



TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 5

Hearing dates of June 24 & 25, 2020

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

(Information located in parenthesis is information stated by the witness, judges or counsel).

Summary / Highlights

Trial Day 13

- A witness, known as P3, testified about his experiences working in Branches 295, 255 and the Sayyeda Zaynab division. P3 worked in Branch 295's mail department, where he saw documents that listed numbers of corpses and witnessed events related to the transfer of corpses to burial sites. During his court testimony, P3 stated that he saw Accused Al-Gharib once. The Judges and prosecutor Klinge noted that P3 provided contradictory information in a prior statement to the German police. P3 appeared visibly nervous and issues of possible witness intimidation were explored in questioning.

Trial Day 14

- Two officials from the Meckenheim Federal Criminal Police Office (BKA) testified about their questionings of P3. One official testified that P3 became reserved during his questioning after being informed of his right to refuse to answer questions if the answers might incriminate him and it became difficult for P3 to answer questions. Both officials stated that P3 said he knew Accused Al-Gharib because they come from the same region in Syria. Prosecutor Klinge stated that the transcript of the prior statement indicates that P3 said he knew Accused Al-Gharib from the intelligence branch, not because they were from the same region.
- P3 continued his testimony in court and explained more about Branch 295's activities and his work in the mail/correspondence department. P3 provided a sketch [a redrawing is provided in this report] of the lists he saw which described the corpses, their hospital number and their branch number. The original lists were not introduced as evidence. He also indicated the location of two mass graves.

Notes from the Court Monitor:

- P3 appeared nervous from the outset of his testimony.
- The witness mixed up "informatics" and "information" many times (He worked in the information department, but he said Informatics department ... etc).
- There were many contradictions in the witness' testimony. But some could be attributed to nerves. He told a journalist (afterwards) that he was shocked because he was not allowed to cover his face during his testimony and his lawyer did not inform him of this limitation.



- **P3 tried to avoid looking at Accused Al-Gharib. When Judge Kerber asked if he could recognize the accused, P3 needed to be asked again in a relatively louder tone. Only then did P3 take a swift glance at Accused Al-Gharib.**
- **P3 changed his statements that he gave at the police and then changed them again after the warning from the prosecution.**
- **Judges Kerber and Wiedner seemed very frustrated asking questions at some point. Sometimes they used a louder tone in asking questions. Prosecutor Klinge appeared upset at the end of his questioning.**
- **P3 did not communicate with his attorney (in the courtroom). His attorney was sitting putting his hands behind his head.**
- **P3 seemed relatively calmer on the second day of his testimony.**

Trial Day 13 - June 24, 2020

There were about 7 spectators and 4 media individuals present. The proceedings began at 9:30 am.

The prosecution mentioned the defense's objection to use of Accused Anwar Raslan's statements from prior questioning in Berlin on October 26, 2017 with Martin Holtzky. The prosecution said that the objection was without merit and that Accused Raslan was communicative and not nervous. [See SJAC's separate article on the admissibility of witness statements].

Testimony of P3

Questioning by Judges: P3's background and work

The first witness today was P3, a 30-year-old from Kiel, Germany.

There was some confusion about P3's age, but the issue was settled on 30 years.

P3 came with his lawyer Mario Tebel. Judge Kerber told P3 that he can communicate with his lawyer anytime and his lawyer can help him if he requires it.

Judge Kerber asked P3 about his job, and he said that he was a sous-chef.

Judge Kerber asked P3 if he knew why he was summoned, and P3 said that he was summoned to be asked if he knew certain individuals.

Judge Kerber asked P3 to tell the court about himself. P3 said that he graduated on November 15, 2010. He worked in the informatics [information] department, then Branch 295, and then Sayyeda Zeynab السيدة زينب, and then he defected from the regime.

Judge Kerber asked P3 where he was from. There was confusion as to where P3 originated from and there were several questions to clarify whether it was a regional city or from Damascus.

Judge Kerber asked what he studied. P3 said that he studied electricity and informatics. P3 said he joined the state security on November 15, 2010. Judge Kerber asked him if he finished his studies, and P3 said no.



Judge Kerber asked P3 where he worked and P3 restated that he worked in the informatics department, then Branch 295's mail department and then was transferred to the Sayyeda Zeynab division.

Judge Wiedner asked P3 about his studies, and P3 said that he studied informatics. Judge Wiedner asked him if he studied in a university or a military facility, and P3 said he finished high school and then studied in a university. Judge Wiedner asked P3 if he studied in a military academy, and P3 said no and stated that he studied in Branch 295. Judge Wiedner asked P3 why he did not continue his studies, and P3 said he applied to continue but was not accepted.

Judge Kerber asked P3 again which branches he worked in, and P3 said Branch 295, then Branch 255's informatics department, and then Sayyeda Zeynab. P3 stated that his whole service lasted about a year and a few months. Judge Kerber asked him when he joined Branch 295, and P3 said that joined 295 on November 15, 2010, did a training course in 255 at the beginning of 2011, worked in 295 until the end of 2012, and then was transferred to Sayyeda Zeynab division, before he left in Ramadan 2012.

Judge Kerber asked him where he left to. P3 said that he went to [redacted], where he was injured by an airstrike, then went to Turkey for treatment, then he went back [to Syria]. P3 said that he was moving between Syria and Turkey.

Judge Kerber asked him about his family. P3 said that he brought them to Turkey in 2015, specifically to [redacted]. Judge Kerber asked P3 if there was a recent incident with his family. P3 said they were under pressure, specifically their health situation was not good.

Judge Kerber asked him about his work in Branch 295. P3 said that 295 is a training branch, located along Dar'a new highway أوتستراد درعا الجديد after the Martyrs Cemetery مقبرة الشهداء, and the head of the Branch is Tha'er Al-Omari. ثائر العمري. Judge Kerber asked him which city the cemetery is. P3 said in Damascus, at the end of Al-Husseiniyyah and Ath-Thayyabiyya. P3 said it was a public cemetery [open to the public], but during the incidents [uprising], the government used the cemetery [took control of it] to bury individuals. P3 said there is another cemetery at Najha housing مساكن نجها.

Judge Kerber asked P3 how he knew that the government used to bury individuals and how he was connected to it. P3 said that out of curiosity he used to read any mail [correspondence] that came to the Branch. P3 said that there were no complete names addressed in the mail, only numbers.

Hannes Linke, counsel for Accused Al-Gharib, raised §55 StPO [which addresses the right of witnesses to refuse to answer questions if it risks incriminating themselves or a relative] and said that asking about what P3 did at the Branch might incriminate the witness.

Prosecutor Klinge said that they wanted to know the witness's activity in the intelligence services. Klinge stated that the witness would be giving information about the transportation of corpses and therefore, there would be no personal culpability. Klinge added that this was hypothetical, because mentioning the Branch's mail is not a crime that is punishable by the law.

Sebastian Scharmer, plaintiff's counsel, agreed with the Prosecutor's statement and requested to continue a deeper conversation about this without the witness being present, as this conversation could influence the witness.



Matthias Schuster, counsel for Accused Al-Gharib, asked to use §55 StPO. Judge Kerber asked whether that was an official petition or a suggestion, and Schuster said it was a suggestion. Judge Kerber said that she agreed with the prosecution.

Judge Kerber asked what else was written in the mail. P3 said that the mail that used to come from hospitals dealt with the dead, and the numbers of the dead on certain dates were addressed to the Branch's management. P3 said that he was curious to read it, but they were officially not allowed to read it.

Judge Kerber asked if the mail used to be delivered open or sealed. P3 said that the mail used to be delivered as a whole file and the Branch's head used to take the mail. Judge Kerber asked if the content in the mail was numbers and what numbers were there. P3 affirmed and said that a number, branches' numbers and registry record were listed.

Judge Kerber asked P3 how he knew that the numbers mentioned in the mail were referring to corpses. P3 said that there were numbers of hospitals like 601 [Mazzeah military hospital مشفى المزة العسكري] or Harasta hospital. مشفى حرستا. The numbers of the hospitals were written, not their names. Therefore, P3 said they used to know if the mail came from a hospital or from somewhere else. Kerber asked if there were other hospitals, and P3 mentioned Hamish hospital مشفى حاميش.

Judge Kerber further asked P3 about the numbers mentioned in the mail. In response to the judges' questions, P3 said the mail [correspondence] had numbers in a table, which included the hospital's number, the branch's number and the corpse's number. Kerber asked if the number was referring to the dead person, and P3 affirmed and restated that there were no names. Judge Kerber asked P3 how he knew that the numbers were referring to corpses and P3 said that the mail that had these numbers was sent before the corpses' burial.

Judge Kerber asked P3 about his task in the mail department, and P3 said that he used to receive the mail, but did not know what was inside it. In response to an additional question, P3 said that he used to receive the mail, deliver it to the Branch's head and told him that this mail came from branch X/hospital X/school X.

Judge Kerber asked P3 if he was in mail department in November 2010. P3 said that he stayed in the mail department until the beginning of 2012 and then went to the Sayyeda Zeynab branch. [P3 seemed to indicate that he stayed in the mail department until the end of 2012, but took a training course in Branch 255 at the beginning of 2011].

Judge Kerber asked if the numbers of dead people changed at the beginning of 2011. P3 said that the numbers increased at the end of 2011, especially in December.

Judge Kerber asked P3 if he himself saw corpses or witnessed the transportation of corpses. P3 said no and restated he was an employee in the mail department, an administrative unit.

Accused Al-Gharib told the court via his translator, that he was not hearing well. Judge Kerber told him to hear the witness directly without headphones. His translator said that the voice of the witness was not clear. Kerber asked the witness to speak clearly using the mic.

Judge Kerber asked P3 if he saw excavator or dump trucks, and P3 said that he saw neither.



Judge Kerber referred to P3's prior statement that there were two cemeteries, and asked him how P3 knew that these were cemeteries. He said that burials had to go through the burial office and there were people specifically responsible for digging, but he did not know who they were. P3 said he also saw the refrigerator trucks.

Judge Kerber asked if the number of corpses was high. P3 said that the highest numbers were in December 2011, but he did not know the total number, only what was reported.

Judge Kerber asked about the daily number of corpses and P3 said that numbers were recorded in intervals and not on a daily basis, and said that once there were 60 – 70 corpses, but it was years ago and he cannot remember. Judge Kerber asked if the numbers reached 300, and P3 said sometimes.

Judge Kerber asked if P3 saw refrigerator trucks. He said that he once saw a truck that came to the branch, but it was empty.

Judge Kerber asked if P3 remembered if corpses were transported to the burial location. P3 said that once he read the mail [which included information on delivery, numbers and when/where/who would do the delivery] and knew that corpses were on the way.

Judge Kerber said that P3 spoke about corpses in his prior questioning, and asked P3 if he saw mass graves. P3 said that he saw cemeteries and people there (at the cemeteries).

Judge Kerber asked if the graves number was normal or high, and if there was more than one person in each grave. P3 said that the cemetery was a "normal" [public] one before the "incidents" [uprising], but he did not see how they buried [during the uprising].

Judge Kerber asked P3 if he saw mass graves or locations of mass graves. P3 denied this.

Judge Kerber asked P3 about the size of the excavators that he saw and P3 said they were small. Judge Kerber asked him to describe its size and he said they were "normal." She asked P3 if they were the size of the table [in front of him in the courtroom]. He said that he could not tell. Judge Kerber reminded him that he should provide correct information, and asked him to try to estimate their sizes. He said that the excavators were not like the ones used in gardens. She asked him how many meters they were, and P3 said that he did not know.

In response to a question by Judge Kerber, P3 affirmed that corpses were transported from Harasta and Tishreen hospitals مشفى تشرين.

Judge Kerber asked if the corpses were transported with dump trucks. P3 denied this, but Judge Kerber said that P3 mentioned this in a prior questioning. P3 said that he saw dump trucks from far away. Judge Kerber said that in a prior questioning, P3 said that he saw a garbage truck unloading corpses. P3 said that he did not mention garbage trucks, only refrigerator trucks. Judge Kerber asked him if he saw how the corpses were transported, but P3 said no.

Judge Wiedner asked if Branch 295's task was to collect information. P3 said that this was 255's speciality, and that 295 was only a training branch.

Judge Wiedner asked which department received the list [of corpses]. P3 said that he was in Branch 295's mail department.



Judge Wiedner further asked about Branch 295's tasks. P3 said that 295 was responsible for training newly enrolled members for one and a half years, and was responsible for the Najha نجها area, specifically the protection and security of the area.

Judge Wiedner asked what relation the Branch had to the corpses. P3 said that the corpses used to come from the branch[s] to be buried in Najha.

Judge Wiedner asked P3 multiple questions about the lists [mail]. P3 said that the mail used to come from hospitals, and then he used to deliver it to the head of the Branch—sometimes by phone, sometimes by mail and sometimes by fax. Wiedner asked what the Branch's head used to do with them, and P3 said that he did not know, because he was supposed to deliver them and go [away]. Wiedner asked P3 if he knew the purpose of the lists. P3 said that he used to read them [peek inside], because there were 15 of his family members who were detained, and so he used to search the lists to know where they [P3's family members] went. Wiedner asked if there were names in the lists, and P3 again said no, only numbers.

Judge Wiedner asked if there were numbers of specific branches. P3 gave examples of 251, 293 and 285. P3 said that he was told that the numbers represented the branches where the corpses came out from. Wiedner asked P3 who told him that, and P3 said his colleagues.

Judge Wiedner asked if hospitals names were in the lists. P3 said that [generally] every hospital had a name and a number. When further asked, P3 said that every hospital and military facility has a number like the branches.

Judge Wiedner asked P3 about the numbers of the corpses. P3 said that the numbers used to come in a table and include numbers of the branches. Judge Wiedner said that was not his question and that he was asking about the numbers of the corpses. P3 said he did not know, because the numbers were mixed up.

Judge Wiedner asked how many were dead and P3 said there were between 50 – 100 corpses listed in two – three mails [correspondence].

Judge Kerber said that P3 stated in a previous questioning that the numbers in the lists were less than the actual numbers of the corpses. She added that P3 said that 100 was written in the list once but there were 300 corpses. Kerber then asked P3 if he said 300 corpses were brought once. P3 affirmed and explained that in his prior questioning, he said the numbers in the lists were not correct. P3 gave an example in his prior questioning and said the lists could say 100, but they could actually bring 300 corpses.

Judge Kerber asked P3 if he remembered what he said about the mass graves during his prior questioning. P3 said that he had stated that he did not know if the corpses belonged to civilians as "they" used to bring all kinds of corpses, and perhaps some were military individuals. He mentioned that those buried in mass graves could include both detainees and military individuals. However, P3 said he was not in the burial location, but nearby.

Judge Kerber asked if there was a secret cemetery. P3 said that there was one for the Iranians and only security forces could enter that.



Judge Kerber asked if there were secret and mass grave cemeteries. P3 affirmed and said that the secret cemetery was above the school [when shown on a map] and he located it during the questioning.

Judge Kerber asked him how he knew that it was a mass grave cemetery and if he remembered what he said during the questioning. P3 said that he could not remember. Judge Kerber read P3's previous statement that there were excavators and burial of corpses from different intelligence branches. P3 affirmed and said that it was the cemetery above the Najha school.

Judge Wiedner asked P3 how often he used to receive mails regarding corpses and P3 said two to three times. Wiedner asked if that means per day or generally. P3 said only these two – three times. Wiedner said that P3 stated in his prior questioning that it was two – three times per week, sometimes less and sometimes more. P3 said that he himself received reports two – three times, but he used to tell his colleagues to tell him if they found names [if they received mails].

Judge Wiedner asked P3 how many colleagues used to work with him. P3 said 12.

Judge Wiedner asked P3 if he used to write down the numbers of the corpses and P3 said no and that it was prohibited to open the mail.

Judge Wiedner said that P3 previously stated that he received reports about corpses in April 2011. P3 replied that he did not remember that it happened in April 2011, but rather in January 2012. P3 said that he did not remember the number of corpses.

Judge Wiedner said that P3 previously stated that he received "reports" in the mail. P3 said that the mail consisted of numbers and pictures.

Judge Wiedner asked P3 if he himself made tables of corpses/hospital numbers. P3 said no and that it was prohibited.

Questioning by Judges: Threats to P3's family

There were a series of questions about possible witness intimidation, specifically about an individual who allegedly threatened P3 and his family if P3 revealed anything. When P3 was asked about the individual's name who threatened P3's family, P3 mentioned a different name of this individual in comparison to what he stated in his police questioning, where P3 also stated that this individual threatened other families too. Judge Kerber asked if this individual was related to [one of the accused] and P3 said no. Judge Kerber told P3 that his memory was bad

[Additional details redacted].

Counsel Manuel Reiger asked for a break. Judge Kerber agreed.

Before the break, Prosecutor Klinge said that if the witness will continue to change his statements that were given during his police questioning, the prosecution will file a case against him.

Judge Kerber asked P3 if his memory got better, and P3 responded by welcoming questions from the Judge.

Further questions on witness intimidation were asked. P3 rectified his answers to correspond to his statements in the police questioning. [Additional details redacted].



Questioning by Judges: P3's work and his familiarity with Accused Al-Gharib

Judge Wiedner asked P3 if he said that he wrote reports. P3 said no and there was a general report and the last count in it was 8000 [probably meaning the count of corpses]. Judge Wiedner said that P3 previously stated during the questioning "I made reports ...," and asked P3 if that was correct. P3 said that he stated that there were 8000 in the report and reports were delivered to the branch.

Judge Wiedner asked P3 if he was involved with the burial of corpses, and P3 denied this and said that he only dealt with mail delivery.

Judge Wiedner asked P3 if he was close to the mass graves. P3 said that he used to be in the training field, which is close to them and they could be seen from the training field.

Judge Wiedner said that P3 previously stated that there was an entry-permit to the cemeteries, and asked P3 if he was given one. P3 said no and said that "they" [those who delivered the bodies] did not come to them.

Judge Wiedner asked P3 if he was present/directly saw the corpses being transported. P3 said no.

Judge Wiedner asked P3 if he knew Accused Al-Gharib. P3 said that he saw him once when the mail came and "they" were escorting the refrigerator trucks. When asked if P3 saw Al-Gharib before this moment, P3 said no and said that Al-Gharib was coming from Duma the time that he saw him.

Judge Wiedner asked P3 where he was when he saw Accused Al-Gharib with the refrigerator trucks. P3 said that when they [P3 and his branch] received the mail, they met at Najha crossroad مفرق نجها when Al-Gharib and the convoy were entering. P3 saw Al-Gharib, the escort of the refrigerator trucks and the cars. P3 said the cars count, license numbers and number of people who were supposed to arrive was written in the mail. Under prior police questioning P3 said that he only knew the convey was coming from Duma (as opposed to a specific branch).

Judge Wiedner asked how many escorts there were. P3 said that they were about 10.

Judge Wiedner asked what vehicles were there. P3 said that there were 2 pick-up trucks in addition to the refrigerator truck.

Judge Wiedner asked if the people were armed and what they were wearing. P3 said they were armed with rifles and military vests.

Judge Wiedner said that P3 previously mentioned during his questioning that they were armed with machine guns. P3 said that he did not remember and it was 8 years ago, but most of the military/security vehicles had mounted machine guns. P3 said that sometimes he memorizes a German word one day, and forgets it the next one [indicating that his memory was bad].

In response to a question, P3 said that he was not at the burial location, but rather opposite to Martyrs cemetery مقبرة الشهداء.

Judge Wiedner asked P3 if he spoke with Al-Gharib when the latter came. P3 denied this and said that it was not possible for someone to speak with another.



Judge Wiedner asked P3 if he spoke with his lawyer and whether he was afraid to give statements. P3 said that it was not about fear, but rather about memory. He said that he saw Al-Gharib on that occasion and he mentioned the name "Eyad," and so did his [P3's] colleagues.

Judge Wiedner asked P3 if he saw Al-Gharib at the cemetery. P3 said that he saw Al-Gharib at Najha bridge. P3 said it was prohibited to go to the cemetery and that P3 and his colleagues went there in the morning only to receive [check] the mail.

Judge Wiedner said this was different to what P3 stated during his prior police questioning. Wiedner asked if the meeting location was at the cemetery, and P3 said no and that it was prohibited to enter it in the first place.

Judge Wiedner asked about the mail and P3 said that it contained the number of vehicles, their license number and the number of persons who will come.

Judge Wiedner asked P3 if he had contact with Al-Gharib or if he greeted him. P3 said no and restated that he saw Al-Gharib only once. When asked when, P3 referred to that time in Najha. Wiedner asked how he knew that it was Al-Gharib. P3 said that the names of the incoming people were written down [in the mail]. P3 said he did not remember meeting Al-Gharib at Branch 295.

Judge Wiedner asked P3 if he knew about Al-Gharib's work. P3 said that Al-Gharib worked in Duma and was from Deir ez-Zor.

Judge Wiedner asked P3 how he knew about Al-Gharib. P3 said that Al-Gharib's family name was mentioned and he knew a few members. P3 said that he knew that Al-Gharib was maybe a captain نقيب.

Judge Wiedner asked P3 in which branch Al-Gharib used to work. P3 said that Al-Gharib was in the state security in Duma, and he was asked [during the questioning] whether Al-Gharib worked in Branch 215, and he replied that he did not know if 215 was responsible for Duma.

Judge Wiedner said that P3 previously stated in his 2019 questioning that Jamil Ad-Dabbous جميل الدبوس was the head of Duma detachment and used to come every now and then. P3 said that they used to come for training but did not know if Jamil's unit was Al-Gharib's unit. P3 told the police that they used to put them in the state security's armory.

Judge Wiedner stated that P3 previously mentioned that there were rumours that Al-Gharib joined ISIS, that he knew a lot about Al-Gharib during the police questioning, and asked P3 about the source of his information. P3 said that he asked about Al-Gharib in the Branch, but he did not know Al-Gharib's [military/group] affiliation.

Judge Wiedner said that P3 identified Al-Gharib during the police questioning as he recognized a person who resembles Al-Gharib and signed that photo. Wiedner then asked P3 how he was able to recognize Al-Gharib after seeing him once. P3 said that he said that the person in the photo resembles Al-Gharib about 90%, but he did not remember. Wiedner asked P3 how he was able to recognize Al-Gharib, and P3 said from his face (from the Najha occasion).

Judge Wiedner asked P3 if he said that Al-Gharib was a warrant officer. P3 said that he did not remember.



Judge Wiedner said that P3 previously said that Al-Gharib's work was related to demonstrations. P3 said that he did not remember and that Jamil Ad-Dabbous was responsible for Duma.

Judge Wiedner stated that P3 previously said that they [Al Gharib's group] used to forcefully stop the demonstrators and perhaps shoot at them. P3 said that he recalled that it was a general question, and said that there were demonstrations and the administration used to issue orders of quelling. P3 said he was asked [during the questioning] whether he saw Al-Gharib and he said no.

Judge Wiedner said that P3 previously stated that Al-Gharib was responsible for shooting at the demonstrations. Wiedner asked if there was specific information about Al-Gharib and P3 said no.

Judge Wiedner said that P3 mentioned that the Duma detachment, headed by Jamil Ad-Dabbous (relative of Al-Gharib), was responsible for beating demonstrators, and because Al-Gharib was working there, P3 assumed Al-Gharib was doing the same. P3 affirmed and added that he also said that he recognized Al-Gharib through his last name, since one can do that in the eastern areas.

Judge Kerber asked if P3 had difficulties and problems during the questioning. P3 denied this and said that he was treated well and he offered them help whenever they needed him. Kerber asked if there was a reverse translation and if he signed the copy of the script. P3 said that he revised the script and signed it, but the problem was his memory.

Lunch break

Judge Wiedner asked P3 what he meant when he used the term "after incidents" and P3 said that it meant "after March 14, 2011," when the uprising began. Wiedner asked what happened that day and P3 said that the first demonstration in Dar'a درعا began.

Judge Wiedner asked if P3 was detained himself. P3 said yes and it was in Branch 285, four to five days after the beginning of the uprising. Wiedner asked why and P3 said that his brother was detained so he left the branch to ask what happened with his brother. During P3's absence from work, he was summoned but was not there, and thus, he was detained for 3 days.

Judge Wiedner asked what exactly happened and P3 said that he was interrogated. Wiedner asked if he was mistreated and P3 said that he was put to Falaqa and Doulab (tyre). Wiedner asked if he considered that he was tortured and P3 [reluctantly] affirmed [it seemed like P3 did not consider his experiences as torture; he treated it as if it was normal and disciplinary punishment].

Judge Wiedner asked where he went after his release. P3 said that he was brought back to Branch 295.

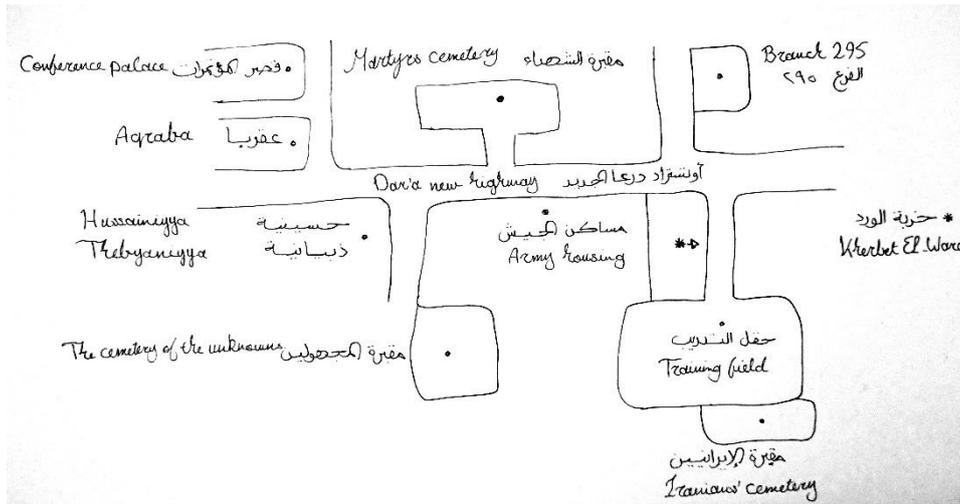
Judge Wiedner asked P3 about Branch 255. P3 said he was assigned at 255, the information branch.

Judge Wiedner asked if P3 was in Branch 251, but P3 said no. Judge Wiedner said that P3 previously said he was in 251 in Kafar Souseh. كفرسوسة P3 said that he does not remember. P3 said that he said during the questioning that he had forgotten many things, and that he said 251, but then corrected it to 255. P3 said that Al-Khatib Branch is Branch 251 and is under the administration of Kafar Souseh.

A photo array that was shown during P3's questioning was shown in the courtroom. Judge Wiedner asked P3 if he recognized Al-Gharib during the questioning. P3 said that he recognized photo number two as Al-Gharib. Judge Kerber asked P3 if he recognized the person in the courtroom as Al-

Gharib [P3 did not look at the accused]. Kerber told P3 that she was asking him to look to his right and tell whether the person in the courtroom to the right is Al-Gharib [P3 turned briefly to the right then quickly to the front] and said that he recognized the person in the photo as Al-Gharib and the person in the courtroom resembles the one in the photo.

Sketch that P3 drew of the area around 295 during his questioning was shown in the courtroom (this is a redrawing):



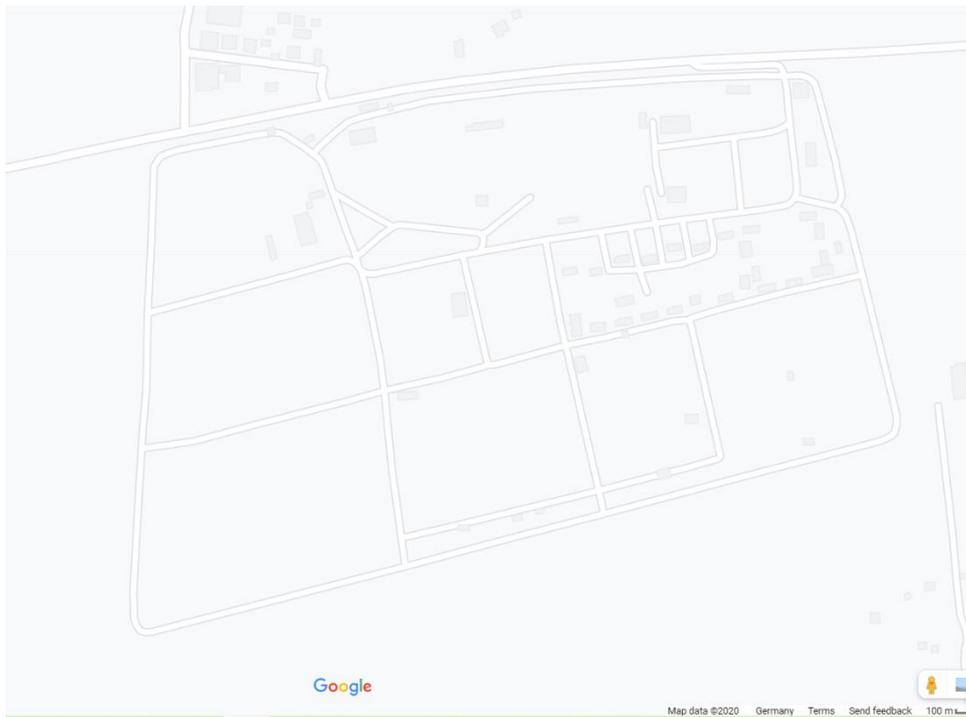
A satellite photo from google map was shown (see below). Judge Kerber asked if P3 can recognize the location. P3 started to describe locations on the photo: Martyrs cemetery, مقبرة الشهداء, Branch 295, highway to Sayyeda Zeynab, سيدة زينب, Najha crossroad, مفرق نجها, housing, training field, Kherbet Al-Ward, خربة الورد, Najha officers' housing, مساكم الضباط في نجها, Iranian cemetery, and the civilian cemetery.



[Coordinates 33.410751, 36.368014]

Judge Wiedner asked where the meeting location for the refrigerator truck was. P3 said at Najha crossroad. Judge Kerber asked where did the truck drive after the meeting. P3 said in the direction of the Iranian cemetery.

A satellite photo of the Kafar Souseh administration branch and a photo from google maps were shown. P3 said that the map shows Branch 295 and started to describe the areas in the Branch.



[Coordinates: 33.407949, 36.383577]

Two photos of corpses from Caesar file were shown. Kerber asked P3 if he can explain the numbers on the bodies and he explained them as the following:

- Photo 1:
 - 1003: Maybe the prison and cell number
 - 227: Branch number
 - 3248: Serial number (could be a number that substitutes the name)
- Photo 2
 - 1099: Maybe the prison and cell number
 - 251: Branch number
 - 4558: Serial number (could be a number that substitutes the name)

Break

Questioning by Prosecutor Klinge

Prosecutor Klinge told P3 that it was nice to have his memory back [in a sarcastic manner] and asked him if corpses were transported before the uprising. P3 said that he does not know, because he began to work at the branch on November 15, 2010 and does not know what happened before then.



Klinge asked if corpses were transported between 2010 and 2011. P3 said he does not know.

Klinge asked P3 when the first transportation he knew of occurred. P3 said that his colleagues told him that at the beginning of Dar'a incidents, there were people who were "martyred" and brought to hospitals. However, he did not know who nor how many there were, because the regime was discreetly working during the Dar'a incidents.

Klinge asked P3 if his colleagues told him about their experience with the corpses. P3 said that they did not speak about the corpses, but only about where they were transported. P3 said that the people who had the best knowledge about this were doctors and military personnel.

Klinge asked if P3 followed up with what happened with the corpses in the refrigerator truck. P3 said that he began to follow up after the last incidents [uprisings].

P3 said that just like his own missing family members, others have missing family members whom they are searching for. P3 said that he would answer any court summon to testify, like he did in this [Koblenz] court, so that people who are searching for their relatives also know the truth.

Klinge asked P3 what he thinks happened to his family members. P3 said that during his work, he used to think that they were in the refrigerator trucks. Klinge asked P3 how he was searching for them, and P3 said that he asked everywhere and anyone who was released from prison about them, but got no information about them.

Klinge asked P3 if his family was pro-opposition. P3 said that some of his family members were previously members of the communist party and participated in demonstrations against the regime in the beginning. They [the 15 people] were detained in April 2011. P3 and his family were pursuing their whereabouts, until they were transferred to Damascus and disappeared.

Klinge asked if there were people who disappeared in 2011. P3 said that three of his family members disappeared, even though there was "nothing at that time" [meaning there were not wide-spread demonstrations or large-scale detentions]. P3 said that he was searching for them in the Caesar photos.

Klinge asked if there was an increase in the number of the corpses or the vehicles. P3 said that earlier during the "incidents," it was not a big number. The record was 100 people [corpses], but he did not know exactly how many were brought.

Klinge told P3 that he said that the number in the report was 8000. P3 said that in other branches the numbers could be high. P3 said that only a few of those detained in 2011 and 2012 were released, and the rest disappeared.

Klinge asked P3 if the numbers of corpses between April 2011 and January 2012 increased. P3 said it increased at the end of 2011 and the beginning of 2012. Klinge asked P3 why he said April 2011 and January 2012, and P3 said because it was the beginning of the uprising and the number of detentions was high.

Klinge continued to ask when the numbers of the detainees and the graves became high. P3 said that his brother and two cousins were detained in 2011 in [redacted], where the numbers were high and the numbers increased in other provinces. P3 said that they used to know the numbers of the detainees, but they did not know whether they were alive.



Klinge asked P3 when he saw corpses being transported. P3 said that he was not 100% sure, but it was between the end of 2011 - beginning of 2012.

Klinge asked P3 which cemetery Al-Gharib and the refrigerator truck headed towards. P3 said that the meeting point was at Najha crossroad. P3 said the number of people and vehicles was in the mail, and there were two cemeteries, one behind Najha housing and the other one was in the training field. Klinge asked P3 which cemetery Al-Gharib and the refrigerator truck went to. P3 said they headed to the interior one in the direction of the Iranian cemetery, but he was not 100% sure.

Klinge said that P3 saw Al-Gharib's name in the mail and asked him about the number of the people (corpses) in it. P3 said about 50 – 60 [stating that Al Gharib escorted about 50-60 corpses in his refrigerator truck].

Klinge said that P3 previously stated that he saw Al-Gharib twice and asked P3 if he remembers the details of the first meeting. P3 said that he mentioned it to the police, but does not remember. P3 apologized because he forgot the one before.

Klinge asked P3 if the name Mohammad Mo'alla محمد معلا rang a bell. P3 said that an escort for the Branch's head was from Mo'alla family.

Klinge said that P3 previously said [in his police questioning] that Mohammad Mo'alla introduced him to Al-Gharib and Klinge asked P3 where this person is. P3 said in Syria. Klinge asked if this person is an Alawite, and P3 said that he is either a Muslim or a Christian as Alawite is not written on the Syrian ID card [they are considered Muslims]. However, P3 said the family name is from Lattakia - Ein El Koroum عين الكروم - اللاذقية and they are Alawites [the village is under Hama's administration not Lattakia, but it is located on the borders of Hama-Lattakia].

Klinge asked P3 if that person introduced him to Al-Gharib. P3 said that he does not remember, but it could be true if he mentioned that in 2019 questioning.

Klinge asked P3 [sarcastically] if he was injured or hit on his head. P3 said that he was injured in 2012 and still has shrapnel in his body.

Klinge said that P3 has [just] said that whatever he said in his 2019 questioning is true. Klinge asked P3 if he agrees with that statement. P3 affirmed and said that at that time [in the 2019 questioning], he said everything he knows.

Kerber said that the session ended, but the witness is not yet dismissed. The questioning will be continued the next day.

The proceedings were adjourned at 03:40 p.m.

Trial Day 14 - June 25, 2020

There were about 8 spectators and 4 media individuals present. The proceedings began at 9:30 am.

Testimony of Witness Alexander F. [full name redacted]

The first witness was Alexander F., a 32-year-old high commissioner at the Meckenheim Federal Criminal Police Office (BKA).

Questioning by Judges



Judge Kerber asked Alexander how he met P3. Alexander said that P3 came for questioning on July 24, 2019, during which P3 said that he does not know Accused Al-Gharib or Accused Raslan.

Judge Wiedner asked if the questioning included reverse translation, and Alexander affirmed.

Judge Wiedner further asked about the questioning, and Alexander said that P3 was very forthcoming. Alexander stated that he then got a phone call, after which he then informed P3 of §55 StPO. Alexander said that after he shared this, P3 became reserved and it was difficult for P3 to answer questions. Alexander said that he mentioned this as P3 mentioned trying to keep peace in the demonstrations and torture.

Judge Wiedner asked Alexander about his impression of P3, and Alexander said that P3 was well-informed, but P3 jumbled up many pieces of information.

Judge Wiedner asked how P3 knew Accused Al-Gharib. Alexander said that P3 said that they were from the same region (The prosecution later mentioned the questioning transcript states that P3 said that they knew each other from the intelligence branch, not via the same region).

Judge Wiedner asked if there was a photo array. Alexander affirmed and said that P3 searched through the photos and examined photo number 2. Alexander stated that when P3 finished, he told Alexander that person was Al-Gharib, whom he knew.

Judge Wiedner asked if P3 talked openly about Al-Gharib. Alexander said that P3 talked relatively open about him before Alexander informed him of his §55 StPO right, but after that, P3 was not open anymore and P3 talked more about Branch 295 [the "storming/raid" branch]. Alexander said that P3 was not 100% sure, but he gave an impression that he saw Al-Gharib more than once.

Judge Wiedner asked about the call Alexander received during the questioning, and Alexander said that it was from his superior who told him to keep it short as P3 confused many things.

Judge Wiedner asked if P3 drew the sketch of Branch 295 and surrounding buildings [shown on Day 13], and Alexander affirmed. Wiedner asked if P3 seemed certain, and Alexander said that P3 was relatively good and explained the streets and the cemeteries.

Judge Wiedner asked why P3 and Al-Gharib met [referring to their meeting addressed in Day 13 by P3] and Alexander said that P3 told him that lists needed to be delivered.

Judge Wiedner asked about the branch where Al-Gharib worked. Alexander said that Al-Gharib worked in Jamil Ad-Dabbous's جميل الدبوس branch in Duma's unit, under the responsibility of Jamil Al-Hasan جميل الحسن.

Judge Wiedner asked if codes were used. Alexander affirmed saying that there were codes in messages from both sides [probably meaning between administration (where orders come from) and executive forces (Accused Al-Gharib's unit)] to identify each other. Alexander said that according to P3's testimony, Al-Gharib would have been a first sergeant.

Judge Wiedner asked what P3 said about Al-Gharib's tasks. Alexander stated that P3 said that Al-Gharib was responsible for maintaining peace in the demonstrations, and said that plain-clothed people used to shoot on demonstrations and detain demonstrators. Wiedner asked if Al-Gharib personally participated personally in that, and Alexander said that he did not ask P3 that question.



Judge Wiedner asked if P3 knew about Al-Khatib Branch. Alexander stated that P3 said he heard of it and it is under the general intelligence, and P3 also mentioned Palestine Branch, which is under the military intelligence.

Questioning by Defence and Plaintiff Counsel

Al-Gharib's defense counsel, Schuster, asked if P3's answers were concrete. Alexander said that P3 was sensible, but was beating around the bush.

Schuster asked how P3 got his information, and Alexander said that P3 said he got his information from Branch 251. Schuster asked Alexander if the answer satisfied him, and Alexander said no and that P3 mixed up Branches 255 and 251.

Schuster asked if Alexander reviewed the names provided by P3 during the questioning, e.g. Jamil Ad-Dabbous, and Alexander said no.

Schuster asked if P3 showed Alexander photos of people, and Alexander said that P3 showed him a photo of a person who lives in Berlin, but Alexander had no information about him.

Scharmer, plaintiff's counsel, asked Alexander about his own impression of P3, and Alexander said that P3 was confident but intensely reserved after being told of §55 StPO.

Scharmer said that P3 mentioned that Al-Gharib was 37-years-old at that time and asked how did P3 know that. Alexander said that he did not ask about it.

Andreas Schulz, plaintiff counsel, asked if it was possible for a witness to give an anonymous testimony and Alexander said no. Alexander mentioned that French investigators wanted to question P3 in February, but P3 did not want to testify anymore.

Questioning by others

Judge Kerber asked Alexander about the French authorities' investigation. Alexander said that after P3 did not want to testify anymore, Alexander contacted Prosecutor Klinge to ask how to proceed.

P3 was questioned as to possible witness intimidation and alleged threats he received.

[Information redacted].

Patrick Kroker, plaintiff counsel, asked if P3 changed the information he provided during the questionings, and Alexander said that he could not answer that question. Kroker asked if P3 was uncertain during the second questioning, and Alexander said no. Alexander said that P3 was certain and had no anxiety.

Testimony of Witness Christian K. [full name redacted]

The 2nd witness was Christian K., a 36-year-old police officer at the Meckenheim Federal Criminal Police Office (BKA). Christian testified about a hearing on August 14, 2019. Christian was also the second interrogator (together with Alexander F.) on July 24, 2019.

Christian affirmed that he informed P3 of §55 and §57 [criminal consequences of an incorrect statement] of the StPO.



Judge Kerber asked if there were difficulties with the translator, and Christian said no. Christian affirmed the use of reverse translation in the questioning.

Judge Wiedner asked why P3 was questioned a second time. Christian explained that this was not an unusual procedure as new questions came up while evaluating P3's first questioning. Christian said the focus during the second questioning was on what matched with the first hearing and if there were similarities with Al-Gharib's hearing. Christian noted that information on the structure of Syria's intelligence services have been contradictory, although the information on P3's own branch was quite plausible.

Christian stated that P3 said he knew Al-Gharib because they come from the same region and added that P3 also talked about the intelligence apparatus' structure, but Christian does not believe that P3's information was concrete.

Judge Wiedner asked if P3 changed his information between both questionings. Christian said that he believes that P3 gave wrong information in the first questioning (e.g. that Division 40 belongs to the military intelligence during the first questioning but stated it belongs to the inner intelligence during the second one).

Judge Wiedner asked if P3 located Branch 251 in Kafar Souseh, كفر سوسة, and Christian said that P3 did that, but P3 said he could be wrong as Kafar Souseh is way before Al-Khatib.

Judge Wiedner asked if P3 was certain when he was shown photos of the maps, and Christian said that P3 was very certain and drew a sketch in the first questioning.

Judge Wiedner asked what P3 said about corpses' transportation. Christian stated that P3 said corpses were transported with excavators in the first questioning, and that P3 mentioned they were digging mass graves in the second questioning.

Judge Wiedner asked about the first time P3 saw Al-Gharib. Christian stated that P3 said that he saw Al-Gharib in 2012, but he was not sure. Christian added that P3 said that Al-Gharib came to Branch 295 for training, and then Mohammad Mo'alla, محمد معلا, who worked in Branch 295, introduced P3 to Al-Gharib.

Judge Wiedner asked about the forces/convoy present at the meeting point in Najha. Christian stated that P3 said that the forces were armed and came with pick-up vehicles.

Judge Wiedner asked Christian about his impression of P3, and Christian said that P3 was talking smoothly and was certain.

Judge Wiedner wanted to know more about the situation with the convoy. Christian stated that P3 said that he [P3] and Al-Gharib met at the Martyr's graveyard for a file handover. Christian added that P3 said it has not always been about corpses and sometimes they would transport ammunition as well.

Schuster, counsel for Al-Gharib, asked if they met more than once outside of Branch 295

Schuster asked if P3 gave fluent, direct answers when talking about the intelligence service's structure or if he needed to think about it, and Christian said the answers were fluent.



Schuster asked if Christian asked P3 about the source of his information and Christian replied that P3 told them his information came from his work in Branch 251 – which seemed to be a typo [he actually worked in 255].

Schuster also asked about a crime security service that P3 has mentioned in the previous questioning. Christian explained that they asked P3 if the crime security service belongs to the police, and P3 said no as it is part of the intelligence. Schuster asked if they could verify this information and Christian said no.

Schuster asked if P3 differentiated between the graves, and Christian stated that P3 said that mass grave 1 was publicly known as all corpses (soldiers and detainees) have been buried there, but mass grave 2 was only for corpses of detainees of branches of the intelligence services.

Schuster asked if P3 knew the direction where the convoy of Al-Gharib headed and Christian said towards mass grave 1.

Judge Wiedner asked if the corpse delivery was a normal procedure or if there have been transports to Branch 295 as well, and Christian stated that P3 said it was not allowed to bring corpses to the Branch.

Schulz asked about P3's work across the different branches, but Christian said he could not answer this as he only knew that P3 said he worked for 255, but forwarded information to other branches.

In response to a question, Christian said that there are further insights concerning the mass graves in Najha. There have been two witnesses: a guard in al-Khatib and a victim/witness of al-Khatib who testified that he received the dead body of his brother from Najha through a bribe.

Scharmer asked if Christian asked P3 about his rank, and Christian said no, but Alexander probably asked.

10 Minute Break

Questioning of P3, continued

Questioning by Al-Gharib's counsel

Schuster asked if P3 studied informatics in a military college, and P3 denied going to a military college.

Schuster asked P3 if he worked in Branch 205 and asked him to explain the course of his study. P3 said that he did not enter 205, but rather 295 on November 15, 2010. P3 said he first did a training course in Branch 255 (information branch), continued in Branch 295 until 2012, and then went to Sayyeda Zeynab, before he defected from the regime and went to his family.

Schuster asked P3 about his work in Branch 295. P3 said that the regime nominates 5 names to apply to be a part of the state security directorate and his name was nominated. P3 applied and took some exams, and then he was accepted and joined 295. He said he later joined 255.

Schuster asked P3 if he was actively working in Branch 295 before he went to 255, and P3 affirmed.

Schuster asked P3 where he studied, and P3 said that he mentioned to the police that he studied 3 years in Homs, then went to Branch 255. P3 said he joined state security for the first time on



November 15, 2010. Schuster asked if his studies was related to the intelligence services. P3 said that it was like a military college, an academic college.

Schuster asked P3 if he did a military training in the state security, and P3 said that state security's speciality was training on the use of pistols and machine-guns.

Schuster asked if there were physical trainings, and P3 said that they used to do morning sport exercises with academic lessons. Schuster asked P3 where they used to do sport exercises, and P3 said that it was at the school of the military college, information department.

Schuster asked P3 when he was in Branch 295 and what his work there was like. P3 said that he had full working hours and he used to travel [assuming to his family] on Friday. P3 said they had shifts at work.

Schuster asked about the shift schedules and what P3 used to do in the morning. P3 said that they used to gather at 08:30 am and say the slogan. Schuster asked what was the slogan, and P3 answered [as if it was obvious] "One Arab nation, that has an eternal message" [i.e. Ba'th party slogan]. P3 said they had morning assembly like schools and there was a corporal who used to check the presence/absence of the units. P3 said that Branch 295's head used to join and sometimes his deputies would join as well.

Schuster asked what P3 did after he went to his office. P3 said that the 295 school had about 3,200 students, volunteers, conscripts, officers and non-commissioned officers. Schuster asked what P3 himself used to do and P3 said that he used to join the morning assembly, then go to his office, deliver the mail to the Branch's head, and then distribute the mail to the branch's cafeteria or to any other entity.

Schuster asked P3 if he was a postman and P3 said that the mail is not like regular mail but rather, it was files. P3 gave an example of mail for the kitchen, which would list when items such as meat would arrive. P3 said he used to deliver these mails and if there were any audits, he used to deliver them to the Branch's head to sign them. P3 added that the head used to check who would be standing as guards that day, how many goods would be delivered (Schuster asked if he meant the head of Branch 295 and P3 affirmed). P3 added that a first-class warrant officer was responsible for managing the restaurant, another person was responsible for the repair workshop, another one for the cars that come and go, and the guards had a chief.

In response to a question by Schuster, P3 said that they were around 10 and each one used to go to a certain place (e.g., to the management, to the external mail, internal mail) on a daily basis and then return to the branch.

Schuster asked what time P3 used to finish work, and P3 said that he used to go home after work. Judge Kerber intervened and said that this question was precise and needed to be answered with a time. P3 replied that there were no fixed working times and it depended on when someone was told they could go home.

Schuster asked if P3 used to show up every day at 08:30 am, and P3 affirmed.

Schuster asked if there was a place where the mail was gathered before the distribution. P3 stated that there was a specific place for external mail from management and another specific place for



mail for the ammunition stores (armory), and all this was within Branch 295 [each department had its own mail].

Schuster told P3 not to answer in a general way and not to avoid his questions. Schuster then asked P3 if he underwent fitness and shooting training. P3 said that he used to do fitness exercises with his colleagues when he had spare time. P3 said he told the police that he used to exercise with his colleagues and used to teach them lessons (P3 said that he often went outside with others, trained them and gave them lessons in informatics).

Schuster asked P3 to stay in the fitness subject and asked him if there was a special place for training. P3 said that there were two fields for fitness training in the branch, as he showed the previous day. P3 said that there was a specific place for shooting training.

Dr. Anna Oehmichen, plaintiff counsel, demanded that Schuster address the witness directly. Judge Kerber interrupted her and said that she leads the session and that plaintiff counsel should restrain themselves.

Schuster asked if P3 himself used to shoot, and P3 said that he trained for shooting.

Schuster said that he was asking because P3 previously said that he did not do a training and said that the building [building for Iranians only] was built on June 04, 2010. P3 said that as he mentioned previously, it was prohibited to enter that location. P3 added that people from outside [foreigners] used to come to train there, and it provided accommodation for the Iranians.

Schuster asked P3 if he underwent exercise and shooting trainings there. P3 said that he trained in locations within the administration [buildings], but not in the building for Iranians.

Schuster asked how P3 knew that it was built on June 04, 2010, and P3 said that he asked about the building when he came and he was wondering why they were prohibited from entering. P3 said he was told that it was only for the "people from outside." Schuster asked P3 if he asked when it was precisely built. P3 said that he asked and was told that it was recently founded. Schuster commented saying that it was "recent," and P3 affirmed and said that it was a recent building.

Schuster asked P3 to focus and asked P3 to describe what he did at the Sayyeda Zeynab unit. P3 said the Sayyeda Zeynab detachment was responsible for the protection of the shrine. P3 said there were 2 detachments: one under administration of state security and another one under the administration of the military intelligence.

Schuster asked him to answer in general what he did at Sayyeda Zeynab. P3 said he transferred there because he wanted to stay away from trouble and tried to get transferred through a "wasta" [a connection] because the nature of the work [in Sayyeda Zeynab] was more administrative. P3 added that the detachment was located opposite to the shrine.

Schuster asked about P3's tasks. P3 said that the detachment was responsible for the protection of the shrine, its visitors and the security of the area.

Schuster asked P3 which branch he belonged to. P3 said that he still belonged to Branch 295, as his documents were still there.

Schuster stated that P3 said that he was transferred to Branch 300. P3 said that he was transferred at the end of 2012, and Sayyeda Zeynab was under administration of Branch 300, but he did not stay

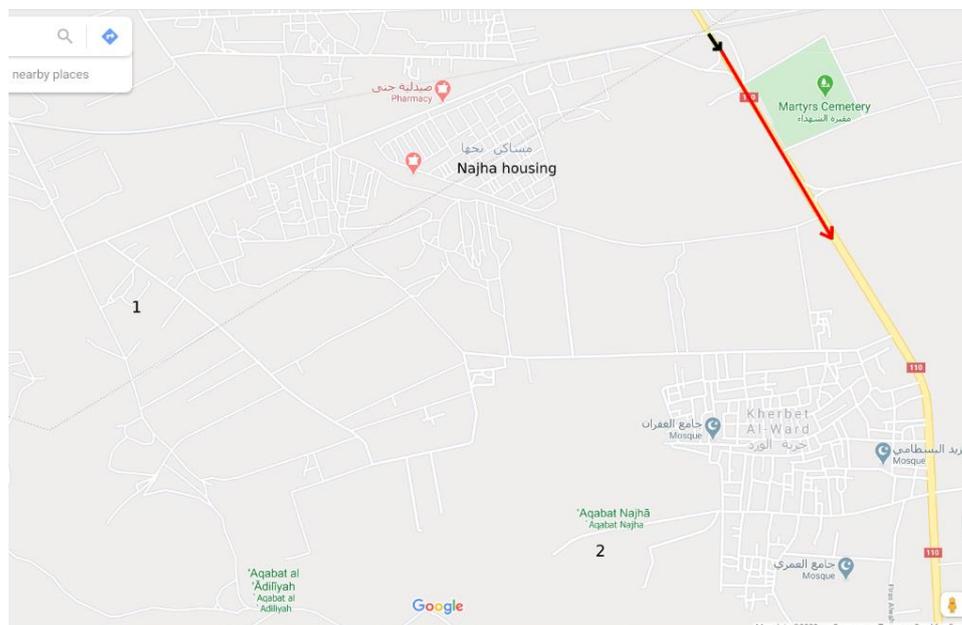
there for a long time. He said he came at the beginning of February 2012 and defected in Ramadan 2012.

Schuster asked what was the specific month he defected, and P3 said he did not exactly know. He added that he was sure that it was on the 28th of the month, because he still remembers that salaries were given at the 30th of the month, and he defected two days before taking his salary [Ramadan 2012 began on July 20 and ended on August 18. So P3 could have meant July 28, 2012].

Schuster asked P3 to view the google maps photos and asked if he remembered the locations of mass graves 1 and 2. P3 affirmed and said that he mentioned both to the police. Schuster said that he was not able to see the numbers and asked P3 to point to them using the laser pointer. P3 said that he was not asked about mass grave number 2 at the police and therefore, did not add it to the photo. P3 then pointed to Kherbet El-Ward and said that number 2 was behind it.

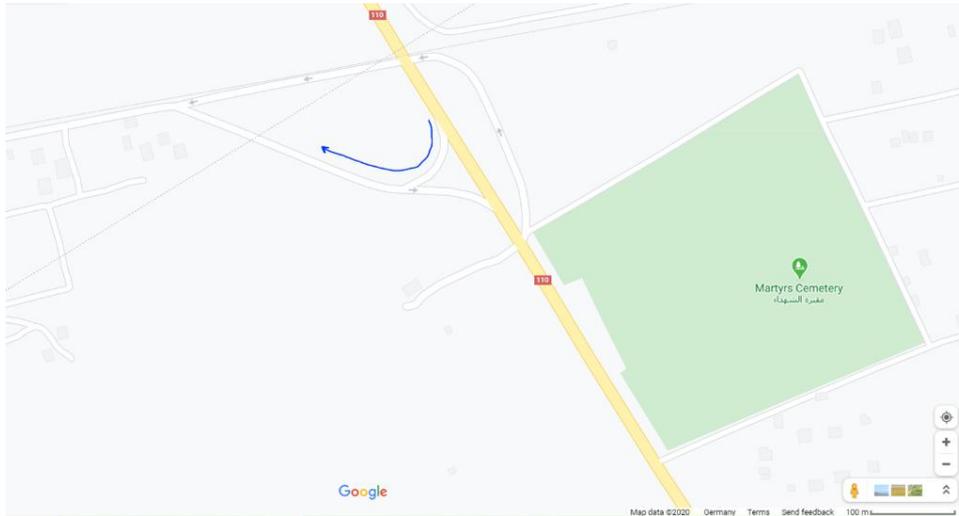
Schuster asked P3 if he remembered what he told the police about the direction Al-Gharib's group took after the meeting. P3 said that the meeting was under the bridge and he said at the police, as well as yesterday [the previous day], that the group went to this direction [see the black arrow below].

Map of the two mass graves P3 identified and the direction of where Al-Gharib's group went after P3's meeting with him:



Schuster told P3 that the direction he was pointing to was different and asked him if the group headed in the direction of number 1. P3 affirmed.

Judge Kerber interrupted and said that P3 pointed the previous day to that direction [see above, red arrow], and then asked if the group headed south towards 2 or west towards 1. P3 said that they headed towards 1, but at the crossroad there is a possibility to turn and head to the west [see below, blue arrow].



Schuster told P3 that he pointed to the south the previous day. P3 said that he said that they were heading to that “direction,” but did not mean that it was the “driving course” [route]. P3 added that he added the numbers only to explain the photo not the directions.

Schuster asked P3 what was his last rank. P3 said that he was a second lieutenant ملازم when he defected.

Questioning by Plaintiff Counsel

Schulz said that P3 mentioned that he was mistreated, and asked P3 if he shared that with the Federal Office for Migration and Refugees (BAMF). P3 said that during his asylum procedure, he shared that he was confined/detained in Syria. Schulz interrupted and said that was not his question, and asked if he said that he was tortured. P3 stated that he said he was hit.

Schulz read a story from P3’s prior questioning, where P3 mentioned an individual, [name redacted] who was detained, tortured and executed because he defected. P3 asked to repeat the name and Schulz said that he did not finish. Judge Kerber repeated the name and continued reading methods of torture that were listed as used in Branch 295: Shabh, water with electricity, hot iron bars, and all kinds of methods.

Judge Kerber asked if it was correct that P3's interrogator in Syria told him that they wanted to show him what happens when someone tries to defect. P3 said that some of his colleagues and the head of the interrogation unit, Isma'il Shadid , إسماعيل شديد told him that, and then told him that it was not evident that he [P3] intended to defect. P3 said he was beaten and water was poured over him.

Schulz said that P3 mentioned two methods of torture the previous day, but he mentioned more to the BAMF. P3 said that after the first beating, one forgets the other methods of torture.

Schulz asked P3 if he knew Ali Makhlof علي مخلوف. P3 said that the police asked about him and he answered that he is a relative to Al-Assad family. Schulz asked if P3 had something to do with him, and P3 said no. Schulz asked if P3 received reports from him.

Kerber interrupted and asked Schulz if he meant Ali Mamlouk , علي مملوك and Schulz said yes. P3 said that Mamlouk is the head of state security directorate in Damascus and P3 used to deliver mail to Mamlouk’s assistants.

Scharmer said that P3 told the defence that he was a second lieutenant when he defected. P3 said yes and that he had that rank when he came to Branch 295.

Scharmer said that P3 mentioned that he saw lists with numbers of corpses and hospitals and asked him if he still had visual memory of them and was able to redraw them.

P3 asked for a paper and drew a sketch [below is a redrawing]:

Redraw of P3's sketch of the lists he used to see:

رقم الفرع Branch number	رقم الشهيد Martyr's number	رقم المستشفى Hospital number	تاريخ Date
٢٥١ 251	٣٤١٥ 3415	(٦٠١) رقم number (601)	٢٠١٢ / ١ / ١ 1/1/2012
٢٢٧ 227	٣٤١٦ 3416	رقم المستشفى Hospital number	٢٠١٢ / ١ / ١ 1/1/2012

P3 said that there was a stamp of the forensic physician and the date of the death was most probably the delivery date [of the corpse].

Scharmer asked if the stamp came from a forensic physician [a person]. P3 said the stamp stated “forensic medicine,” but he did not examine if there was a name of a physician or department in which the physician worked (he did not pay attention to the details when he used to receive the mail).

Judge Kerber asked if the word “forensic medicine” was written. P3 said that it should be there [on the document].

Scharmer asked if the forensic physician also signed other lists regarding weapons and goods. P3 said no and that the forensic physician is a governmental employee—like in Germany—who documents the cause and date of the death.

Scharmer told the translator that he read “Martyr’s number” and asked him if “Martyr” could have a different meaning but the translator said no.



Scharmer told P3 that he earlier saw him quivering during some questions and asked him about the reason. P3 said that he wanted to apologize to the judges and the general prosecution, because he arrived at night to Koblenz and did not sleep well.

Questioning by Judge Wiedner

Judge Wiedner asked if the cause of death was written down in the lists. P3 said that they did not include that in the lists. P3 gave an example that he had an uncle who was detained in 2012 and he and his family kept on following up on him through every branch until they were finally told that his uncle was in Harasta hospital. P3 said his uncle was a diabetic patient and his family went to see how the corpse and the file would be handed. He stated that the family was told to sign a document that stated he died a “normal death.” P3 said that only his uncle’s belongings were handed, but not his corpse. P3 stated that sometimes in the first 2 lines, “they” write the name of the hospital and followed by the cause of the death on the second line. Sometimes they write “normal death” and sometimes they write nothing.

P3 asked if he can state something, and he was given permission. P3 thanked the court and said that he would come in anytime he would be summoned.

The proceedings were adjourned at 12:30 p.m. The next trial will be July 01, 2020 at 9:30 a.m.