied him to the court and handed him in to the police there. This same person had to remove P2’s blindfold to give him the ID card and the



wedding ring in court. P2 said he was delivered to the same court he used to work in, so he knew all the police officers there. P2 stated that he asked them about the man who handed him in (the person who delivers someone has to sign the release document), and he was told that the person is “Anwar Raslan.” P2 said that he did not remember if Accused Raslan was a major or a Lieutenant colonel then. Afterwards, P2 stated he was transferred to Adra عدرا Prison. He stated that five years after the end of his sentence, he was transferred back to Branch 285 [where he stayed an additional 5 days], but did not see Raslan there.

Judge Kerber asked if the person who was sitting in the front passenger’s seat was the same person who delivered him to court. P2 said that it was the same voice that accused him that he was a criminal. P2 said the voice stayed in his head because he [that voice] accused him with unbelievable accusations.

Judge Kerber asked if the same person was present when he was slapped two times. P2 affirmed and said that it was the same voice that was telling him to go upstairs.

Judge Kerber asked if he could identify the person who hit him, since he was blindfolded. P2 said no.

Judge Kerber acknowledged that P2 stated he was a human rights lawyer and was detained in Branch 285. She asked about his general experience. P2 asked if Judge Kerber meant before or after 2011. She asked P2 to give a brief summary about his experience before 2011, and then elaborate more after that. P2 said that he wanted to explain that detention, torture and enforced disappearances are fundamental to the Assad regime; had it not been for that, the regime would have not endured one year. According to P2, Assad used those practices as a weapon to exhaust the whole nation since the 1970s. P2 said that he knew peaceful people who died under torture or who were detained in 1978 and following the Hama incident. P2 stated that there are still more than 3000 victims of enforced disappearances, and no one knows what happened to them. P2 stated that the regime was intentionally spreading methods of torture to terrorize the whole nation. He also stated that his brothers were members of a communist party in the 1980s and some of them died under torture. P2 said that they [the regime] allege that they were fighting extremists, but they [the regime] were the ones creating them, fighting and killing the society under the pretext of fighting extremists. P2 said that the torture methods and suffering he heard from his siblings, relatives and others whom he defended (including individuals from Iraqi Al-Ba'th party, communists and the [Muslim] brotherhood), he could not imagine that someone here [in court] could imagine what they went through. P2 stated that everyone, who worked in the Syrian security apparatuses, were aware of what was happening, practiced it and benefited from it.

Counsel Michael Böcker, one of Accused Raslan’s attorneys, interrupted and stated that they were moving off topic. Counsel Böcker asked for a break to talk with other defence attorneys. Judge Kerber rejected the request and asked P2 to provide short statements starting from 2011. Senior prosecutor Jasper Klinge requested that P2 continue speaking about the 1970s.

P2 stated that his statements were meant to prove that there was systematic torture in Syria. He said that he also wanted to mention that members of the security forces are protected from any crime they commit. Judge Kerber asked him if there is a law that protects them. P2 said that state security law prevents the prosecution from filing a case against any member, contracting party or dealer with state security. Therefore, P2 said that everyone was committing crimes with a clear conscience and was reassured that no one would be prosecuted. P2 added that one would be



protected from punishment as long as they carried out orders. P2 said the systematic policy continued until 2011, but before 2011 torture was committed against the opposition to acquire information, whereas after 2011, it was used for revenge. He said they did not care about gathering information anymore as much as they cared for taking vengeance on people who asked for freedom. Judge Kerber asked P2 how he came to that conclusion. P2 said from the testimonies of the individuals he defended. He said that his clients were always asked “do you want freedom?” and their torture continued until death and only for vengeance.

Judge Kerber asked him if there was a difference in the numbers of the detainees. P2 said that he was released from Branch 285 on May 23, 2011, though his sentence ended on May 17, 2011. He said he stayed [an additional] 5 days in Branch 285 and noted that most of the detainees in Branch 285 were transferred from Branch 251. Branch 285 used to detain occasionally, but Branch 251 was the “top” branch that detained. He said that Branch 251 detains, tortures, interrogates, and then transfers. P2 stated that the first three days he was in a shared cell, before “they” noticed that they should relocate him to the solitary cell so he would not talk with anyone. P2 said he saw the detainees’ physical and psychological conditions, in addition to their torture in Branch 285 [P2 meant that individuals used to be detained, interrogated, and tortured in Branch 251 before they were transferred to 285. At Branch 285, he saw their poor condition and saw them being tortured again].

Judge Kerber asked P2 if he talked with the detainees. P2 said that Branch 285 is the central interrogation branch for the state security. He said that Branch 251 belongs to the internal state security and there are 10 branches and 8 additional subunits and divisions in Damascus and rural Damascus that are connected to the Branch. He said that they detained across all provinces, and all of them are under the administration of Branch 251. He said that detainees are transferred to Branch 251 for interrogation. P2 stated that occasionally, 500 detainees were being transferred from all over the country. P2 said that after he was released, he continued his work in defending detainees, which reached the hundreds. P2 said the difference is that there was a chance for the detainees to be transferred to the normal courts and charged for demonstrating in 2011 – 2012, before the court of terrorism was founded in late 2012.

Judge Kerber asked [again] if there was difference in numbers of detainees before and after 2011. P2 said that there was a terrifying difference since there were 3000 – 4000 detainees in Sidnaya صيدنايا and other [prisons] before 2011, and most of them were referred to the state security high court and were sentenced. He stated that after 2011, detentions became daily and the difference in amount is incomparable.

Judge Kerber asked about the torture. P2 said everyone who entered the security apparatuses were tortured. There were “welcome parties.” P2 said the detainee was tortured from the beginning of his detention and on the way to the branch in the car. He stated that when the car arrived [at the branch] they were “welcomed” by a group who beat them brutally, until they reached the cells. P2 testified that “welcome parties” differed from one branch to another. He said that Branch 251 included two residential buildings and because it could be seen from other buildings, the welcome party was swift. He stated that the detainees were beaten while they were running [inside]. P2 stated that they were isolated by walls in Branch 285, and the “parties” could last for a longer period of time and reach one hour.



Judge Kerber asked if one could not be beaten while detained. P2 said never. But P2 noted that mild beating could occur in cases of some old political opposition or well-known activists, whose detention could cause a scene. Additionally, P2 stated that if they were part of the opposition, they could be treated well to get them to join “their” side. He stated that after their release, they would say that they were detained and not tortured.

Judge Kerber asked P2 about the cell and the clothes. P2 explained that in the first five days of the revolution in 2011, he was put in the shared cell for three days. He said the cell measured 5 – 6 x 3 m and there were around 50 – 60 detainees inside. He said that when they slept, one had to lie on his side and not on his back. He said they were adhered to each other during the 3 days and that the detainees knew his name, so they made some space for him in order to lie on his back. However, P2 stated that conditions became inhuman, especially at the end of 2011 and 2012, and he could not describe it as animalistic, because they [the conditions] were even worse.

Judge Kerber asked P2 to describe the conditions. P2 said that there were places where one could not squat. He said that some people used to stand for days and weeks, and some collapsed. P2 testified that the lucky ones were the ones who could support their back on the wall. He said that some people snapped, stopped thinking and acted crazy; some suffocated from the [poor] ventilation; some died and their corpses remained in their places for four days and decomposed. He said there was no health care or treatment; if one sustained a wound, they would contract gangrene after a while. He said that bread used to be served in plastic bags, and prisoners would take these bags to cover wounds. P2 testified that his friend was detained for 27 days in Branch 251 and he saw his friend immediately after his friend was released. P2 stated that his friend’s skin, ulcers and pustules were indescribable. P2 said that his friend told him that 17 people died in his own arms during his 27 days in prison.

Judge Kerber asked P2 about when that occurred, and P2 said that it was in 2011 – 2012, but he could not recall the exact month. P2 said he was certain that it was shortly after he was released.

Counsel Michael Böcker, counsel for Accused Raslan, interrupted saying that he could not understand where P2 was getting his information from and he was confused about the chronology of the plastic bags and P2’s friend’s stories. Judge Kerber explained it to him.

P2 stated that he used to defend accused persons in court. P2 said he used to meet his clients on the way to the court. He said that at the court, they used to wait for their referral from the security branches. P2 further explained that later, they used to visit them [the detainees] in jail, and he did not know many of them. He said that the detainees used to arrive barefooted and wearing underwear. He stated they did not have money did not know how to reach their families if their families were living near Damascus nor did have the possibility to travel to other provinces [if they were from outside Damascus].

Judge Wiedner asked P2 how many persons he took care of [represented]. P2 said hundreds and they reached thousands up to now.

Judge Kerber asked P2 about the food experience in prison. P2 mentioned that the food consisted of bread and potato, and sometimes jam or cream cheese. Judge Kerber asked if the food was sufficient. P2 stated that sometimes the room was full of 50 people and the guards used to come and toss around 20 loaves of bread and 10 pieces of potato.



Counsel Michael Böcker, one of Accused Raslan's attorneys, interrupted and stated that P2 was not giving accurate information in his testimony and it should be disregarded. Counsel Sebastian Scharmer, plaintiff representative objected and told Böcker was acting "cheeky."

P2 stated that his information came from a reality that he witnessed. He said that when a detainee was released, he weighed 40 kg, when he used to be 75 – 80 kg.

Judge Kerber asked P2 if he experienced the story about tossing bread himself. P2 answered that he was given bread and potato. He said he heard the rest from others.

Judge Kerber asked P2 what he knew about Caesar and from where. P2 responded by stating that if an incident occurs involving a military person, then the military police conducts the investigation and documents the corpse. He stated that after the revolution began, many victims died in all branches especially the military ones. P2 said that if he [perhaps the injured party] had a military or a civilian status, the corpses were sent to the military police in Al-Kaboun القابون or to Tishreen military hospital مستشفى تشرين العسكري in Harasta. P2 stated that the military police's investigation department did not receive an order to stop documenting corpses, as the protocol stated. Therefore, P2 said they took photos of the corpses and archive them, in case the judiciary requested them.

Judge Kerber asked P2 how he knew that. P2 stated that lawyers call the police when an assault is committed by or on a military person. Judge Kerber asked P2 whether he saw photos of the corpses. P2 said that when a case reached the military court, the accused's or the victim's attorney was present there, and these photos were in the case file.

Judge Kerber asked P2 if he himself saw them and whether the victim had identification. P2 said that a friend of him told him that they were occasionally forced to carry the corpses to the toilets. According to P2, in each branch, when the corpses were carried to the toilets, old corpses had numbers on them. Judge Kerber asked if the numbers were written by a pen. P2 affirmed that sometimes it was written with a pen, if the corpse was not worn-out; otherwise it was written on a paper on the abdomen or the forehead.

Judge Kerber asked P2 what was written on the corpses. P2 said numbers and explained that the security branch had a sequence of numbers for each of the corpses. He said that the corpse went to the military police or to Tishreen, where they added a number. He stated that on the corpse, one could find the number of the branch, the number of the corpse and the number of the place where the corpses were collected.

Judge Wiedner asked if a corpse had the number "251," if that meant that the person died in branch 251. P2 affirmed and said that the sequence of numbers, the branch number and other numbers indicate that the victims [corpses] left from that branch, because no branch can add a number of another branch [if person dies in a branch and the corpse was transferred to another place, the number of the first branch cannot be removed].

Judge Kerber asked if there was a law that permitted torture. P2 said no and said that there is an article that punishes torture, but the person who commits it is protected from accountability.

Judge Kerber asked P2 if he met Accused Raslan. P2 listed three times he saw Accused Raslan. He said that he arrived in Berlin on August 28, 2014 and relocated to a refugee camp in Marienfelde, where he stayed until the end of February 2015. He said that he and his wife went to the



supermarket and came across another person and his wife. P2 said that he immediately felt as if he knew that [person's] face, but he did not remember much. P2 said that he felt that the other person looked at him and recognized him, but P2 did not have the audacity to go and ask him where he knew him from. P2 said that days after that incident, P2 visited friends who knew that Accused Raslan detained him before and they told him that Raslan was in Berlin. P2 then mentioned that he encountered Raslan again, not far from the refugee camp. Lastly, P2 said that he later found an apartment, and once again came across Accused Raslan in a building supplies shop. P2 said that he told his wife "This is not possible! He is after me, even here." P2 said he did not see Raslan after that.

Judge Kerber asked if the shop was called "Poco" (furniture shop) or "Baumarkt" (a buildings supplies shop). P2 laughed and replied that there is no "Poco" shop in Hermannplatz in Berlin.

P2 said that he knew that Accused Raslan came to Germany the same way he did (with a visa from the German authorities). He said he heard this from [name redacted] and [name redacted]'s wife, who are his friends. Judge Kerber asked P2 if he found it strange that [name redacted] got involved with Raslan. P2 replied that he found this behaviour strange. P2 stated that he did not carry a personal grudge against anybody. Additionally, P2 said he was new in Germany and was not familiar with the laws there. Also, even after P2 knew, Accused Raslan was not his obsession, but rather the victims who were being tortured in Syria.

Judge Wiedner asked P2 why he was detained in 2006. P2 stated he was detained for two reasons; first, he was always denouncing the poor human rights situation in Syria and he wrote an article about a case of someone dying under torture in Sidnaya صيدنايا one week before his detention; and second, the EU financed and founded a centre to train human rights activists in Syria, and he was named the head of the centre. He said that one week after that, the centre was closed and sealed with red wax in March 2006. P2 said he was detained less than two months later and was accused with disseminating fake-news for his report on the torture in Sidnaya and was charged for finding an organization in an unauthorized way and dealing with foreign parties.

P2 said that they did not want information from him in Branch 285, because he used to publish everything in the media [and thus they knew everything about him]. He stated that his charges were issued by the court and the judge, and was in line with the emergency state declared in Syria.

Judge Wiedner asked P2 if he recognized Accused Raslan by his voice and P2 said exactly. P2 said the voice was repeated when he wanted to hand him into the court police. He said that they [Syrian security officers] needed to remove the blindfold because he was a criminal felon, and Accused Raslan had his [P2's] mobile phone and his ID card. He said that Accused Raslan also handed the certificate of delivery to the police, and in those two minutes while Accused Raslan was giving P2 his belongings, P2 saw him.

Judge Kerber asked P2 if he was certain and P2 said that he had no doubt. He said that Accused Raslan changed a bit and lost some weight but P2 said that he was certain.

Judge Kerber asked P2 how he knew he was in Branch 285. P2 said that when he was blindfolded [in the car] he kept silent and began to locate where the car was heading to. P2 said he figured out that they were security forces, but did not know which Branch they belonged to. P2 said he had a car and he used to drive that way daily and knew the locations of all branches as he visited all of them either by summons or by imprisonment. P2 said he estimated that they were in Al-Adawi highway أوتستراد



العسكري where at its end was political security branch. P2 stated that the car did not stop and it turned to the left and drove down in a tunnel (Al-Thawra tunnel). نفق الثورة. He said that after the tunnel there is the military security branch on the right and if they drove straight ahead, the criminal [police] would be located there, because the justice palace is there and P2 used to drive to it daily.

Judge Kerber asked P2 if he was exposed to mistreatment. P2 said that he was placed between the seats and they sat above him, but they did not hit him and they took his belongings. Judge Kerber interrupted and asked whether he was beaten in the car. P2 stated that he was not beaten by fists, but the mere fact that he was placed[...]. Judge Kerber interrupted again, stating that in his 2018 questioning, P2 said he was beaten in the car. P2 stated that he said that it is standard for one to be beaten. He stated that if there would be no beating, then it would be due to orders not to beat him from the one who ordered the detention. He said that he was not tortured when he was in the cell like others.

Judge Wiedner asked what he saw or heard that night in Branch 285. P2 said that the sounds of torture and screaming did not stop the whole night, and the sounds of beating were audible. He said that when he was brought out of the cell the following morning without a blindfold, he was taken to the interrogation room to sign his referral. He said he signed it, was blindfolded and the person who was in the car came to him. P2 stated that in that room, there were torturing tools, cables and a tire at the corner.

Judge Wiedner asked P2 if he saw someone being tortured in the room. P2 said no and that the room was empty, but the sounds he referred to occurred during the night.

Judge Wiedner asked P2 how long the interrogation lasted in Branch 285. P2 answered five minutes and stated that they did not want information. He stated that they anticipated that P2 would negotiate his release and cooperate with them. However, P2 said that when the interrogator heard his answer [P2's sarcastic answer of the good human rights situation in Syria], the interrogator lost hope [that P2 would cooperate with them]. P2 said he later heard that American and EU leaders, and Amnesty International provided statements demanding his release.

Judge Wiedner asked who interrogated him. P2 answered that he did not know; it was either the head or deputy of the branch, but that person [referring to Accused Raslan] was the one who accompanied him to the room.

Judge Wiedner asked P2 if that person stayed in the room during the interrogation. P2 confirmed this and claimed that there was another person present. He said there was only one question, which was: "how are you P2?"

Judge Wiedner asked if there were insults. P2 said that after the slap, the interrogator insulted him and told others to "take him." Judge Wiedner asked who were the others. P2 answered that he did not know, and it was either the head of the interrogation unit, or the head or deputy of the branch.

Judge Wiedner asked P2 if the person who accompanied him insulted him. P2 answered that the mere fact that the person accused him of murder and theft, as a lawyer, not to mention a human rights lawyer, was the biggest insult. However, P2 said he did not receive insults from that person in the branch due to orders. P2 stated that even the individual who was torturing others used to open the vision panel, see that P2 had not eaten, and would ask him "why don't you eat?"



Judge Wiedner mentioned that P2 stated that he was transferred again to Branch 285, before he was released from Branch 285 in May 2011, and asked if conditions changed since his first detention there. P2 stated that the conditions became worse. He said that there are a western and a northern building within Branch 285. P2 stated that his first detention was in the western one, but when he was brought back, he was in the northern building. However, P2 stated that nothing changed and the torturing sounds were always audible.

Judge Wiedner asked if there were differences in going after people before and after 2011, and if any specific incidents happened. P2 said that after the beginning of 2011, there were demands in Syria similar to Egypt and Tunisia. He said the first demonstration occurred in Al-Marjeh المرجة in February 2011. P2 added that the families of the detainees called to assemble to release the detainees, activists and journalists organized a sit-in and the security forces attacked it. He said there were females and children who were beaten with batons and a female activist was pulled across the road from her hair. P2 stated there were well-known people, journalists, females and elderly people who were assaulted. He stated that for instance, five from the [name redacted] family were assaulted and 15 people were detained and later brought to Adra. ادرا. According to P2, the regime began to be more ferocious starting from that period. P2 said the regime did not care about certain individuals any more, but was rather expecting a public [broad] movement like Egypt and Tunisia. P2 said there were more ferocity in their detention and torture methods.

Judge Wiedner asked if there were changes in laws. P2 said that the police and the customs were protected by a republican decree from Bashar Al-Assad (either decree 50 or 51, but he said he was not sure because he was in prison). He said they [the regime] were preparing to give the police additionally protection, in case they would commit anything.

P2 said that most of the detainees were either peaceful demonstrators or media individuals, who were treated more ferociously.

Judge Wiedner asked P2 how his clients had been detained. P2 said that all branches used to detain, but state security was the most active in this. He said that Branch 251 was the only branch that had a division in Duma, دوما, and there was also Division 40 (under the administration of Hafez Makhlof السيد حافظ مخلوف), and the Az-Zabadani, الزبداني, Abu Ash-Shamat أبو الشامات and As-Sayyeda Zeynab السيدة زينب divisions. He said that all the military branches were in Damascus, but Branch 251 was distributed in all areas, and thus it conducted the widest campaigns.

Judge Wiedner mentioned that P2 talked about Division 40, and asked him to elaborate on that division. P2 said that Division 40 was under the Branch 251, is located in Ar-Rawda الروضة and it was responsible for the Damascus area. He said that Division 40 is a residential building in the most important commercial area in Damascus, and therefore, it was responsible for the security of Damascus. However, P2 said that after 2011, it became responsible for overseeing social media. But he said that division 40 used to detain people without keeping them since it had no places to hold them. He said that division 40 used to detain, interrogate and then send individuals to Branch 251. P2 said that if they needed to re-interrogate someone, then they would summon him again. P2 said division 40 detained his brother in March 2014, because they thought that his brother was him. P2 stated that his brother was interrogated in Division 40, then sent to Branch 251, then summoned again by Division 40 for interrogation, and then sent back to branch 251.

Judge Wiedner asked P2 if he had a grudge against Accused Raslan. P2 said it was known that defectors would come out to declare and explain that the regime used them. He said it had been always like that: all defectors would make visual or written proclamations, especially those of high rank. However, P2 said that Accused Raslan did not do that and he did not hear that Accused Raslan defected nor that Accused Raslan was against [what happened to] detainees or protestors.

Judge Wiedner mentioned that P2 stated in his 2018 questioning that Accused Raslan had defected because of the Houla massacre. مجزرة الحولة. P2 replied that he said that he anticipated that Accused Raslan had defected due to such reason, however, Accused Raslan did not say anything.

The proceedings were adjourned at 04:00 p.m.

***Below are photos from outside the courthouse. The framed photos are part of a demonstration by Families for Freedom:***





### Trial Day 12 – June 05, 2020

There were about 14 spectators and 11 individuals from the media present. The proceedings began at 9:30 am.

#### Testimony of [name redacted] [P2], Questioning by Judge Kerber Continued

Judge Wiedner referred to P2's statement in his prior questioning where P2 stated that he was beaten on the way [to the branch] when he was detained in 2006, whereas in court, P2 stated he was not beaten. P2 said that what he told the police in his prior questioning was correct. P2 stated that he was expecting to be detained. He added that a few days before [he was detained], other opposition individuals like [name redacted] and [name redacted] were detained. Judge Wiedner asked if P2 was beaten. P2 stated that there was beating and physical violence when they threw him in the car. However, P2 stated that when he was placed between the two seats, he was not beaten. He said that they only beat him when they took him. He said he was beaten as he was being placed in the car and they sat on top of him when he was in the car. P2 said that the car ride between his home and the branch was 15 minutes. He said that what he said to the police was more accurate, because his memory was more recent and fresher then.

Judge Wiedner referred to P2's statement during his questioning on July 20, 2017 that he met a person who was a director during his detention who was not beaten because he was well known and Judge Wiedner asked if that person was P1. P2 said that he was not talking about P1. He said he met P1 after the latter was released and P1 was in a bad state, especially psychologically. P2 stated he meant another detainee, as they [the regime] detained many directors and media activists.

Judge Wiedner asked P2 about his general knowledge of Hafez Makhlof. حافظ مخلوف. P2 said that Makhlof was the head of Division 40, which is under the administration of Branch 251. He said that Makhlof's orders came from Branch 251. P2 stated that in Division 40, there were no detention places, and thus, they used to detain and transfer detainees to Branch 251, where the interrogation department was located.

Judge Wiedner asked if Makhlof had connections with higher ranks. P2 said that Makhlof is the cousin of Bashar Al-Assad so Makhlof had a direct connection with Assad.

Judge Wiedner asked if Makhlof could issue orders in Branch 251. P2 said that in the hierarchy, Makhlof was under Branch 251's administration, so Makhlof could communicate with some high ranks in Branch 251 on a personal level, but could communicate not on a functional/work level [Makhlof could call any friends in Branch 251 but he did not have control over work orders in Branch 251]. P2 said that 11 branches in the provinces and eight divisions in Damascus and rural Damascus (including Division 40) are all under the administration of Branch 251. P2 said that it was impossible for a division to have authority over a branch. He added that Makhlof had dreadful aura as a person [but Makhlof did not have authority over Branch 251].

Judge Wiedner asked about how they conducted investigations in Division 40. P2 said that Division 40 had no detention places. According to P2, after detention they used to interrogate and transfer detainees to Branch 251. He said that some of Branch 251's interrogation officers conducted the interrogation in Division 40.



Judge Wiedner asked whether an officer (not from Branch 251) would be able to interrogate detainees, and more broadly, who has authority to conduct an interrogation in that Branch. P2 said that all interrogators were from Branch 251 and it was impossible for someone who is not part of Branch 251 to go and interrogate there.

Judge Wiedner asked P2 how he knew that. P2 said from the administrative hierarchy, and from his and other's reports about it. He said that when detainees used to describe the interrogators, the same descriptions were repeated. P2 stated that detainees always remembered the voices and people who used to torture them like Abu Ghadab أبو غضب and the detainees mentioned that in their testimonies. He said that no one who was detained in Division 40 and then transferred to Branch 251 described another experience.

Judge Wiedner asked P2 if he could imagine that a non-Alawite could be in the high ranks. P2 said that there were many Sunnis in the intelligence apparatuses, but there is a difference in regards to heads of branches. He said that a non-Alawite could be of high rank and added that the Sunni in the security apparatuses were more brutal than the Alawite, because Sunnis believed they needed to prove their loyalty. P2 stated that he got this information from the detainees, who said that Sunnis were more brutal with them.

Judge Wiedner asked P2 if he knows other Sunni interrogators. P2 said that there were locations that had well-known Sunnis, including Branch 251 and the military and air force branches. He said that generally, non-Alawite (like [name redacted] who was a Christian), were more violent with him. P2 added there was also [name redacted] who was an Ismaili. He said that both of them worked in the military interrogation branch.

Judge Wiedner asked if P2 experienced the above [if non-Alawites were more violent with detainees]. P2 said that he experienced some of that himself, but he said the majority of this information came from more than 15 – 20 detainees who were released daily.

#### ***Questioning by Senior Prosecutor Jasper Klinge***

Prosecutor Klinge asked P2 how he could tell if someone is an Alawite. P2 said that high ranked officials are well known and lower ranks were identified mostly from their dialect and their way of speaking. He said that Alawites, Christians and Sunnis could share a dialect, but the way of speaking hints that this person is an Alawite (and thus, has an authority).

Prosecutor Klinge asked if some regions had specific dialects. P2 said that there were Alawite-specific dialects, but other people who live among them could also speak the same dialect.

Prosecutor Klinge asked P2 if he knows the number of officials in Division 40 and Branch 251. P2 answered that there was a large number of officials within the branch because there were many divisions under that Branch. He said that the area As-Sayyeda Zeynab, the Abo Ash-Shamat division, Damascus and rural Damascus were all under Branch 251. P2 stated that "Division" 40 had no considerable weight like 251, which is a "Branch." P2 added as an example, the patrol division was located within Branch 251, and they used to detain people.

Prosecutor Klinge asked P2 to elaborate on Branch 251's role. P2 stated that the security apparatus was ruling Syria and Branch 251 is the cornerstone in Assad's regime. He said that ministries are formed there, members of the Syrian people's council [parliament] are named there, and the



economy is operated there. P2 testified that military and air-force branches are oppressive branches, whereas Branch 251 is the internal state security management and controlled everything. Therefore, P2 said the head of the Branch is a person close to Al-Assad, like Mohammad Nasif محمد ناصيف, Bahjat Suleiman بهجت سليمان and Tawfiq Younes توفيق يونس [current and previous heads of the Branch]. He said that the country's administration was passed only to persons who were 100% loyal and that no one from other branches is allowed to enter Branch 251.

Prosecutor Klinge asked if there was a difference between the branches' power before and after 2011. P2 said that they [their powers] expanded. He said that the oppression that occurred [before 2011] was done to help the management, but after 2011 the oppression was dominant and the other branches' authorities increased. P2 stated that before 2011, military security was not allowed to interfere without orders from the president, and the branches were assigned cases. He said that while Branch 251 had the ability to openly detain and investigate, after 2011, all branches could openly do the same.

Prosecutor Klinge asked if P2 knew other names for the state security. P2 said he could not be sure of the names, because naming depended on internal correspondence.

Prosecutor Klinge asked P2 if he knew different names for Division 40. P2 said Ar-Rawda division قسم الروضة, the الجسر الأبيض, which is an important area in Damascus. Klinge asked about Al-Jisr Al-Abyad, and P2 explained that Al-Jisr Al-Abyad is a large neighborhood and Ar-Rawda is within it.

A google earth photo was shown via the projector, and P2 was asked to tell the court where division 40 was located. P2 went to the judges' panel and pointed to a building. Then, another photo was shown and P2 pointed to the buildings of Branch 251. P2 returned to his seat.

Prosecutor Klinge asked P2 if he could describe Branch 251's two buildings. P2 said that the first time he was at Branch 251 was when he was detained in 1978. He stated that after that, he was there only when he was summoned there, without being detained for long periods, and these were in 2005 and 2006. P2 said the branch consists of two residential buildings and normal flats. He said the primary building is the one on the left (P2 said he went there). P2 said there is an underground floor, which serves as the prison. He said that (when he was there in 1978) there were stairs and an iron door on the left. He added there were rooms on the right and left, and the cells were located in the garden in the north-eastern side. The interrogation room was downstairs [underground]. P2 testified that he was imprisoned in the solitary cell, not in a shared one. P2 stated [the office of] the interrogator was in the ground floor and the head of the branch was on the first floor. P2 added that the floor had residential flats that were 200 – 250 m<sup>2</sup>, but he was not certain. He stated that he has not been in the right building, but he remembered that it was a smaller building and both buildings had the same number of floors. According to P2, former detainees stated the garden was expanded and more cells were constructed on the southern and eastern sides.

There was some confusion regarding the garden and the cells. Prosecutor Klinge asked if there were cells both above and underground. P2 explained that the cells were under the street level.

Prosecutor Klinge asked P2 about CCMC [Central Crisis Management Cell; خلية إدارة الأزمة]. P2 took a while to understand the translation and then said that it was established in March or April 2011 after the revolution began to deal with the demonstrations. P2 said it consisted of several people like the Minister of Defense, Head of National Security, Head of the Military Intelligence Directorate



Abdulfattah Qudsiyya, عبد الفتاح قدسية, the head of the Air Force Intelligence Jameel Hasan, جميل حسن, and the Head of State Security Management, Ali Mamlouk, علي مملوك.

Prosecutor Klinge asked what were the CCMC's tasks. According to P2, the CCMC was responsible for the oppression and for attacking the people's movement that asked for freedom and reform. He said the CCMC used to issue orders to all security and military apparatuses, police and media, but the details of the orders were discussed within each branch on its own.

Prosecutor Klinge asked P2 how he knew about CCMC. P2 replied that he was informed by leaked documents in the media, and it contained orders for dealing with demonstrators, including detaining demonstrators and killing them under torture.

Prosecutor Klinge asked P2 what orders the cell issued. P2 said that the orders responded to demonstrators with violence, focused on media activists and enforced all the possible means to stop leaked photos from leaving Syria, but P2 said he did not know a specific order.

Prosecutor Klinge asked P2 when the CCMC was founded, and P2 said after March 2011, maybe in April.

Prosecutor Klinge referred to Caesar's statement that the corpses were transported to Al-Kaboun hospital. He asked P2 if he knew if there were corpses that were transported to hospitals. P2 said that military investigation branch was near Mazzeh [military] hospital, مستشفى المزعة, and therefore, they could transport corpses there. P2 also stated that according to survivors of detention, patients were transported to Mazzeh hospital and were killed by doctors and nurses there. P2 stated that Branches 235, 227 and the state security branch were near Tishreen, تشرين or Al-Kaboun, القابون [hospitals].

Prosecutor Klinge asked P2 about sexual assaults in prison to differentiate between his experience and what he heard of. P2 said that he took information directly from detainees after their release. P2 said that sexual assaults were very common for females and males. He said that Al-P1 testimony is something that many detainees have experienced but only few are able to tell what happened with them. P2 said that it was more common with females, starting with stripping them naked in front of the interrogators as well as rape. P2 said he personally helped some of the released female detainees obtain abortions. He said that only few female detainees declared what happened with them and they could have problems with their families. He said that some female victims would come to the courtroom and share their stories.

Prosecutor Klinge asked P2 if it is taboo to talk about female sexual mistreatment in Syria. P2 said that females usually do not speak about it, but they used to tell the lawyers so lawyers could help them with abortions.

Prosecutor Klinge mentioned that Accused Raslan stated he was trained by Russia to fight terrorism like Islamists, Al-Qa'eda and Al-Nusra. Klinge also stated that Accused Raslan mentioned that he was protecting the foreign embassies and diplomats, and he hoped that Syria would be empty from extremists and terrorists. Prosecutor Klinge asked P2 about his thoughts. P2 said that as "his" president admitted [P2 emphasized on translating the word to "his" and not "our" president] that the 2011 demonstrations were peaceful. P2 said there were no such organizations in Syria, and then wondered "which terrorist organizations, was he speaking of?!" P2 then added that Accused Raslan was saying that to gain the western sympathy against the Islamic organization and ISIS, as if he was



saying: "I was allowed to do so in order to defend you." Prosecutor Klinge asked P2 if he himself was related to such organizations and P2 answered that he is a Christian.

### **Questioning by Counsels**

Counsel Michael Böcker, Accused Raslan's representative, asked about Abdulmon'em An-Na'san عبد المنعم النعسان. P2 said that he was an interrogating officer in Branch 251 and he was a Sunni without much power.

Counsel Böcker asked P2 if he knew about other ranks in the branch. P2 said that he did not have information about the administrative hierarchy in Branch 251. Counsel Böcker asked P2 if he knew Mohammad Abdallah محمد عبد الله, Khaled Al-Khateeb خالد الخطيب, Yousef Ibrahim يوسف إبراهيم and Abdulmajeed Nabbuda عبد المجيد نبودة, and P2 said he did not know any of them. Counsel Böcker asked P2 if he knew Mohammad Deib Zaytoun محمد ديب زيتون, and P2 said of course. P2 said he is the head of the political security and after Ali Mamlouk علي مملوك left the position, the former [Zaytoun] became the head of the national security directorate.

Counsel Böcker asked P2 about the roles of Mohammad Deib Zaytoun محمد ديب زيتون, Tawfiq Younes توفيق يونس. P2 said that Mohammad Deib Zaytoun was the head of state security directorate, Tawfiq Younes was the head of Branch 251 and Hafez Makhlouf was the head of Division 40, which is one of many divisions of Branch 251.

Counsel Böcker asked P2 about the sequence of orders. P2 said that the primary administration was CCMC (Ali Mamlouk and Mohammad Deib Zaytoun), which gave plans to Tawfiq Younes for execution, who gave orders to departments. P2 said Makhlouf could communicate with Zaytoun on a personal basis, but for work-related matters, he [Makhlouf] communicated with Younes.

Counsel Böcker asked P2 if something [orders, plans etc...] had changed in CCMC. P2 said that the orders were coming and the apparatuses were executing, detaining, torturing and killing.

Counsel Böcker said that P2 stated that he was last detained in Branch 251 and was transported by a bus. P2 corrected Böcker and said that he said that he was detained in Branch 285 and not in 251, and was transported by a car not a bus.

Counsel Böcker asked P2 if Dr. Kroker was present in the 2018 questioning and P2 affirmed. Counsel Böcker asked P2 if there was a photo array, and P2 said yes. Counsel Böcker asked P2 if he recognized someone. P2 affirmed and said that he remembered saying that one or two of the photos belonged to Accused Raslan. Counsel Böcker asked P2 if there was a possibility that he recognized Raslan wrongly. P2 replied that he recognized Accused Raslan.

Counsel Böcker said that P2 mentioned in the questioning that he recognized three photos of Accused Raslan wearing glasses. P2 said that multiple photos were shown with and without Raslan wearing glasses. P2 said that he saw Accused Raslan for two minutes in 2006. He said he glanced at Accused Raslan for seconds 3 times without examining, because he did not want to see Accused Raslan. However, P2 said that Accused Raslan's image was generally imprinted in his memory and thus P2 recognized that it could be Raslan.

*A 20 minute break was issued for the translators.*



*After the break, P2 was not there on time, so Judge Kerber mentioned another witness called [name redacted] and his petition on an appointment of witness assistance. The defence said that it was no problem for them. Plaintiff attorney Dr. Oehmichen mentioned that the witness should testify veiled for victim protection. The prosecution quoted a law saying that as a witness he needs to give his testimony openly and show his face. The prosecution and six plaintiff attorneys did not vote against the petition of witness assistance. Mohammed, plaintiff counsel, suggested that the witness not publicly read out his address.*

Counsel Böcker asked P2 about the photo array. P2 said that he was shown six – eight photos. P2 said that three of the photos had close resemblance to Accused Raslan and one of the three photos had the most resemblance. P2 said that the photos were shown one after another. He said he examined the photo, and would tell them to go next. Counsel Böcker asked P2 if he recalled if the photos were being shown until he said to go next, or without him saying to go next, or if he could not recall how it was. P2 said that the photo remained until he told them to go next.

Counsel Arne Bodenstein, one of Accused Al-Gharib's representatives, mentioned that P2 said that he knew [name redacted] was a Christian. Counsel Bodenstein asked P2 how he knew that. P2 said that he knew [name redacted] prior to his detention and that as a human rights activist, he knows the heads of the branches.

Counsel Bodenstein asked P2 if he used to know him [name redacted] before or after his release. P2 said that he knew him before he summoned him. Moreover, P2 said his name was on the plate [i.e. plate on a desk or door]([name redacted], head of Branch 248, military security).

Counsel Bodenstein asked P2 how he identified someone to be an Alawite or a Sunni. P2 answered that he did that through their dialects and from what others have said.

Counsel Bodenstein asked P2 if he heard names of officials that he did not know prior to the detention. P2 denied.

Counsel Bodenstein asked P2 how would he identify someone to be an Alawite or a Sunni using previous knowledge about those individuals. P2 said that some people had relatives/acquaintances who worked in a branch (sometimes as interrogators). He said these people leaked information about their relatives/acquaintances (including names/nicknames and which branch they worked). P2 said that when the detainees were released, they used to mention some names or nicknames e.g. Abu Ja'far. أبو جعفر. He stated that all this data was corroborated to build information.

Counsel Sebastian Scharmer, plaintiff representative, mentioned that P2 talked about sexual assault, and asked about the differences before and after 2011. P2 said that sexual assault had been used against females in Syria since the 1970s and before 2011, it was used more as to get information, as a threat of the physical and verbal violence. He added that after 2011, it was used to humiliate the female detainee and her family, and sometimes they would rape her in front of them. P2 said that there are facts that a female detainee was raped in front of her husband or brother. He said that they had a witness who was in Branch 251 and saw seven-eight female detainees in a small cell naked without an iron door, and anyone who was passing by could see them. P2 said that the witness stated they were taken [used] for service (deliver food and drinks) and that witness saw them naked sitting and covered with menstrual blood due to the lack of sanitary napkins.



Counsel Scharmer enumerated some torture methods like *Shabh*, شبح, *Falaqa* فلفة and the German chair الكرسي الألماني and asked P2 if these methods were used before 2011, and if their use increased after that. P2 said that all methods were known before 2011 and more brutal methods were added afterwards. P2 gave an example of tying a person to something like a chair with a hole at the base of the chair, and a source of fire like a candle is placed underneath him [the hole], before he was left to die. P2 stated that one used to suffer for a day or two days, and it was impossible to imagine what he went through, before he accepted and surrendered. P2 said that this method was not used before 2011, but after 2011, new methods were used on everyone with no exceptions.

Counsel Scharmer said that he knew that P2 received a prize in 2014 from Germany, and he asked P2 what it was. P2 said that he received two prizes from Germany: the German Judges Prize in 2009, and the German-French prize for human rights in 2014.

Counsel Dr. Patrick Kroker, plaintiff representative, asked about female detainees who were victims of sexual assault and their experience after their release. P2 said that unfortunately, female detainees in Syria suffer torture twice: in prison and when she is released from the people around her. P2 added that when released female detainees speak about their experiences, we know what happened with the others [get a general idea of what others go through].

Counsel Dr. Kroker asked about the charges the female received in the intelligence services. P2 said that the females used to be forced to confess that they seduced officers with sex to kill them and they were participating in demonstrations to have sex with the demonstrators.

Counsel Dr. Kroker asked P2 why he was visiting the intelligence branches, and P2 said that he was forced to visit the branches since he was summoned by them.

Counsel Dr. Kroker said that some people allege that they worked with the regime but did not torture anyone. P2 said that they [he and others] documented people who have information about names and officials. Judge Kerber rephrased the question asking whether it would be possible for someone who worked in the intelligence services to not be involved with torture. P2 said no and that anyone affiliated with the intelligence services either tortured or knew about the torture that occurred there.

Counsel Dr. Kroker asked about the Syrian political situation in 2012 and whether the regime was under pressure. P2 said that the situation evolved and there were many people [pro-government] who wanted to free themselves from the regime. P2 said that in 2011 and 2012, many reacted to authorities' practices and moved away but those who loyal stayed. He said the usage chemical weapons against Al-Ghouta الغوطة was an issue in 2013.

Counsel Dr. Kroker asked P2 about the motivation of defectors. P2 said that ones who were dissatisfied with the regime at that time, defected and declared in statements (and in videos) that that they defected and disclosed that the regime committed crimes, and that they did not agree to that as part of the nation. P2 said that some people lost and left Syria fearing the regime's downfall and others left Syria were delegated by the regime to go and sabotage other parties. P2 testified that there were facts that some defectors in 2011 and 2012 founded armed organizations and returned to the regime to work with them.

Counsel Dr. Anna Oehmichen asked P2 if he was able to identify someone as a Sunni if he was blindfolded. P2 said that he could do that by the person's dialect.



Counsel Andreas Schulz, plaintiff representative, referred to P2's statement that some pro-government people left the regime and returned to work with it. He then asked P2 if he believed that Accused Raslan did the same thing. P2 stated he was not certain based on his information and thus he cannot talk about that topic.

Counsel Schulz asked P2 if he could disclose such information about those defectors. P2 said that he had information and clues *قرائن*, but he did not know if it would be considered as evidence.

Counsel Schulz said that P2 [posted](#) online that Accused Raslan changed his location, but not the nature of his work, and he asked P2 to elaborate on that. P2 said that Raslan's defence statement was denying the systematic torture in Syria, which complied with what Bashar Al-Assad said in an interview. P2 said that afterwards, P2 wrote that Accused Raslan did not change the nature of his work because that statement was embracing the regime's perspective.

Counsel Schulz asked if the German words "Ermittlungsabteilung" (investigation division) and "Untersuchungsabteilung" (investigation/examination division) mean the same in Arabic. P2 said that the security services did not conduct investigation/examinations "التحري" (investigate people from afar) but perhaps the normal police did. He said that security services directly/physically investigated a person "تحقيق" [includes torture] while "التحري" was done remotely and refers to gathering information "استراق المعلومات" [ex: obtaining and monitoring information without others knowing].

Counsel Schulz asked P2 if there was an attempt to kill him in prison. P2 affirmed and said that he was subjected to two attempted murders in prison by the cousin of Bashar Al-Assad [their fathers are brothers i.e. *ابن عم* Numayr Al-Assad *نمير الأسد*]. P2 stated that Numayr and his group committed huge crimes that shook the country in 2004 – 2005, so Bashar was forced to detain them in order to appease public outrage. P2 said Numayr and his group were from Al-Qirdaha *القرداحة*. P2 said that he was put in the same cell and alleged that they attempted to murder him two times, but other prisoners rescued him.

Counsel Schulz asked P2 if he believed that the regime would assassinate opposition members outside Syria. P2 answered that intelligence services did that previously. P2 gave an example and said that they tried to assassinate [name redacted] in Germany in the 1980s, but when they did not find him home, they killed his wife [Banan At-Tantawi *بنان الطنطاوي*] instead. P2 stated that the regime was a terrorist gang that committed so much inside and outside Syria, and they could do anything.

Counsel Schulz asked P2 how he came to Germany and why he left Syria late. P2 answered that after he was released from prison in 2011, a German official came to Syria. He said that the German official visited P2 in his home and asked P2 if he wanted to travel [outside]. P2 told him that he was banned from travel and his wife had no travel document. He said the official took photos from them and told them that they can come to Germany, but through the German embassy in Jordan. P2 said that he was not planning to leave Syria at that time, but the situation was escalating and the condition of detainees in 2014 was not like before, as it now meant death. P2 gave an example of his friend [name redacted] who was detained in 2012, and until today, no one knows any information about him. P2 stated that there are more than 150,000 detainees, some of them detained in 2011, whom no one knows anything about. P2 said that due to such reasons, he escaped with his wife to Beirut illegally, and the German embassy gave them travel documents there.



Counsel Khubaib Ali Mohammed, plaintiff representative, asked P2 if there were specialized interrogators. P2 said that there were no specialized interrogators, but rather well known people. P2 said that if a well-known person was to be interrogated, there would be orders to either torture him severely, not torture him or decrease the intensity of torture with him. Therefore, P2 said the guard did not dare to hit anyone whom he was ordered not to hit.

Counsel Mohammed, plaintiff representative, asked how P2 communicated with his defendants as a practicing lawyer. P2 said that in Syria, the attorney was not allowed to speak to or accompany his defendant. P2 added that per law, even in the normal criminal cases, he cannot be present during the investigation [it seems he meant interrogation].

Counsel Mohammed asked P2 if he saw P1 after the latter was released. P2 said that P1 was detained twice, and that he saw P1 after P1 was released from his first detention. He said that P1's release from the second detention was in Idleb, not in Damascus.

Counsel Mohammed asked P2 why P1 was detained. P2 said P1 filmed the brutal regime's crimes and that was the most hideous accusation and charge for the regime, and [the regime] used to detain people only because they were watching Al-Jazeera in their houses. P2 said that reporting what was happening in Syria was the most dangerous accusation.

P2 stated that after he used to leave the justice palace, he would accompany the defendant in front of the judge (the civilian judge at that time). P2 stated that he represented hundreds and thousands of people, and issued many requests to the general prosecutor to determine the fate of some people or to settle some unresolved issues after release (for instance, if one's laptop was not handed in back, if there was a travel ban). P2 said that he could not remember everything.

Counsel Mohammed asked P2 to describe P1's condition when he was released. P2 said that P1 was incomparable to how he looked now. P2 said that P1's clothes showed that he stayed with the same clothes without taking a shower, but the psychological state was the worst. P2 said he could see that P1 was just trying to contend with the situation.

Counsel Mohammed asked P2 where he saw P1. P2 said that he visited him in jail in court. P2 said that anyone could know from the person's state of being how much the person suffered and withstood.

Counsel Mohammed asked P2 if he saw clear injuries or blood on P1. P2 said that he used to meet released detainees daily. All of them had wounds, bruises and mostly fractures. That was the standard condition and not something exceptional.

Counsel Manuel Reiger, plaintiff representative, mentioned that P2 stated in his 2017 questioning that he was tortured with the tire *دولاب* and asked him if that was the case. P2 denied this and said that he said that there were torturing tools in the interrogation room, including tire. P2 stated that he was not tortured with the tire.

Counsel Reiger mentioned that P2 stated that he was able to identify whether a person was a Sunni by his dialect. Counsel Reiger continued to ask P2 if he knew non-Sunnis from the regime who tried to change their dialects [into a Sunni one]. P2 said that at that time it was the other way around as there were Sunnis who were speaking Alawite dialect to intimidate the people. P2 stated that when people feared the consequences of the chemical weapons attacks in 2013, and threats that America

would attack Syria, some people began to hide their dialects [in fear that the regime would be eradicated. He stated that after they were reassured that nothing would happen, everyone went back to their original dialect.

Counsel Michael Böcker said that P2 posted online something on May 18, 2020 [the post that Counsel Schulz referred to earlier], and asked P2 where he got his information. P2 said that he read about the statement [Accused Raslan's statement in court] on the same or the following day of the statement. Counsel Böcker said that it was not direct information. P2 said he got the information not through social media, but rather from people whom he knew personally. Counsel Böcker asked P2 if he spoke with these people directly or on phone. P2 said that it was not a direct contact.

The proceedings were adjourned at 01:45 p.m. The next trial will be June 24, 2020 at 9:30 a.m.

***Below are photos from outside the courthouse. The framed photos are part of a demonstration by Families for Freedom:***

