



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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 6

Hearing dates of July 1, 2, 3, & 6, 2020

*CAUTION: Some testimony includes descriptions of torture.*

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

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

**Summary / Highlights**

**Trial Day 15**

- P4 testified about his experience as a detainee in Al-Khatib Branch. P4 said he was taken by armed militia members, and was falsely accused of leading operations and possessing weapons. P4 testified about the harsh and cruel living situation in Al-Khatib, including the overpacked cells and inhumane food and water access. He described torture that he endured and witnessed in the prison, including *Shabh*. P4 was eventually able to escape his detention by paying a bribe to Adeb Zaytoun, someone who worked in Branch 251 and who P4 knew before being detained.

**Trial Day 16**

- P5, the second insider witness in this trial, testified about his experiences as a guard in Branch 251, naming the hierarchy of the branch. P5 identified Accused Raslan in a photo array during police questioning and in court. He testified that Raslan was the head of the interrogation unit at Branch 251. P5 provided a sketch of a map of Branch 251 and provided insight on Division 40, stating that the division had unique features and authority to do what it wants to do, even though it was technically under the command of Branch 251. He testified that he saw certain detainees being beaten, but said he did not see Raslan beat detainees. P5 stated he defected from the government, in part due to the injustice he witnessed.
- Two German government officials testified about P5's police questioning. One of them stated that P5 defected due to the torture he saw.
- Plaintiff Counsel Khubaib Ali Mohammed read a statement by a previous detainee who claimed that Accused Raslan had power and authority within Branch 251. Specifically, this individual stated that Ali Mamlouk scolded and slapped Accused Raslan for detaining him. Counsel Mohammed argued this could counter the defense's narrative that Accused Raslan lacked authoritative powers.

**Trial Day 17**

- The questioning of P5 continued. P5 identified Branch 251 via satellite photos and provided further details on Division 40. He said that individuals who were chosen to work at Division 40 were selected through a special process. P5 said that Accused Raslan's face



was familiar to him, and testified about an instance where Accused Raslan told personnel to stop beating detainees. P5 also stated he heard screams of pain while he was working at the Branch.

#### **Trial Day 18**

- P6, Accused Al-Gharib's cousin, who was formerly detained, testified about his experiences and relationship with Al-Gharib who was a warrant officer. P6 stated that he did not interact much with Al-Gharib as a child, but began to interact more with him as an adult. P6 stated that he became politically engaged with former opposition figures and the uprising. He was detained for ten hours once for attempting to partake in a demonstration and write about it on Facebook which an interrogator referred to as posting “fake news”. P6 said that Accused Al-Gharib declared his support for the uprising in front of P6 and others, and provided an example where Al-Gharib warned an individual that they are going to be detained, which allowed that individual to flee and avoid arrest.

#### **Notes from the trial monitor:**

- There was a feeling (among the public) that the numbers given by P4 were exaggerated (for example, he said he saw 500,000 corpses in Syria), but P4 stated multiple times that they were not. Additionally, there was a lot of confusion about Abu Ja'far who was identified as a guard at Branch 251. At some point, the judges stopped asking about this.
- P5 denied seeing a corpse, though the judges told him that he said he did in his police questioning. The public was surprised that he saw only one “incapacitated” person and no female detainees during his ca. two years of service. But, P5’s statements were concrete in general and he explained matters that arose from previous sessions, such as the definition of “volunteers.”
- Judge Wiedner repeatedly expressed that he could not understand how P6 did not find a problem with his cousin serving in the state security, even though P6 repeatedly described branches were “human slaughter houses.”

#### **Trial Day 15 – July 01, 2020**

There were about 10 spectators and 4 individuals from the media present. The proceedings began at 9:45 am and were slightly delayed as the witness was late.

#### **Testimony of P4,**

The witness was P4 [name redacted] a 30-year-old roof tiler who testified about his experiences as a detainee in Syria.

#### ***P4's detention***

P4 began by explaining his view and experiences in Syria. He stated that there is “no country” in Syria as one merely deals with military militias and mafias.

P4 said he was detained, his sister was abducted, and his brother was detained and killed.



P4 stated that he had a hotel in Zayyeda Zeynab سيدة زينب and around 15 – 16 houses, but all his and his family's properties were destroyed.

P4 said he was detained on the first day of Ramadan 2012 [July 20]. He stated that armed individuals, without military ranks, came (most of them were Shiite and the majority were Iranian, Afghans and Iraqis). P4 said that he used to live in an area that was mostly inhabited by Iraqi Shiites. He said that when he was detained, he knew half of the people who detained him as they used to live in the same area. He said they were members of the following sectarian groups: Hezbollah حزب الله, Asa'eb Al-Haq عصائب الحق, Abu Al-Fadl Al-Abbas أبو الفضل العباس, and Zaynabiyyoun زينبيون. P4 said that the Syrian army was like a "mop" [derogatory term] that used to bring these military groups food [serve them].

A day prior to his detention, P4 said he was in his hotel. He said that three buses arrived from Homs, filled with Sunni women and children who fled from the war. P4 said they stopped at the hotel and asked him for a place to stay and he helped them. He said that an hour after the buses' arrived, problems began and his sister disappeared.

P4 stated "they" stormed the area the following day, which was the first day of Ramadan. He said that "they" came to the hotel's entrance and took water and food [from him]. P4 stated that these people were the same people who detained him afterwards. There were more than 1000 armed individuals (P4 said they did not have the Free Syrian Army there) who were standing on the highway, opposite the hotel.

P4 said that after "they" took water, bread and food, P4 told them that he wanted to get his father, and asked them whether he should go with them or take another route. He said he was on his way to his father and was passing Al-Khomeini hospital مستشفى الخميني, orchids and a tree that measured two meters in diameter. P4 said "they" started striking it using three tank shells, causing the tree to evaporate after 30 minutes. P4 stated that they came to him and took him. P4 said they made him stand in front of a wall and shot around the outer shape of his body [to essentially draw this body on the wall via bullets]. P4 said at that point, the torturing "movie" [series of events] went from 9:30 pm to 5:30 am, in which he was beaten. P4 said he was then put in an armoury, which he thought was a cell, and was taken down to the basement a half-hour later. P4 said that this was at Sayyeda Zeynab crossroad. P4 said that they started to bring in more detained people from the streets, who ranged from 17 to 40 years old, and were neither related to FSA nor were armed.

Chief Judge Dr. Kerber asked P4 to show locations on the map. P4 said that he walked an hour as he was beaten with stones, iron and glass. He pointed to a location on the map and said that it contained weapons that could erase Syria [from the map].



In response to questions by Judge Wiedner, P4 said this was in the southern area of Damascus and the tree was opposite to Al-Khomeini hospital. P4 pointed to the location of his home.

*[The below image was not shown in the courtroom, but P4 probably meant this tree (in front of the hospital on page 2). It is a screenshot from google earth].*



[Coordinates 33.434164, 36.346773]

Judge Kerber asked if more people came when he was detained. P4 said that multiple “movies” [The witness constantly referend to incidents of arbitrary detention and torture as أفلام in Arabic] happened aside from his detention. P4 said there were Shiite with weapons and knives who killed anyone [passing]; a few days before Ramadan, these people killed around 450 with knives and swords. P4 also said a helicopter conducted an airstrike with three missiles that killed 580 people. He said that this occurred for three months.

Judge Kerber asked if he was tortured when he was detained. P4 said that he was taken to a state security detachment where he was unconscious for a few days. P4 said that he and the other detainees were in a closed room, and military forces used to return after failed operations and release their anger on detainees [physically]. P4 said he stayed in the detachment for five days, where they used to beat the detainee but did not let him die.

#### ***P4’s transfer to Al-Khatib Branch***

P4 said they were then transferred to Al-Khatib, where he felt that he was in a whole different place underground, unable to tell the difference between day or night. P4 stated that the numbers [of the detainees] were tremendous and unimaginable inside Al-Khatib. He said that upon his arrival, they were “welcomed” for one hour by whipping, electricity, tyres, cables or *Shabh*. P4 said that detainees then were stripped and frisked, before they were sent to their cells. P4 said “they” used to do whatever they want. P4 said that he did not feel anything and due to the excessive beating, he only wanted to sleep.



Judge Kerber asked why they were not allowed to sleep and P4 said that they detained people to torture them, not to let them sleep. P4 continued that after being frisked, they asked detainees if they wanted to go to the internal, the external or the “24” cells [P4 did not explain what “24” cells were]. Each type of cell has its own atmosphere and a different number of detainees. P4 said that the external one was the biggest cell in the branch and its ceiling was from iron. Thus, P4 said, one gets tortured even when he sleeps as the heat from the sun hits the cell’s ceiling.

P4 remarked that more detainees were constantly put inside the cell, and the guards did not consider that the cell was at capacity. P4 said that when a detainee was told that he had to go for a “tyre” round, he became happy as they could at least go to have some air outside the cell.

In response to a question, P4 explained that they could not see the sun in the cell, but because the ceiling was made from iron, the sun made the cell conditions extremely hot.

P4 added that on the first day, there were 520 people inside the cell; the guards counted them three to four times per day and 15 – 20 people were brought in every now and then. He added that one cannot imagine the numbers inside and that there was no place for sitting down. P4 gave an example of the truck that one sees on the highway filled with pigs over each other, then said that that is what was done to them. P4 said that if one is a Syrian, then his dignity, honour and money belong to the country.

P4 remarked there were huge numbers of people inside the cell and they once reached 800. (The witness said that he was shaking [inside the courtroom]). He stated that there was no air, and people used to sleep above each other, among them were corpses. P4 told the judges that all this was reality and told them not to think that it was imagination.

Judge Kerber asked how big was the cell. P4 said that it was 10 – 12 by 5 meters.

P4 spoke about the food and water conditions. He said that the food was a piece of potato dipped in diesel or cooked in diesel (he was not sure). P4 said the external cell had no water and they drank from the toilet, but the amount was scant. P4 said that there were six people in charge who used to open or close the toilets according to their mood, or maybe they had orders, but P4 did not know.

Judge Kerber asked how he knew this was in Al-Khatib Branch. P4 said someone [apparently a prisoner] told him this after 15 days. He said he became certain later on as he went once to the interrogation and found someone upstairs whom he knew was working in Al-Khatib.

Judge Kerber asked if he had a chance to look outside the window. P4 said that there was no window.

Judge Kerber asked about the interrogation. P4 said that he was taken once to the desk in the corridor where the interrogator made the detainee confess something that one did not do. P4 said it was upstairs and that they were left standing in the corridor for around five minutes. He said there were corpses on the ground, women, three children with him in the external cell, and a 70-year-old man with a missing eye whose left hand and right leg were amputated.

Judge Kerber asked how old the children were. P4 said that one was seven or eight, one was ten and the other was thirteen or fourteen. P4 said that one or two of them died, because one of them was young and he had problems before coming to prison. P4 added that the older people were hardly breathing.



Judge Kerber asked about his stay in the external cell. P4 said that he stayed there for nine days before he was taken to the internal cell, which was more difficult. P4 said that the walls of the internal cells were all made from cement, and the door was only opened when they wanted to put prisoners inside. P4 said that they made a hole in the ceiling above the door with a motor [motorized fan] to let air in, but it did nothing. He described the sweat as being 70 cm high. P4 said he stayed there for around 20 days and the number [of prisoners] was no less than 480.

Judge Kerber asked about the cell's size and P4 said that it was five by five meters. Kerber asked how could that number of people fit inside. P4 described it similar to macaroni being cooked as people were all above each other.

In response to Judge Kerber, P4 said that everything about the internal cell was awful, except that there was a toilet. He added every two weeks there were two soaps for the whole cell and the guard used to swipe the soap over the head [of the prisoner] and asked for the next one [prisoner].

In response to Judge Kerber, P4 said that there was almost no food. Most of the days, it was a piece of diesel-flavoured potato and they were offered jam every 10 days. That was served on a plate with two spoons for 50 people. Kerber asked if they used to share food and P4 said that they used to fight and beat each other.

Judge Kerber asked about P4's health condition in prison. P4 said that he was not able to see for a while due to the beating. He was offered to go to the hospital, but he refused and was scared. He added that it was not "they" who offered that, but prisoners told him that they were going to the hospital and asked whether he wanted to come along. He said that they went and never came back.

P4 stated that when he was detained, he had 3,660 Syrian pounds that were taken and held by officers [money and belongings that should be given back to prisoners upon their release]. P4 asked a military officer in the prison to take money that he had as part of his belongings and bring him an eye ointment. P4 said the military person went away for an hour and came back with a black ointment that could have been automotive grease, which he used.

Judge Kerber asked if he had money in prison. P4 said that prisoners used to ask the torturers for something during the beating. Kerber asked where the money was and said that she could not understand that he had money in prison. P4 said he had money when he was detained that the prison confiscated. He added that as he mentioned before, he was not living in a country but rather among mafias, and "they" [the prison authority] used to take the prisoners' belongings [for themselves]. P4 knew people who entered the prison with items such as cars but after they were released, they had nothing.

P4 said he handed over three mobile phones when he was detained, but was given back only one when he was released. Judge Wiedner asked if they returned the money to him after he was released, and P4 said no and that he was given a mobile phone, his keys and his ID card.

Judge Kerber asked about health conditions related to the skin. P4 said that the cell was closed "like a tuna can," and no air or sun entered. He stated that a rash used to appear on the body and then started to eat the meat [of the skin]. He remarked that there was a Tunisian in the prison with him who had that in his leg and his toe disappeared.



Judge Kerber asked if he was interrogated when he was in the internal or external cell. P4 said when he was in the internal cell, he was taken to the third floor. P4 said that he was put in the kitchen and peeked for five minutes under the blindfold right and left, and saw many corpses and the color red when he looked at the cell area.

Judge Kerber asked what happened in the kitchen. P4 said that he stayed around for half-hour or an hour on the floor in a prone position and was not allowed to look around. He said that was the only time he felt the sun above him, but did not see it. P4 said he did not know what was happening, but he was hearing shelling sounds. When asked if the windows were open, P4 said that it was sunny.

Judge Kerber said that P4 previously stated in police questioning that he looked through the window, saw trees and a street, and concluded that it was Al-Khatib Branch. P4 said that he remembered that question and stated that he answered that he was on the floor, the window was there and he saw the top of buildings outside, but he was not able to stand up. He confirmed that he was in Al-Khatib, because it is located on Baghdad street in Downtown.

There was some further confusion about P4 looking from/through the windows, but P4 clarified that he did not stand next to the window, but rather looked through the window. P4 described that he was on the floor, two meters away from window with his hands tied up, but he could still see through the window. He added that in Syria, people know the neighbourhoods from the shape of the buildings.

Judge Kerber asked what happened afterwards. P4 said that he stayed there for about a half-hour or an hour. P4 said that there seemed to be a high-ranked officer outside and because of him, the interrogation was delayed. After that, P4 said he was taken to an interrogator, called Abu Ja'far أبو جعفر, who could be a lieutenant colonel and told P4 to confess everything. P4 told him that he did not do anything, but it is not allowed to say that one did not do anything.

Judge Kerber asked whether the officer working in the branch whom he knew was his relative. P4 said that the person was not a close relative, rather a "far/indirect" cousin from the same tribe.

Judge Kerber asked about his name, and P4 said that he did not know. Kerber asked if the name was Abdallah As-Salam عبد الله السلام and P4 said yes, but that was not Abu Ja'far أبو جعفر [note that it seems Abdallah As-Salam is also nicknamed Abu Ja'far, so there are two individuals that go by Abu Ja'far]. P4 added that no one calls the other one by his name in the branch, but rather by the nickname.

Judge Kerber asked if that aforementioned person interrogated him as well. P4 said no and that six months after he was released, that person quit, and is now selling falafel in Istanbul.

Judge Kerber asked if he was able to take off the blindfold and see from underneath it. P4 said no and that he would have been beaten. He was able to only move it a bit.

In response to Judge Kerber's questions, P4 said it [the office] was approximately 20 m<sup>2</sup> and there was a desk, a couch and cables on the ground. He said that he did not see anything on the wall, and there was no laptop but he saw a monitor.

Judge Kerber asked P4 whether Abdallah As-Salam or Abu Ja'far interrogated and beat him. P4 said that he knew that Abu Ja'far interrogated him, because a person came during the interrogation and addressed the interrogator by "Abu Ja'far" and asked him to come for breakfast.



*15 minute break*

Judge Kerber asked what happened after the interrogation. P4 said that when he entered the office, the interrogator told him to confess three things. P4 told him that he did not do anything and they know everything about him already. P4 said he was then beaten for two minutes and his interrogator forced him to sign a paper and stamp his fingerprint on another blank paper. Then, P4 said the interrogator stamped it, called somebody who took P4 downstairs, beat him with the cable and finally took him to the cell.

Judge Kerber asked if the accusation was that he participated in three military operations, and P4 affirmed.

Judge Kerber asked about the interrogation. P4 said that he mentioned names of people he knew from the Assad forces, but not names from the Free Syrian Army. He said he was shown a video of a demonstration with people from his neighbourhood. P4 told them that he did not know the people in the video and that he did not have contact with his neighbours, because he was only concerned with his work. P4 kept avoiding the questions until the interrogator called a person [like a guard] to come, and then P4 knew that the interrogator was done with him.

Judge Kerber asked if he was accused of possessing weapons. P4 affirmed and said that he was interrogated twice. He [the interrogator] wrote on the paper that P4 had PKS, RPG and a tank for weapons, and was even accused of having explosives in his shoes. P4 found it strange and told him that he was a civilian.

Judge Kerber asked if there was an accusation of possessing weapon in that interrogation [where he was shown a video of the demonstration] and P4 said no.

Judge Kerber asked what the three things were, that he was asked to confess. P4 said that he was told to confess three things [he was told to make up and confess crimes/charges].

P4 said the interrogation lasted less than an hour. Judge Kerber said that P4 said in a prior questioning it was approximately two hours, but P4 denied this.

Judge Kerber asked if he said Abdallah As-Salam interrogated him and P4 said he did not know if it was that person or someone else. P4 added that after he was released, he spent 6 months looking for the person and used to wait outside [the branch] for any person to get out, so that P4 could talk to him in private and get answers, but he could not, because they used to be released in groups.

Judge Kerber asked if he knew his relative was working in the branch before his detention. P4 said no and that he knew only after he was released. P4 added that he said in the police questioning that he knew that his relative was in Al-Khatib and that he was called Abu Ja'far, but did not know if he was the same Abu Ja'far, the interrogator.

P4 said that Abdallah As-Salam was not in Syria, but in Istanbul. Judge Kerber told P4 that this answer was different from what he said in the questioning. P4 said that in the questioning, they brought a German lady who spoke broken Arabic and they spent two hours editing the transcript after the questioning.

Judge Kerber asked if he signed the transcript and P4 affirmed. P4 said that all numbers and reports he mentioned were true and not exaggerated.



Judge Kerber said that P4 said that a cousin of Abdallah As-Salam was in prison. P4 said that when he was in the interrogation, he recalled that Abdallah As-Salam was in the branch. And when a person came in and said “Abu Ja’far, come for breakfast,” Abdallah As-Salam came to P4’s mind. Therefore, P4 told “him” [the interrogator] that his cousin was downstairs. The person asked P4 about the name of the person downstairs and P4 told him [redacted]. Then he [interrogator] brought papers for P4 to sign and called the guard to take him outside. P4 said that he and [redacted] entered the prison together and got out together, but Diyaa’ was not interrogated.

Judge Kerber asked if P4 remembered the name of the head of Al-Khatib. P4 said no, but when he was taken outside the room, he met a person whom he knew in the corridor “Adeeb Zaytoun أديب زيتون.” P4 said that he knew that person before the detention. P4 used to work in [redacted] and that person used to secure licences for construction for them [probably meaning his family]. When P4 heard Zaytoun’s voice, he left the guard and ran towards the person and told him who he was. The person recognized him, because they had a lot of business between each other. P4 said he took P4 to his office and brought him food. Then, they began to bargain how much money he wanted from P4. They agreed on 10 million Syrian pounds (approx. 100,000 USD).

When asked to describe the office, P4 said that it was like a villa and there were photos of Bashar “the dog” and his father “the pig.” Judge Kerber told him to avoid such comments.

P4 said that he got out after 12 days and went to another branch. P4 said they were taken to Najha نجه. Perhaps it was a villa, not a branch, and there were two floors full of rooms underground. P4 said there was no air or light, and described it as a new horror movie with new terrifying people. P4 added that it was a big cell with people inside whose hair and beards were all-white. All of the detainees were there for a long time. No one was allowed to get close to their cell.

Judge Kerber asked if P4 was beaten or tortured in Branch 251. P4 said that everybody was beaten and no one slept without getting beaten. He said that when there were no people for the interrogation, two - three [guards] used to open the door, get in the cell and beat [prisoners] inside [the cell].

Judge Kerber said that P4 said that a child died inside the prison, and P4 clarified that he said children, not a child.

In response to Judge Kerber’s questions on deaths in Al-Khatib, P4 said that many died, every day. He added that there were corpses inside his cell and outside in the corridor. Among them were 13 dead people in the cell to which P4 fingerprinted/signed that they died a normal death.

Judge Kerber asked why he had fingerprinted the bodies. P4 said that he was forced to. He said he and other prisoners were carrying the corpses outside the cell to be taken away, and he was carrying the last corpse when he was called. P4 fingerprinted 13 blank papers, the same number of the corpses.

Judge Kerber asked how he knew that they would be registered as “normal death” and if something was written on the papers. P4 said that the papers were white and nothing was written. P4 said that they did not die by themselves [i.e. they did not die a normal death]. They used to come dead from Madaya مضايا and Ghouta غوطة, who had a “special” treatment of torture [in the branch]. P4 said his friend in the cell was hit by an iron cable on his Adam’s apple and died after 10 minutes. P4 said that this person was not part of the 13 corpses.



Judge Kerber asked how many corpses were on the floor. P4 said that he did not count them, but more than 10.

Kerber asked again how many died. P4 said many died and they used to sit terrified from the sound of torture. He added that someone could have a heart attack while sitting, and that they [he and the prisoners] did not count.

***Questioning by Judge Wiedner***

Judge Wiedner said that P4 stated in a prior questioning that a child died and asked follow-up questions. P4 said that he was the youngest, around seven years and that he died while they were sitting when the child was in his father's lap. P4 said "they" took the child to be interrogated and he was gone for around an hour or more. P4 stated they brought him back [to the cell] and took the father, who was beaten and returned to the cell as a different human. The child sat in his father's lap. P4 said he forgot exactly what happened, maybe he slept or left the cell, but he woke up and asked about the child, and was told that he was "finished" and died. P4 said he did not see the dead child, but he saw the father crying and was told he died. He did not know what caused the child's death. He said this occurred in the external cell.

Judge Wiedner asked if P4 witnessed others who died. P4 said that many died and that when someone died, they did not realize that, because when they used to sleep, they did not know who did not wake up [and who died]. P4 said that prisoners used to tell the guards when someone died and the guards used to tell them it is "normal".

Judge Wiedner asked if they used to bring the corpses outside. P4 said that they were told to put the corpses in the corridor.

Judge Wiedner said that he was not asking for concrete numbers and asked if P4 saw dead females. P4 said that during his whole detention period, he saw one dead pregnant woman. P4 said this woman was not part of the 13 corpses mentioned earlier.

He added that there was a service hatch طاقة [or gap] at the bottom of the door, through which they used to watch the corridor and see people. P4 said they were not allowed to see through this. P4 said that there were two prisoners placed at the door who used to take anyone who used to look outside to be beaten.

Judge Wiedner said that P4 stated in his questioning that his friend was tortured and died. P4 told the judge that he could be meaning [redacted name] an imam of a mosque. P4 said that this person's uncle was a minister. P4 said that he told the police that [redacted] was detained with him and tortured. P4 said that this person was not a friend, but rather his cell mate.

P4 said though they could not see, they could hear sounds - specifically sounds of torture.

Judge Wiedner asked how big the window was. P4 said that it was big and inside the cell.

Judge Kerber asked if P4 saw or heard the torture. P4 added that due to the large number [of detainees], there was not enough space and the external cells used to be a garden previously that was closed with iron. Therefore, the windows remained on the doors and the place was used for torturing. P4 said they were called external cells, because they were outside the prison.



Judge Wiedner said that P4 said that he *saw* a person who was being tortured. P4 said that he saw with his eyes and detainees used to be hanged like sheep and were tortured together.

Judge Wiedner said that there is a problem with what was said to the police. P4 said that one cannot enumerate everything that occurred within his 45 days of detention.

Judge Wiedner asked if P4 could estimate the dead people during the period of his detention (P4 said that he wanted to show something on the maps, but he was asked to answer the question). P4 said that the numbers were big and he could not estimate, because detainees were constantly brought. He said he was sure that half of the people who were released, were killed.

Judge Wiedner said that P4 said that around 100 died. P4 affirmed. He said that because he himself saw this and others told him. P4 said that he saw 500,000 corpses in Syria. He said his house was next to [redacted] cemetery which was a desert before that. Everyday a bulldozer and a truck were used to bury bodies.

In response to questions on torture, P4 said every method was used, from beating, swearing and insults. P4 said they did not use their hands/fists as that that would not have hurt, and they used cables instead.

Judge Wiedner said that the name Abdallah As-Salam came up during the police questioning and asked P4 how this name is relevant. P4 said that he was an interrogator.

Judge Wiedner asked if two persons interrogated P4. P4 said only one. He added that he told the police that if Abdallah As-Salam interrogated him, he would not have paid 10 million Syrian pounds to get out of prison, because Abdallah As-Salam would have gotten him out for free [he would have been P4's "*wasta*"].

Judge Wiedner asked if P4 saw the interrogator. P4 said no and that he would have been beaten if he had tried. P4 said that the interrogator stood behind him. P4 added that if detainees knew who worked in the branches, they [detainees] would have killed them [interrogators] after being released.

In response to questions, P4 said he stayed in Branch 251 for approximately 34 days. P4 said he then went to Najha, where a new series of torturing and killing had started. He said water was available but there was no food. P4 said he was there for around six to seven days before being released and transferred to Al-Khatib where he fingerprinted a paper. He was given a mobile phone and his keys back, even though he originally had three mobile phones and 3600 Syrian pounds when he was detained.

Judge Wiedner asked how he looked like when he was released. P4 said like the microphone [thin].

Judge Wiedner asked how P4 handed over money. P4 said that 3 days after his release, he went personally and handed it over to that brigadier general; he went to the person's house in [redacted].

*One hour break.*

Judge Wiedner asked questions related to *Shabh*. P4 said the first time he endured *Shabh* was in Sayyeda Zeynab and it lasted for five to six hours. P4 said he was only beaten and whipped in Al-Khatib. P4 said that many others endured *Shabh*; some of them from the hands, others from the feet



and some with tyres. A person from Madaya was beaten on his feet until they became extremely swollen [P4 described it with his hands].

Judge Wiedner asked how did P4 knew that there was *Shabh* in Al-Khatib branch. P4 said that Syrians know the mafia branches and the torturing methods that exist there. More specifically, P4 said that he saw it, and there were prisoners with him who were tortured with *Shabh*. P4 said that when he used to go outside to get tortured, he used to see people on the floor and a few were hung up. Due to the huge numbers, five to six were [hung] together [in the same area]. Judge Wiedner asked from which body part they were hung, and P4 said from their hands with handcuffs or cables and the hands were up for 13 – 14 hours. P4 said they were hung on the wall like “laundry.” P4 added that the one who was hung from his feet was recognized [by the prisoners], because his legs used to be blue and as big as the screen [the projector].

Judge Wiedner said that P4 said that every day people died and P4 affirmed.

#### ***Questioning by Plaintiff Counsel and Judge Wiedner***

Andreas Schulz, plaintiff’s counsel, said that P4 stated “ Menschen-Spülen / Human sink” during his police questioning and asked P4 to clarify. P4 said that he did not understand. He said he was asked what he knew about Al-Khatib, and he answered that it was a human massacre, as it is known that anyone who enters the prison will most probably not get out.

Patrick Kroker, plaintiff counsel, asked P4 how he was frisked. P4 said they took off everything, even his underwear and they made him sit on the ground. He said “they” put their hands between the buttocks to search if one was hiding something like a razor.

Counsel Kroker asked about P4’s psychological experience and if he spoke with a psychiatrist. P4 said that nothing happened to his psychological condition, but he cannot sleep at night. P4 paused a bit then said that he did know about alcohol in Syria, but currently he drinks on a daily basis.

Counsel Kroker asked if that behaviour was related to what he experienced in detention. P4 said certainly, and added that he was not able to deal with his family for 14 days after he was released. P4 asked [Kroker/the court] to imagine that he only went to toilet twice during a 45-day detention. He said he weighed 100 kg before his detention, but was 46 kg when he was released. P4 said that he has changed entirely and became a different person.

Counsel Kroker asked about P4’s prior statement that he was shaking, and asked if that happens often. P4 said that it happens when he feels dizzy. He added that when he is among 50 people, as he is in the courtroom, he cannot sit down [stay]. He said he was not able to participate in a language course, because he cannot sit among many people and despite the many Arabs living in his area, he could not make friends. He added that at work, which consists of three people, he always stays alone. P4 said that if he gets angry and wants to hit someone, he does not stop until he sees red (blood).

Judge Wiedner referred to P4’s statement that he delivered money to Zaytoun, and asked him if he knew Zaytoun’s position in Branch 251. P4 said that he only knew his rank. P4 stated that he did not previously know where Zaytoun used to work and only saw him by coincidence.

Judge Weidner asked if P4 heard from other detainees that Zaytoun was there. P4 said that he did not ask, and added that anyone who is not an Alawite or a Shiite has no value.



Judge Wiedner said that P4 previously said that Zaytoun used to give orders from time to time, and that Zaytoun was addressed as “معلم” [boss]. P4 said that in the questioning he did not know if he was working in Al-Khatib or in Division 40, and added that all branches are connected to each other.

Judge Wiedner asked how P4 knew that Zaytoun was always there on Tuesdays and Thursdays, when P4 saw him only once. P4 said that on Tuesdays and Thursdays, there were “tornadoes and earthquakes” [torture increased, big incidents happen in the branch and everybody is on alert]. When further asked by Wiedner, P4 said that when a detainee was taken to be beaten and then returned, that detainee shared with the prisoners what he saw and heard. From what these detainees said, P4 stated they insinuated that a high-ranking official was present on those days.

Judge Wiedner asked how P4 knew that it was Tuesdays and Thursdays specifically. P4 said that on those two days, they experienced higher levels of torture. Additionally, there were nine guards who tortured on those days (in comparison to the usual two or three). P4 said this was from his experience, and added that if he wanted to share what happened in these days exactly the same way as he lived through them, he would fall unconscious [probably meaning that he could not relive it].

Dr. Anna Oehmichen, plaintiff’s counsel, asked if there was an increase in the number of corpses between 2011 and 2012. P4 said that every day, there was digging and trucks that could have been coming from the branches. Before his detention, P4 said he used to see it because it was on the way to his home and in front of his house. After his release, he said he was not able to see it anymore as they built a wall. However, P4 said he could see the bulldozer in action and trucks (sometimes civilian and sometimes military ones), because they used to bury the people who died in war. P4 said that before March 2011, civilians were allowed inside but this changed following September 2012.

In response to Dr. Oehmichen, P4 affirmed that the translator in his police questioning spoke broken Arabic and that he did not lack sleep or had a tiresome journey to the police prior to his questioning as it was near his home.

In response to a question by Dr. Oehmichen, P4 affirmed that he has a sleeping disorder, and said that he slept at 03:30 a.m. and woke up at 05:00 a.m. before testifying today.

Dr. Oehmichen asked if he was able to concentrate during the police questioning, and P4 said yes but the questioning started at 8:00 a.m. and ended at 6:00 p.m.

P4 testified that in the external cell, there were three persons in the toilets and three at the door. He said these persons were like security as the torturer used to come every hour asking for people for whipping. P4 said that the prisoners feared these six persons, because these six used to deal with the torturer. Their food was different and they used to get cigarettes. P4 said three of the six were commanders in the Free Syrian Army.

Plaintiff Counsel Schulz asked about the old and the new detainees. P4 said that new prisoners were fearful as they did not know what would happen with them. He said that when a newcomer used to enter the cell, they would see prisoners who did not resemble the humans as their bodies were like “mosaics,” burned with cigarettes and stabbed with pens [full of “colors” and injuries]. P4 said that no detainee had the energy to fight one another; a detainee used to enter the cell broken and only wanting to sleep.



Khubaib Ali Mohammad, plaintiff counsel, asked if there was female sexual mistreatment. P4 said that he used to hear women's voices in the corridor, but did not know what was happening with them. Mohammad asked if someone reported about rape, and P4 said that such a thing was not done in front of them and the females were not imprisoned with the males.

Plaintiff Counsel Mohammad asked if there was male sexual mistreatment. P4 said that there was, though he did not see it.

P4 said that his sister was also detained in state security in Kafar Souseh. كفسوسة. He said she was released after three months and returned home as a cocaine addict.

Plaintiff Counsel Mohammad asked if he witnessed that or if he was presuming that there was sexual mistreatment against males. P4 said that it was not a presumption and all testimonies are documented and the videos are on YouTube. P4 added that he was told when he was released.

Judge Wiedner asked if P4 himself saw the pregnant woman in the corridor. P4 affirmed and said that he saw her dead on the floor, when he was going to the interrogation.

*The defence asked for a break and a 15 minute break was issued.*

The defence had no questions.

*Activist Khaled Baraka خالد بركة in cooperation with Adopt a Revolution Initiative, The Syria Campaign, Families for Freedom and ECCHR, hosted an event outside the courtroom. Below are some photos (the windows of the building shown in some photos are the windows of the courtroom where the trial is taking place):*





### Trial Day 16 – July 02, 2020

There were about 12 spectators and three individuals from the media present. The proceedings began at 9:30 am.

#### Testimony of P5 [name redacted]

The first witness was P5 a 37-year-old engineering graduate who is currently unemployed.

#### ***Questioning about P5's background and Branch 251***

P5 testified about his background and his military service in Syria. He said he studied engineering in [redacted], worked as a teacher and then began his military service in May 2010. He said he completed training from June to November, and then was transferred to the “Inner Branch” [this is the more accurate and official name of Al-Khatib/251. It was the first time someone in court referred to the Branch by this name] where he stayed until he defected on August 5, 2012. He said that he defected for many reasons, including the existing injustice which he witnessed that he could not do anything about. He said it was better that one stay away from trouble.

Judge Kerber asked what P5 did. P5 said that he personally had not gotten in trouble, but the detainees were treated cruelly and beaten. P5 said that he and his colleagues could not do anything about it, so they decided to flee.

Judge Kerber asked what he was doing in the branch. P5 said that he wanted to mention some incidents. He said that when demonstrations occurred, people were beaten and taken to prison. P5 said he used to witness detainees who got out from the vehicles being continuously beaten until they enter the prison. He said that the Branch's yard is close to the prison.

Hannes Linke, counsel for Accused Al-Gharib, raised §55 StPO [which addresses a witness' right to refuse to answer questions if it risks incriminating them]. Prosecutor Klinge agreed to this and Judge Kerber informed the witness about the admonition.

P5 addressed Judge Kerber saying that he wanted to say that he was worried about his family in Syria, and not about himself, as a few of his family members in Syria go to regime-controlled areas, which could cause them trouble. Judge Kerber said that he still needs to provide information.

Judge Kerber asked how long the beatings lasted and which tools were used. P5 said that the beating occasionally lasted half or quarter of an hour. He said it depended on when the responsible officer used to come to let the detainees in, and that the beating was done by the prison personnel members. عناصر. When asked if beating lasted for four hours, P5 said that it could have, but generally it was less than that. P5 said the duration depended on the officer. P5 testified that normal and electric [stun] batons were used more than once. P5 said he knew that batons were electric as a detainee would immediately fall on the ground after merely placing it on the body.

Judge Kerber asked about detainees who got out from the buses. P5 said that the detainees got out with their t-shirts on their faces, so they would not see anything until they arrived in the branch. He added they were beaten continuously from the moment they were detained until they arrived to the Branch's yard. P5 said that they were beaten on every possible location on the body.

Judge Kerber asked if he saw what happened inside the prison and if he heard something. P5 said they used to hear prisoners' voices as there was a basement and small windows opposite the yard.



P5 said he heard loud screams and the sounds of people being tortured. Judge Kerber asked if he recognized some words, and P5 said the screaming was mostly sounds of pain and suffering.

Judge Kerber asked about the hierarchy of Branch 251. P5 said Tawfiq Younes توفيق يونس was the head of the branch, and there were divisions under the branch. When asked about other names, P5 mentioned the following: Lieutenant Colonel Kamal مقدم كمال, Head of Religions Division; Lieutenant Colonel Ahmad مقدم أحمد, Head of Economy Division; Brigadier General Mohammad عميد محمد, Head of Parties' Division [political parties]; Lieutenant Colonel Basel مقدم باسل, Head of Media and Universities Division (whom P5 had forgotten during his questioning, but recalled it later), and Colonel Ahmad عقيد أحمد, Head of the Communications Division.

Judge Kerber asked who P5 recognized on the photo-array during his 2018 questioning, and P5 said Colonel Anwar Raslan. P5 said he knew Accused Raslan from his time at the Branch. Kerber asked what Raslan's rank was, and P5 said he was a Colonel عقيد, then a Brigadier General. P5 testified that Raslan was always there during P5's service.

Judge Wiedner asked what Accused Raslan's position was, and P5 said Raslan was the head of the interrogation unit. Wiedner asked if there was an officer with Raslan and P5 said the deputy of the division was Major Abdulmon'em رائد عبد المنعم.

Judge Wiedner asked about Division 40. P5 said that it was under the administration of the Inner Branch [Branch 251] and Colonel Hafez Makhoul حافظ مخلوف was the head of that division.

Judge Wiedner asked more about Accused Raslan. P5 said everybody who served at the Branch knew Raslan, and P5 confirmed that the person sitting on his right in the courtroom was Raslan. P5 said that Raslan was a colonel. P5 said that anyone knows that the head of the interrogation division had responsibilities in the prison. When asked if Raslan used to interrogate, P5 affirmed.

Judge Wiedner asked what P5's tasks were. P5 said that he was a non-commissioned officer who was responsible and part of the [security] guards. He said their task was watching over the branch. He added that they knew the officers in the branch, and would see detainees when they would come. P5 said that he did not enter the prison, but his colleague did and he told P5 how badly detainees were treated.

Judge Wiedner asked if the beating done in the external yard was executed by orders, or if the prison personnel did it on their own will. P5 said that regarding the branch's personnel, "volunteers" [explained by P5 later in his testimony] were the ones who used to beat the detainees and there was no officer there. P5 said that when the officer arrived, he ordered to bring the detainees into the prison. P5 added that officers used to be home at night or the early morning, so detainees who arrived then used to be beaten until the officers arrived at the prison.

Judge Wiedner asked about the officers' names. P5 said the officers who were responsible for the prison were the head of the interrogation division and his deputy. Wiedner asked if P5 meant Raslan and Abdelmon'em (respectively), and P5 said yes. P5 said he did not see other officers.

Judge Wiedner said that P5 mentioned Kamal كمال during the questioning. P5 said that was correct, but he was not related to the detainees. P5 stated that in the police questioning, he said that Lieutenant Colonel Kamal used to communicate with security personnel by radio transceiver when people went to demonstrations, but P5 did not say that Kamal was related to the prison.



### **Questioning about Accused Raslan**

Judge Wiedner asked if P5 saw an officer beating detainees himself. P5 said that he only saw Lieutenant Colonel Basel doing that. Judge Wiedner asked if he said that Accused Raslan beat detainees. P5 said (in fact) no.

Judge Wiedner asked what Accused Raslan did when he arrived. P5 stated people from Duma دوما and Harasta حرستا were brought in and were being beaten. He said that when Colonel Raslan came, he prevented them from being beaten and told them to get the detainees inside to begin the interrogation. P5 said that he does not know what happened with the detainees later.

Judge Wiedner asked what P5 was told about what happened with the detainees. P5 said that he has honestly forgotten many things since he came to Germany, but he would try to remember. Weidner repeated, and P5 said he did not know.

Judge Wiedner asked how Accused Raslan was as a leader (if he was brutal, for instance). P5 said that when they were standing outside [of the branch], Raslan was the only person who used to greet them as lower ranking guards. P5 said that this was how Raslan used to treat him, but he did not know how Raslan used to treat the detainees.

Judge Wiedner said that P5 previously stated that Accused Raslan was pretending to be good in front of P5 and his colleagues. P5 said that he has just said the same thing, that he did not know how Raslan used to treat the detainees.

Judge Wiedner asked if it was possible that Accused Raslan would not have known what was happening in the branch. P5 said that he stated this before and would repeat it: The head of the division [meaning Raslan] was certainly acquainted with everything, but the head of the branch [meaning Tawfiq Younes] was responsible for everything.

Judge Wiedner asked what he [Raslan] should have known what was happening in the prison. P5 said Raslan should have known [تعذيب أو شو بصير], but he was not 100% sure, because the head of his branch (Tawfiq Younes) was cruel. P5 said that the interrogation was conducted by officers, which was secret information no one could be aware of. P5 said that even if he did not see it with his own eyes, it was known between colleagues that officers conducted the interrogation, not lower ranks.

Judge Wiedner asked if the Inner Branch has other names, and asked for details about the branch. P5 said Al-Khatib, 251 and perhaps previously Al-Maysat الميسات were known names for the branch. P5 said that it is a security branch under the general intelligence. He said that during the uprising, every branch was responsible for an area from Damascus, and the Inner Branch was generally responsible for Duma دوما, Harasta حرستا and Eastern Ghouta الغوطة الشرقية.

Judge Wiedner asked if the branch's activity increased after the uprising. P5 affirmed and said that the number of the personnel عناصر was between 80 – 100 persons before the incidents [uprising] and the number doubled after, as the reserve was called.

Judge Wiedner asked when he witnessed the beatings. P5 said after the uprising, but he doesn't remember. He said that he thinks it was in late 2011.

Judge Wiedner asked if there was change in the number of detainees and what changed in the branch. P5 said that not all the detainees were at Branch 251, as there are other divisions such as



Division 40 in Duma [either meaning Division 40 regulated Duma or there is a division of Division 40 in Duma], in Sayyeda Zeynab, سيدة زينب in Zabadani, زيداني, all of which are under the administration of the Inner Branch. P5 said that he does not know if Division 40 has a prison, but they most probably do as it is a security branch.

Judge Wiedner asked when these prisoners were detained, and P5 said the prisoners in the antiterrorism division were detained before the uprising.

Judge Wiedner asked for details about the prisoners of Branch 251. P5 said they were from Duma, Harasta, Al-Midan, Saqba, Hamouriyeh. He stated that all of that is called Eastern Ghouta. P5 testified that they were detained because of the demonstrations in the beginning of the uprising.

Judge Wiedner asked if Branch 251 was responsible for detaining. P5 said it depended on where detainees were taken (If detainees were brought to Branch 251, then its personnel [عناصر] detained them. If detainees went to Division 40, then its respective personnel members were responsible).

Judge Wiedner asked about Division 40. P5 said that when he and others were in the training, a person came to choose people to work in Division 40. He said that these chosen people had specific physical characteristics and their background (and family background) should be clean. He said that if everything was ok, then the person would be selected. P5 said that he does not know what the tasks of these selected people were, because it was not his division. Judge Wiedner said that P5 previously stated in the questioning that individuals from Division 40 used to come and work with them in Branch 251, and that people were not allowed to gather in mosques and in Al-Midan. P5 acknowledged this.

Judge Wiedner asked P5 to elaborate on “volunteers.” P5 said “volunteers” were not selected. P5 said in Syria there are two groups: the first is the compulsory military service and the second one is the “volunteers”, who are people with high school certificates, who complete a training. P5 said that these “volunteers” would be sorted into police, army and intelligence services, and stay in the service for long periods (30 – 35 years). P5 said “volunteers” existed even before the uprising.

Judge Wiedner asked if P5 saw corpses. P5 said that he saw a vehicle once at the prison’s door at night, and a person was put inside it, but he did not see corpses. P5 said he did not know if this person was alive or dead; he wanted to enter the branch to go to the personnel [عناصر] housing, but one of the volunteers kept P5 back.

Judge Wiedner asked about this specific individual brought to the prison. P5 said that he previously mentioned this person was elderly as this person was overweight and was wearing *Gallabiyya*. When asked, P5 said he does not know if this person was dead or alive. He added that when people were cruelly beaten, a vehicle from the nearby red-crescent hospital used to come and take these people. P5 said that person was taken by vehicle with no ambulance siren, so he told the police that he could have been dead, because it was not an ambulance. Judge Wiedner said that P5 previously stated that the person was 60-years-old and was dead. P5 said that he has not changed his statements; he knew that person was elderly through his clothes and he did not know whether he was dead, but said that he could be as it was not an ambulance.

Judge Wiedner said that P5 previously stated that corpses were transported at night, and asked P5 if he saw or heard about that. P5 said that he did not see anything else other than the person



mentioned above. He said they used to “hear” torture and not “see” it, and if these [transport] operations happened, the volunteers would not tell P5 and his colleagues.

Judge Wiedner asked how the injured were transported. P5 said that the Red Crescent was close to the Inner Branch, and it used to come and transport the injured.

Judge Wiedner asked about prisoners’ condition at their release. P5 said that there is lack of hygiene inside the prison so prisoners were in a dire condition and dirty when they are released.

Judge Wiedner referred to P5’s previous statement that many detainees were once brought. P5 said that an occasion occurred an early morning (around 5 – 6 am), presumably from Ar-Rifa’i mosque جامع الرفاعي in Kafar Souseh, كفرسوسة where many who were demonstrating inside the mosque were brought. P5 stated that this Ar-Rifa’i incident occurred during Ramadan 2011. P5 also remembered and mentioned a second incident that occurred in Al-Hasan mosque جامع الحسن in Al-Midan. P5 said that demonstrators were brought daily from Duma.

Judge Wiedner said that P5 previously said that 20 – 40 demonstrators were brought from Duma once, and P5 said that was correct and apologized if he forgot.

*Break*

#### ***Questioning about Division 40***

Judge Wiedner asked about Division 40 and Hafez Makhlof. P5 said that Division 40 is a well-known division under the command of Makhlof, and under the administration of Branch 251. P5 thought that everyone knows that Makhlof is Bashar Al-Assad's cousin [their mothers are sisters, ابن خالة] and Division 40 has its weight in Damascus. P5 said that Division 40 is located in Al-Jisr Al-Abyad الجسر الأبيض in Damascus and is close to Bashar Al-Assad's palace. He said its personnel [عناصر] are chosen selectively and they have a higher number of personnel compared to other divisions. P5 affirmed his previous statement that the division has the freedom to do whatever it wants and has great authority; although it is lower ranking than a branch, the division has its own unique features.

Judge Wiedner asked if Division 40 personnel can conduct interrogations in Branch 251. P5 said no, and he had no knowledge of that.

Judge Wiedner asked if Hafez Makhlof has authority on Branch 251. P5 said that the head of Division 40 has a powerful security control and is harsh. P5 stated that when Makhlof is assigned a mission, he does not take orders (unlike other officers). P5 gave an example that when Division 40 wants to suppress demonstrations, its personnel [عناصر] go without referring back to the Branch. However, when they bring demonstrators [detainees], they bring them to the Inner Branch.

Judge Wiedner asked if they [Division 40 personnel] used to only bring detainees, or if they also had tasks within Branch 251. P5 said he saw that they used to only bring detainees, in addition to patrolling and manning checkpoints. P5 said that when Division 40 personnel used to bring the demonstrators, they beat them, but they did not interrogate them.

#### ***Questioning about Branch 251 continues***

Judge Wiedner asked about the position of Sunnis and Alawites. P5 said that unfortunately, any Syrian knows that Alawites occupy the large majority of sensitive positions in the security branches

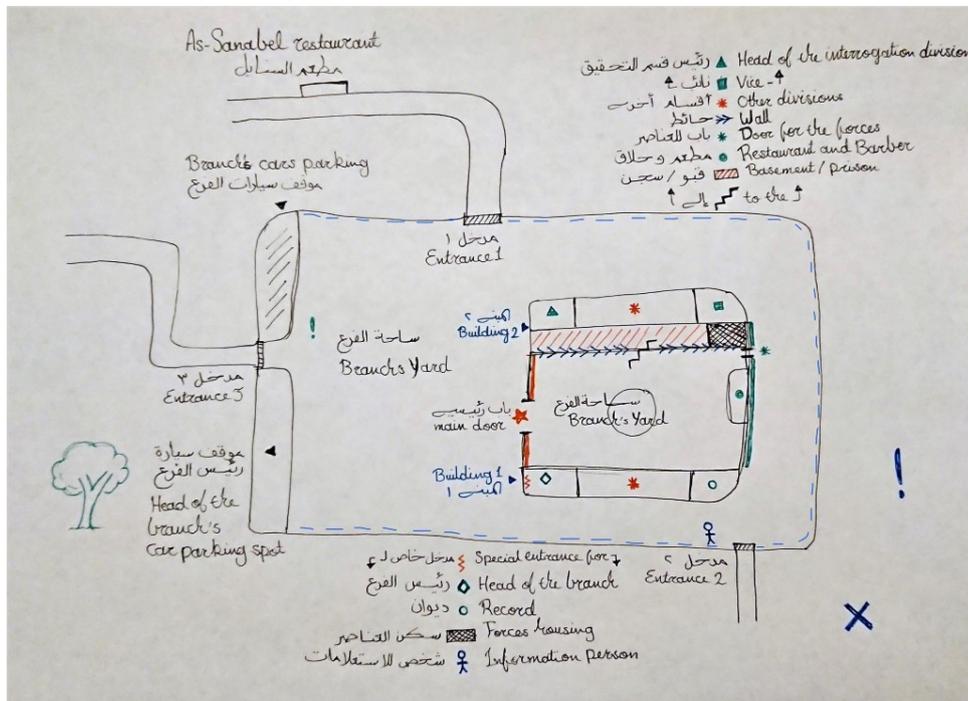
and in the army. He added that the oppressive regime began to discriminate between Sunnis, Shiites and Alawites.

Judge Wiedner asked about Accused Raslan. P5 said that he assumes and is 80% sure, based on Accused Raslan’s name, that Raslan is Sunni. Wiedner asked if Raslan could have authority being a Sunni. P5 said that he does not know, but he told the police in his questioning that the majority of the information that used to come to the officers was from the head of the branch [Younes].

Judge Wiedner questioned P5 about which officers used to conduct interrogations. P5 said that the person who was responsible for the interrogation was the head of the division [Raslan] or his deputy [Abdelmon’em]. P5 said Abdelmon’em would conduct the interrogation if Raslan was not here. He added that the head of the branch [Younes] would conduct the interrogation perhaps if the person was important [in his questioning, Judge Wiedner assumed Younes was the main interrogator, followed by Raslan and then Abdelmon’em. Thus, there was some confusion here. When Wiedner addressed this confusion, P5 clarified that Younes only interrogated “special” individuals].

Judge Wiedner asked how P5 knew that. P5 said that he previously told the police about the branch’s entrance and exit. He said that if he wanted to go to the cafeteria or the accommodation area, he needed to pass by the yard. He said that P5 and his colleagues used to see the head of the branch going out and heading right to the left many times (because the prison was in the basement). He said that because of that, they knew that he was going to the prison. P5 confirmed that he was speaking about Younes, and that he did not see other officers.

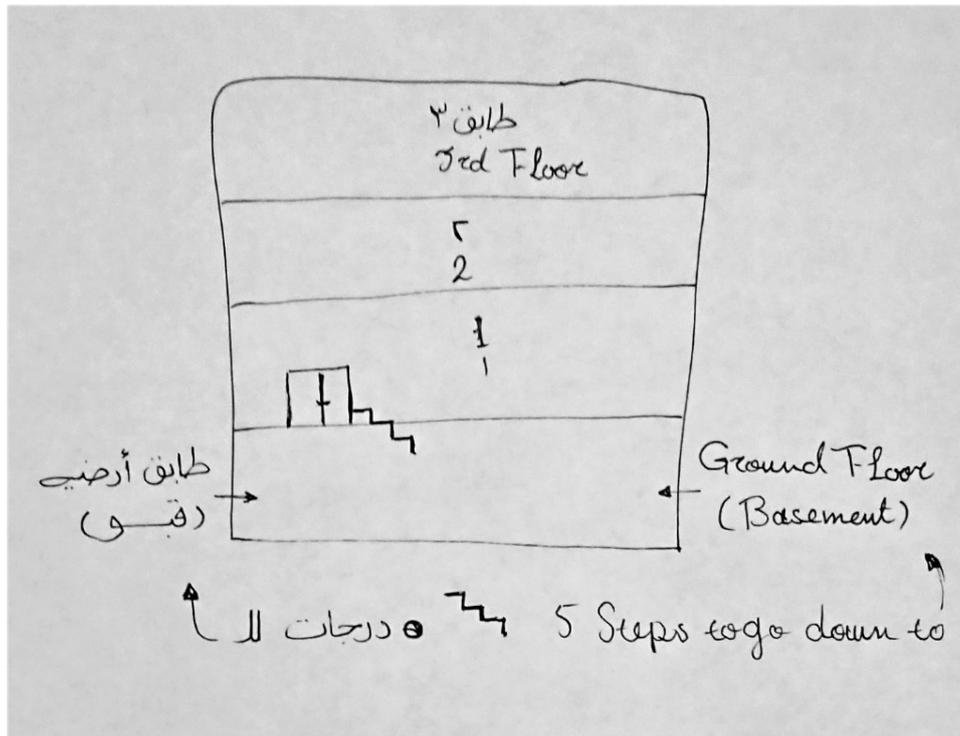
*A sketch of a map of Branch 251 was shown with the projector (below is a redrawing):*



Judge Wiedner asked where detainees were beaten. P5 said that most of the time, it was at entrances one and three. He said the vehicle that used to bring detainees used to stay at the main door [indicated by red star]. P5 said that building 1 had a basement with an armament division, a maintenance division and the branch’s communication/operator division of the branch.

P5 stated that the first floor contained the head of the branch's office, and opposite to it was the record office; the second floor contained the head of the economy division's office and opposite to it was the media division; the third floor to the right contained the parties division and another division under administration of an officer that P5 forgot about [there was a lot of confusion regarding the naming of the floors i.e. basement, ground floor and 1<sup>st</sup> floor].

*P5 drew a sketch of the prison floors was shown (below is a redrawing):*



P5 said that the head of the interrogation division was in the ground floor above the prison, and five steps down is the prison [it seems P5 meant that the detainee would take five steps from the street level to enter the first level, where Accused Raslan's office was, and then 5 steps to go to the ground floor/basement/prison].

Prosecutor Klinge said that P5 said that there was a window. P5 said that the wall [blue >> symbol] was two meters high which contained the building's entrance, and windows were at the bottom of the wall. P5 said they were small holes with iron ["grate/شبكة"].

Prosecutor Klinge asked how many floors there are above the prison. P5 said that one needs to take 5 steps to go to the head of the branch and his deputy/vice-head. There is another floor for the head of the communication division and the financial office (on the third floor). The second floor was a flat for the branch's head.

Prosecutor Klinge asked about the second building. P5 said that he thinks that the building with the head of the branch is higher, but perhaps both buildings have the same height.

P5 said that there is a cafeteria with two residential buildings above it. Prosecutor Klinge asked if one could jump over the wall [red line]. P5 questioned how one could get there in the first place. P5



knew that there was a two meters high black door along the wall, but did not remember if it was continuous.

Prosecutor Klinge asked about the external wall's height and if it was secured [blue dashed line]. P5 said that the buildings around the branch were residential and high. The branch was in between them and there was a garden [green tree symbol] behind the parking space.

P5 said that there were about 200 to 300 meters from checkpoint [blue X] to the entrance. Regarding the top entrance, P5 said it resembles the checkpoint of the railway in Germany. After the incidents [uprising], the checkpoint was moved to the left of As-Sanabel restaurant. If someone was coming from Al-Qosour, القصور, he was not allowed to enter. At the third entrance, there were forces [عناصر] with a device to inspect the entering cars.

Prosecutor Klinge asked if Raslan had a private parking space. P5 said he remembers that his car was navy blue or black and was parked directly opposite of the door [green !]. Wiedner asked where Baghdad street was, and P5 pointed to a point on the map [blue !].

Michael Böcker, counsel for Accused Raslan, asked if P5 himself was inside the right or left building. P5 said that he went to specific divisions if colleagues invited him [ex: if colleague was working in the records department, then they used to invite him to go to his office].

Counsel Böcker asked if P5 entered the interrogation division. P5 said that he did not enter the building, but they used to pass by that place when they used to receive their salaries. Thus, he knew these divisions and everyone who received money entered it.

Counsel Böcker asked if P5 was in the other building, where the head of the branch's office is. P5 said no, and it is impossible for anyone to enter it unless they worked there.

P5 provided the structure of the general intelligence directorate in Kafar Souseh [P5 added an \* when listing the External and Internal Branches]:

- Interrogation Branch فرع التحقيق
- Communication Branch فرع الاتصالات
- Storming Branch فرع المداهمة
- Remote Sensing Branch فرع الاستشعار عن بعد
- Information Branch فرع المعلومات

\*External Branch [279]: the former head was major general Bahjat Soleiman اللواء بهجت سليمان

\*Internal Branch :

- Tawfiq Younes, توفيق يونس, the current head of the branch (from Hama and resides in Damascus)
- The Office manager, General Secretary Joseph جوزيف
- Division 40, headed by Hafez Makhlof حافظ مخلوف (in Al-Jisr Al-Abyad الجسر الأبيض)
- Religions division, headed by Lieutenant Colonel Kamal مقدم كمال
- Interrogation division, headed by Colonel Anwar Raslan عقيد أنور رسلان and Abdelmon'em عبد المنعم
- Parties division, headed by brigadier general Adnan or Mohammad العميد عدنان أو محم
- Economy division, head lieutenant colonel Ahmad أحمد مقدم



- Media division, headed by Mohammad عقييد محمد [This part was not heard clearly]
- Media and universities division, headed by lieutenant colonel Basel المقدم باسل

P5 was dismissed, and his questioning resumed the next day.

*One hour break*

#### Testimony of Brücken

The second witness was named Mr. Brücken, an inspector at the criminal police.

Brücken described the questioning conducted by French police one day in 2019, from 10am to 4pm. He said the police notified P5 of his rights. There was a translator and P5 was shown a photo array and satellite images.

Judge Wiedner asked what happened. Brücken said that P5 recognized a face and said that it reminded him of a person, but P5 could not recall the name. Only when the police mentioned the name of the person in the photo, P5 remembered.

Judge Wiedner asked if Brücken was involved in the procedure of the questioning and he said no.

Judge Wiedner asked Brücken to speak about the French questioning. Brücken said that it went according to French protocol. Wiedner asked about the translation. He said that except for P5's testimony, everything was in French. Brücken said he knew a little bit of French and there was a German translation after the questioning.

Judge Wiedner asked about Brücken's impression of P5. He said that P5 was intelligent, learned and was able to read a little French.

Defense counsel Böcker asked if Brücken knew about the branches. Brücken said no.

Judge Wiedner asked if there was a reverse translation to Arabic. Brücken said yes and P5 signed it, but Brücken did not know if edits were made later.

The witness was dismissed.

#### Testimony of Kathrin Mittendorf

The third witness was Kathrin Kathrin Mittendorf, a decision maker at the Federal Office for Migration and Asylum (BAMF).

Kathrin M. testified that P5 left Syria with his family. She said P5 joined the military service and witnessed torture, which was why he defected. Kathrin M. stated that P5 worked as a security guard in Branch 251 and his wife witnessed torture by ISIS. She said that P5 did not give specific information on his guard duties, and it seems that he was a lower rank.

Judge Wiedner asked Kathrin M. more specific questions about what P5 said. Kathrin M. said that P5 mentioned two names, but she could not remember them. She said that P5 stated that there was torture and mentioned other information, but she could not remember it. Kathrin M. said that P5 defected by smuggling his ID card in a medication package, and taking it with him when he left work in the evening. She said he was not inspected as he was working for a long time. She stated that he then went to his hometown to leave Syria, where he waited for 5 days until he received his salary.



Judge Wiedner asked about P5's hometown. Kathrin M. said that it was under the control of FSA and that ISIS was there as well.

Judge Wiedner asked if she remembered the interview and Kathrin M. said no. Kathrin M. said that the translator was Mr Yousef يوسف and the sketches were also translated.

Plaintiff Counsel Sebastian Scharmer asked if P5 used to wear a uniform at the military service. Kathrin M. said no, he used to wear civilian clothes [plain clothes].

The witness was dismissed.

Statement from S1 [redacted], read by Counsel Khubaib Ali Mohammed

Plaintiff Counsel Mohammad read a statement of S1, a resident in [redacted] and requested that he be summoned as a witness.

Counsel Mohammad outlined that S1 was the Imam of a great mosque in Syria. On April 25, 2011 there was a demonstration and S1 was detained and tortured in Branch 251. As a result, a mass demonstration with more than 10,000 demonstrators took place in Duma. To stop the demonstrations, Ali Mamlouk released S1 after one week. S1 wrote that Accused Raslan was present, and that Mamlouk scolded and asked why he [Raslan] arrested "this good man [S1]." Mamlouk slapped Raslan on his face and stated that Raslan needed to apologize to S1 Two years later, Raslan called S1 from Jordan and wanted to apologize for everything, because "now we [they] are on the same side." S1 replied that "only God forgives," and hung up.

Counsel Mohammad said this could prove Raslan's involvement in the chain of command, and disprove Raslan's testimony that he did not torture, and did not give orders to torture and arrest. S1 could testify that Raslan could indeed arrest people, otherwise Mamlouk would have asked Tawfiq Younes [note: Raslan was smiling in court].

Counsel Mohammad outlined that Accused Raslan was mainly and independently responsible, which is indicated in the 2013 phone call where Raslan said that they would "now be on the same side." Counsel Mohammad said that this indicates that before 2013, he was on the regime's side and knew what he was doing at that time.

S1 has been in since 2019 and told Counsel Mohammad that he is personally available to testify. Currently he is in [redacted] and has a [redacted] status which allows him to stay in and obtain a one-time exit only. This is why the ability to return needs to be approved, and it could be allowed in an individual case (this was the case in a French trial).

The testimony of S1 could essentially disprove the statement of the defendant.

Accused Raslan wanted to say something about this, but his Counsel (Böcker) stopped him and stated that this evidence would not prove anything and would not be acceptable – contrary to the Mohammed's petition.

The proceedings ended at 2:45 pm.



**Trial Day 17 – July 03, 2020**

There were about 11 spectators and 2 individuals from the media present. The proceedings began at 9:30 am.

Counsel Mohammad read out his statement again and it was added to the protocol.

**Question of P5, continued**

Prosecutor Klinge showed satellite images (shown below) and asked P5 if he could recognize anything. P5 said it could be an image of the branch, but it was not clear and he was not able to identify the streets.

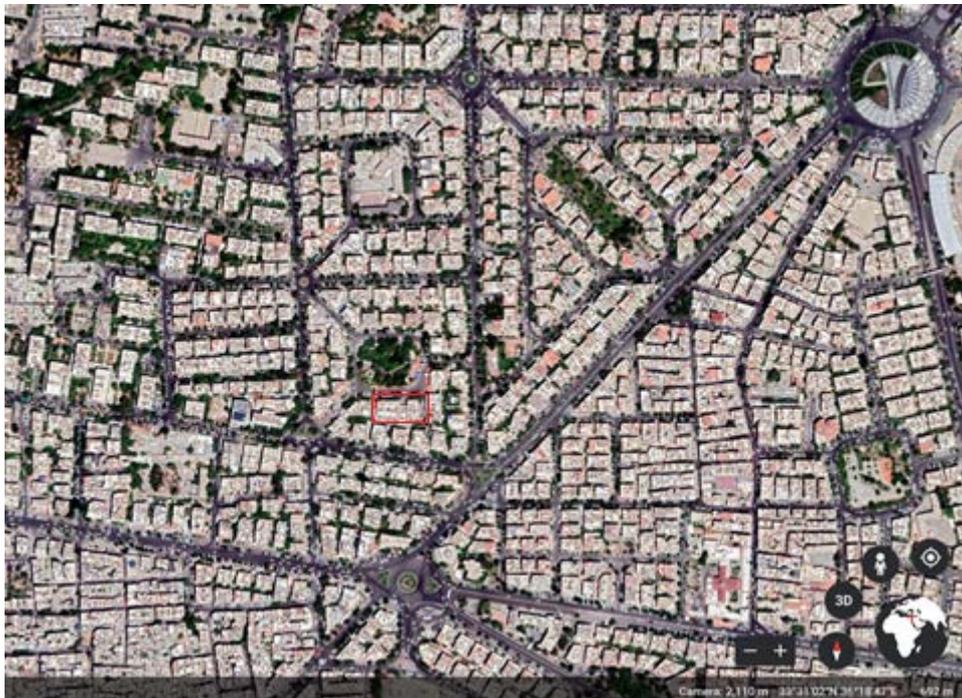


P5 wondered if the square at the top was Al-Qosour square **ساحة القصور** or Al-Abbasiyeen square **ساحة العباسيين**, and said that it was probably Al-Qosour square.

The image was zoomed-in (see below) and the street's name appeared:



P5 said that “now” he can identify it. He said that if that is Baghdad street, then the Branch should be in the street behind it. P5 pointed to the building below the trees (on the top of the image) as the Branch. Another image was shown:



Prosecutor Klinge asked if P5 recognized anything, and P5 recognized Al-Abbasiyyeen square [top-right] and located the Branch precisely using that square.

Prosecutor Klinge asked how many vehicles used to deliver detainees to Branch 251. P5 said that sometimes it was one to three vehicles, and mainly on Fridays as the demonstrations took place



then. P5 said that before the uprising, they seldom saw detainees but after that, delivery of detainees was every two days. If P5 had a shift, he would see the delivery, otherwise he could not. Klinge asked if there was an escalation from April 2011 to 2012. P5 said yes, the number increased certainly, but how much precisely he did not know. P5 said in March 2011, demonstrations in Damascus and rural Damascus began, but the number [of demonstrators] was not big at the beginning. However, P5 said that the numbers increased as days passed.

Prosecutor Klinge asked if the detainees used to be beaten when they were delivered and if there were “welcome parties.” P5 stated that he would speak on what he witnessed. He said that detainees were brought once on a Friday, part of them came from Duma. P5 said they were taken out of the vehicles and stood in front of the wall in the branch’s yard. He stated they were beaten by the personnel [عناصر] and were taken downstairs to the prison.

Prosecutor Klinge, recognizing it is not pleasant to describe, asked P5 if he could describe the beating. P5 said they came with a white vehicle that was not big (it could fit 15 – 20 people inside, but the number was bigger than that). He said the personnel [عناصر] got off and one person [from the forces] stood by the vehicle’s door. The detainees’ heads were covered with their t-shirts and there were signs of beating on them (it seems they were beat in the vehicle) and blood from their noses. The person standing by the door was beating everyone getting off the vehicle and telling them to queue facing the wall. They beat these detainees, indiscriminately, including using electric [stun] batons which made them fall immediately to the ground. This was accompanied by swearing and insults. Then, Accused Raslan came while the detainees were standing before the wall. P5 said that Accused Raslan told them to stop the beating and asked why they were beating them. P5 stated that Accused Raslan told the forces to bring the detainees downstairs to the prison to be interrogated and then they would know if someone was guilty.

Prosecutor Klinge asked more questions regarding the treatment of detainees. P5 said the beating was harsh. He stated that the person who was standing by the vehicle’s door was using his hands to hit. He said there were the forces who were getting the detainees off the vehicle and the one by the wall. P5 said that he previously stated that these were “volunteers” [explained by P5 on Trial Day 16; not a “volunteer” in the traditional meaning] and added that they receive salary. P5 said that an officer could not start off as a volunteer. He said the non-commissioned officers’ (NCO) ranks are known, the officer needs a university certificate, and the NCO reaches a rank, after which he cannot get promoted.

Prosecutor Klinge asked if there were windows in the head of the branch’s office that overlooked the inner yard. P5 said that he thinks that there was [a window], but that was eight years ago [he could not remember precisely].

Michael Böcker, counsel for Accused Raslan, pointed out that his client was not the branch’s head.

Prosecutor Klinge then asked specifically about Accused Raslan’s office, the head of the division. P5 said that the head of the branch is different from the head of the division, and Raslan was the latter. P5 said that there may be a window, not overlooking the yard but he was not sure.

Prosecutor Klinge asked how often P5 used to see Raslan. P5 said very often as he served the military compulsory service for about two years in Branch 251. P5 said that Raslan was still there when P5 left.



Prosecutor Klinge asked if Accused Raslan's authority was cut back or diminished [after the uprising]. P5 said that these matters concerned the high-ranked officers and he does not know.

P5 stated that he wants to explain something. P5 testified about something that he did not mention the previous day as he was not asked about it. P5 said that during the time he was in the branch (maybe in 2012, but P5 did not remember), an officer (who was a second lieutenant or a lieutenant) came [to the branch] and became the deputy of the interrogation division, or interrogator. He might have become a vice-head and Abdelmon'm became the head. P5 would recall the name of this officer, if someone mentioned it.

Prosecutor Klinge asked about the difference between the general intelligence directorate and the state security. P5 said that what they learned in training was that the general intelligence directorate "is" the state security branch and it includes all the branches that were mentioned on the screen [referring to the previous day]. Klinge asked if Branch 251 belongs to the general intelligence or the state security. P5 said that what they learned is that the Inner Branch [251] is responsible for the country's internal affairs. P5 said that the branch pursues anyone who interferes with the country or who undermines the region.

Prosecutor Klinge asked what the major intelligence services are. P5 said that in Syria, there is the air force, military and general (state security) intelligence; each branch has its speciality.

#### ***Questioning about Division 40***

Prosecutor Klinge asked about the characteristics of personnel specifically chosen for Division 40. P5 said that about a month and a half before his six-month training ended, around 40-45 people were chosen by the third class warrant officer المساعد (before an individual came) and P5 was among those 45. P5 said the selection was not specific (e.g. if someone was tall or something). Then, the 45 people went to the headquarters [مركز القيادة] in the training centre. Then an individual/person came and the third class warrant officer and told him that these are the people we chose "Sidi سيدي". It appeared that the person was of a military rank, and the person started to choose from the group. P5 was not chosen, as there were taller people. They [P5 and the unchosen people] got upset and wondered about why they were not selected, as they just wanted to finish the course. P5 said 20 – 25 persons were selected in the first phase and then, 11 – 12 persons were selected from that group. P5 said they asked those who were not chosen in the second phase why they were not selected; those not chosen said that they were asked about their fathers' work and whether they were members of the party [Ba'th] or not. P5 said if any trainee's relatives had problems with the country, he was rejected.

Prosecutor Klinge asked if then one should be pro-regime. P5 said that he does not know if one should be pro-regime, but rather one should have a clean background.

Prosecutor Klinge asked if after the uprising began, people were transferred from 251 to Division 40. P5 said that no officers were transferred and thinks that no personnel were transferred because Division 40 personnel were [vetted and] chosen in advance.

Prosecutor Klinge asked if Division 40 personnel used to transport corpses. P5 said that he did not see corpses and he does not know about division 40, because it is in Al-Jisr Al-Abyad, a different location.



***Questioning about Accused Raslan, other officers and Branch 251***

Prosecutor Klinge said that P5 recognized Accused Raslan and asked whether he recognized Accused Al-Gharib. P5 said that the face is familiar and perhaps he saw him, but the facial features have changed.

Prosecutor Klinge said that P5 mentioned Abdelmon'em previously and asked if P5 meant Abdelmon'em An-Na'san. عبد المنعم النعسان. P5 said yes, probably.

Prosecutor Klinge asked if P5 knew Omar Shannan. عمر شانان. P5 asked if he is an officer and said that he is probably a second lieutenant from Aleppo due to his dialect.

Prosecutor Klinge said that P5 stated in the questioning that "there is nothing that was not allowed to do. Heads were hit against walls and blood splashed. He heard that many died in prison." Klinge asked if P5 knew what happened with the detainees. P5 told Klinge that he did not say that many died, but he suspected only one person to have died. He said that they were massively beaten and he heard sounds and screams but the only person he saw was the one wearing the Gallabiyya. P5 said that was the only non-moving [incapacitated] person he saw.

Prosecutor Klinge said that P5 said in the questioning that he heard that many died in prison. P5 affirmed this, as personnel [عناصر] used to talk to each other and say that because of the torturing, many may die. But, P5 said this was an assumption. He reiterated that they were not allowed to enter the prison in the first place.

*10 minute break*

Plaintiff Counsel Scharmer asked about Abdelmon'em's rank and his relation to Accused Raslan's. P5 said that Abdelmon'em is a lieutenant-colonel, مقدم, and he was the deputy of the division. Counsel Scharmer asked if lieutenant-colonel was subordinate to colonel and several ranks below brigadier general. P5 said that lieutenant-colonel is higher than major.

P5 enumerated the ranks in the following (ascending) order: Second Lieutenant ملازم [one star]; First Lieutenant ملازم أول (two stars); Captain نقيب (three stars); Major رائد (an eagle); Lieutenant-colonel مقدم (an eagle and a star); Colonel عقيد (an eagle and two stars); Brigadier general عميد (an eagle and three stars). He said the following ranks do not exist in the security branches/general intelligence services: Major general لواء, Lieutenant general عماد, Colonel general عماد أول and Field Marshal فريق.

Plaintiff Counsel Scharmer referred to P5's prior statement of how Accused Raslan came and told personnel to stop beating detainees, and asked him if he could estimate when that happened. P5 said this was during the demonstrations in 2011 and he could not tell exactly when, but perhaps after six or seven months. Scharmer asked if it was seven months after the beginning of the uprising in March 2011, and P5 said yes.

Plaintiff Counsel Scharmer asked if the "volunteers" he mentioned were from Branch 251, Division 40 or both. P5 said Branch 251 has many divisions and other divisions delivered to Branch 251, as it is the main branch. P5 said that occasionally, volunteers from the branch, division 40 and other divisions would go to demonstrations. P5 said that frankly he does not know which branch was involved in the specific demonstration mentioned above.



Plaintiff Counsel Scharmer asked P5 if the volunteers stopped the beating when Accused Raslan told them to do so. P5 said yes certainly as they were “volunteers” and he was an officer.

Plaintiff Counsel Scharmer said that P5 said that there were “iron spider-web” windows overlooking the inner yard and asked if they overlooked the outer side. P5 said that the windows overlooked the inner side, only within the branch and not the residential buildings.

Plaintiff Counsel Scharmer said P5 to verify this statement from this prior questioning: “there were small windows for air at the bottom, but he did not know how it looked inside. When people arrived at the prison, Raslan and his deputy were in their offices. Sometimes, Raslan and his deputy went downstairs to the prison, probably because there were rooms for the interrogations. Otherwise, P5 heard that interrogations were upstairs. P5 heard screams of pain and begging as well as insults.” P5 said this statement was correct.

Plaintiff Counsel Scharmer asked P5 to verify this statement: “P5 was never in prison and always heard screams.” P5 said that he used to hear screams when he used to cross the branch’s yard and head to the restaurant or housing, but not “always.” P5 said he meant in the time he was in the branch, and “often/غالباً” but not “always.”

Plaintiff Counsel Mohammad said that P5 previously stated “there is nothing they were not allowed to do” and asked if that includes sexual mistreatment. P5 said no, he did not witness that; rather, he meant that all methods of beating were exercised on detainees.

Plaintiff Counsel Kroker mentioned that P5’s previous statement “that it would not be exaggerated to say that it was their daily business and the branch was proud about the delivery of many detainees, they would have boasted about it” and added that “P5 did not see corpses, because there was a warning.” P5 said that this warning was in regards to an incident with his colleague, who took a photo. P5 said that colleague was scolded and went down to prison, as photos were not allowed to get outside. P5 added that it is known that all security branches are secret; one was not even allowed to tell his family about his service and the names of the officers.

Plaintiff Counsel Kroker asked if there were females among the delivered detainees. P5 said that he only once saw females who were delivered. He said there was a demonstration in Arnous square *ساحة عرنوس* in Damascus and he heard from his friends that the female detainees were released, but he does not know for sure.

Michael Böcker, counsel for Accused Raslan, asked if P5 heard or was told that people were interrogated in Raslan’s office or the deputy’s office. P5 said he was a normal staff member [عنصر] and questioned who would tell him that. P5 explained that when he and others used to pass by the Branch’s yard, the prison was on their left side. He said the blindfolded prisoner and the guard used to take the five steps upstairs, then five steps to the interrogation division. He said that anyone who was passing by the yard and looked left would see that the prisoner was heading to the interrogation. In response to a further question, P5 added that he saw them heading to the interrogation, but the interrogation itself was not conducted in front of him.

Judge Wiedner asked if Accused Al-Gharib's face was familiar from the time of P5’s service and if P5 could estimate the time period. P5 said that it was eight years ago and the face is familiar, but he was not 100% sure. In response to a further question, P5 said that there was a photo array in his questioning, and he said that face was familiar, but not that he knew the person [Al-Gharib].



Judge Kerber asked what were the condition of detainees taken to be interrogated. P5 said that they were exposed to beating [it appeared that they have been beaten].

Counsel Mohammad read out his statement again. Judge Kerber asked if that was a suggestion or a petition, and Mohammad said that it was a petition.

Proceedings were adjourned at 11:30 a.m.

### **Trial Day 18 – July 06, 2020**

There were about 6 spectators and 3 individuals from the media present. The proceedings began at 9:30 am.

### **Testimony of P6 [redacted]**

The witness was P6 a 45-year-old dentist and writer who resides in Berlin.

Judge Kerber asked P6 if he is a relative of one of the accused, and P6 said that Accused Al-Gharib was his cousin.

P6 began to speak about his experience in Syria, but was interrupted when one spectator from the press took photos inside the courtroom. Chief Judge Kerber saw him and summoned him to the judges' panel. She was upset and demanded that he delete all photos immediately. Kerber then handed the phone to an IT personnel. Kerber reiterated that taking photos and recording of any kind are prohibited in the courtroom, and individuals can be fined. She did not fine this individual as she did not know if he was present when she first gave the warning, but this person may not be allowed to bring his phone inside again. Kerber apologized for the disruption.

### ***P6'S background and detention***

P6 resumed and said that he said he took an interest in Syrian political affairs at an early stage. He stated that after Hafez Al-Assad died, he attended political discussions during what was known as the "Damascus Spring" (2000 – 2001), especially with [redacted]. P6 said that he and colleagues established a small forum that addressed various cultural and political topics, and he began to build relationships with ex-opposition figures (some personal friends and other acquaintances). P6 said he began to write about Syrian affairs in 2007, including secularism. When the uprisings in Egypt and Tunisia began, P6 said that he, like many others, was excited about the possibility of it reaching Syria. He said he participated in the first demonstration from the beginning on March 25, 2011 in Duma, and participated in other demonstrations as well.

P6 said he was detained on April 8, 2011 for about 10 hours. He said there was an unsuccessful attempt for a demonstration at Ar-Rifa'i mosque جامع الرفاعي in Kafar Souseh, كفر سوسة and the security and *shabiha* forces dispersed the demonstrators. P6 and his friend headed to Al-Baramkeh البرامكة and entered an internet café. P6 said he attempted to write a small report online about the demonstration, but security forces came to the café and detained them. He added that two taxis and other vehicles were waiting for them.

P6 stated that one month after the incident, the café manager told P6 that a security personnel [عنصر أمن] was following them, went inside the café, spoke to the manager and asked him if it was possible to monitor what they were doing. The security personnel was able to monitor the activity and when P6 posted the article on Facebook, the security personnel came and they were taken (via cars) to Palestine branch, where the interrogation lasted from 02:00 pm to 12:00 am. P6 said that he preferred to begin the questions; he could share more details, but did not know if it was important.

Judge Kerber asked if he was handcuffed. P6 said that he was handcuffed in the café and was taken to the car. A security personnel [عنصر أمن] came and told the officer that P6 closed his Facebook account before leaving. Therefore, P6 was taken from the car and inside the café to open his account. P6 said that in the car, they were asked about their names and professions. P6 said that he



was a dentist and a journalist and his friend was a philosophy teacher and a journalist. He stated that security forces got surprised and felt that they got a valuable “catch.” P6 testified that they were told not to be afraid and that it was a routine investigation. They were transferred three to four times between the Branch’s floors and asked simple questions to get information, before being taken to the main interrogation.

P6 said that the interrogator described himself as a “young man,” said he was a college graduate, and it would be a friendly talk. The interrogator began to ask P6 about his political affiliations, why P6 was interested in the demonstrations and why P6 was publishing fake-news on Facebook. P6 told the interrogator that he was not a member of any party; he was merely interested and the uprising was necessary. P6 said they took his Facebook’s account information, but fortunately P6 abided by the known safety instructions: each Thursday, he deleted anything that would cause harm if leaked.

P6 was transferred to another captain’s office. He said he was asked if he was from [redacted]. The new interrogator added that many of them from there are educated and are officers in the army, and asked why P6 was involved and interested in vandalising actions. P6 said he did not get beaten then; he was only sworn and insulted at. P6 testified that when they were transferred between the rooms, there were two to three detainees next to the wall with their hands behind them, and personnel [عناصر] used to swear at them or beat them when they passed by. P6 said they were told by personnel [عناصر] that these detainees were informants, and that P6 is different and should not be afraid.

P6 testified that around midnight, perhaps the Branch’s head on the seventh floor spoke with them for about 10 minutes and gave them a lecture about patriotism and democracy. P6 said that they were monitoring their page [could be Facebook page] and that their friends were publishing about their detention. Therefore, the official asked them to tell the truth and that they would be treated respectfully. P6 stated that the official said if they faced any problem to come to him. Then, they were released.

Judge Kerber asked how P6 knew that it was Palestine Branch. P6 said that he lived for two years in the area and thus, knew that it was a security area. He said he also heard that the Patrols [Branch 215] and Palestine [Branch 235] branches were there.

### ***Questioning about Accused Al-Gharib***

Judge Kerber asked various questions about P6’s relationship with Accused Al-Gharib. P6 said they did not grow up together as P6 and his family were living in a different province and he used to meet relatives only in summer. P6 testified that he does not have information as to how Al-Gharib was as a child. He said that he and his family used to go to [redacted], and Al-Gharib and his family were in [redacted]. P6 said that they used to go for around one week to the village [redacted] in the two month-long summer vacation.

Judge Kerber asked about Accused Al-Gharib's education and work background. P6 said he does not know if Al-Gharib passed baccaureate/high school , بکوريا but knows that Al-Gharib did not continue his studies. P6 said that after high school, Al-Gharib volunteered in the security forces and the Ministry of Interior, but he was not sure.

P6 said that his actual relationship with Accused Al-Gharib started in 2001 after P6 finished college and flag [military] service. P6 opened a dental clinic in the area where Al-Gharib was living (in [redacted]). Al-Gharib was there, along with many relatives from [redacted]; that is why P6 opened his store there. P6 said that he occasionally met with Al-Gharib as Al-Gharib used to sometimes come with a relative or with his wife to P6’s clinic.

Judge Kerber asked if Accused Al-Gharib shared details with P6 on his work. P6 said that Al-Gharib said that he was a sports trainer in Najha and then worked in the religions division. P6 said that Al-Gharib mentioned an incident. P6 said there was a new movement [group] in the society called “emo,” and Al-Gharib gave P6 a report about that movement [group]. P6 recalled that it included an



interview with a mosque sheikh, a Christian cleric and a university professor in psychology. P6 said that is what he knew about Al-Gharib's work in the religions division.

Judge Kerber referred to P6's 2019 questioning, where he was asked about Al-Gharib's political position. P6 testified that he previously stated that Al-Gharib clearly declared his support for the uprising in front of P6 and others from the beginning. P6 did not mention the following in the questioning of September 2019: Al-Gharib came once to P6's clinic (perhaps to bring his son to treatment) in February or March 2011, two – three weeks prior to the uprising. P6 asked Al-Gharib about the security forces, and Al-Gharib said that they were put on alert completely. P6 stated that Al-Gharib said that they knew that an uprising would happen, and "God willing," it will happen.

Judge Kerber asked about Accused Al-Gharib's actions in the security forces and in the religions division. P6 said that he has no idea and Al-Gharib did not tell him. Kerber said that P6 stated in a prior questioning that Al-Gharib said his work was not routine since the beginning of 2011 as his work changed and he started to work overtime from March 2011 onwards. Kerber noted that P6 just said that Al-Gharib did not tell him, and reminded P6 that his duty was to speak the truth.

Judge Kerber asked again, what Al-Gharib was doing. P6 said that Al-Gharib's duties were clear, and added that he does not know his daily routine or details. P6 said they [religions division] used to go out on Fridays to monitor where demonstrations were anticipated to emerge from. P6 said that is what he knew and that is what he witnessed in other demonstrations from the *shabiha* and security forces.

Judge Kerber asked how Accused Al-Gharib was feeling inside the branch, and if there was tension between Sunnis and Alawites. P6 said that Al-Gharib mentioned an incident, but does not know if it occurred frequently. P6 said that Al-Gharib was with two of his colleagues, and one of these two heard that the detainees' vehicle [arrived]. P6 said that when this person heard the bus, he took the baton and went to participate in the "welcoming party" to beat the detainees. P6 stated that Al-Gharib was very angry, because it was not [the person's] task and was not required from him. P6 said this happened maybe in Al-Khatib, but he only knew about that by following the ongoing trial.

#### ***Questioning about Division 40***

Judge Kerber asked about Division 40. P6 said that he does not know the Division's work, but Al-Gharib mentioned Hafez Makhlof حافظ مخلوف more than once, talked about his cruelty and tyranny, and mentioned the shooting incident in Duma. As far as P6 remembered, he said that Makhlof got out of his 4x4 car and put his foot on the car's door step and started shooting. P6 said that he heard that from Al-Gharib. P6 said that he does not know how Al-Gharib knows this and he did not ask him.

Judge Kerber asked if P6 knew if Accused Al-Gharib worked in Division 40. P6 said that he does not know. Kerber asked him to remember, but P6 said that he does not know at all. Kerber asked one more time and P6 said he does not remember; Al-Gharib only talked about Makhlof and mentioned that he threatened the forces [العناصر] and asked loyalty for the regime. P6 said that was what he recalled, but he had no information if Al-Gharib was in Division 40. P6 said that he read and heard that Makhlof is the head of the Division.

Judge Kerber asked about Division 40's reputation in Syria. P6 said that he does not know, but said that generally, all branches and divisions are human slaughterhouses that kill and torture people. P6 said that therefore, a division controlled by Makhlof, is a true hell.

Judge Kerber said that P6 stated in his September 2019 questioning that "the regime had no trust in Al-Gharib anymore. He had office work, which was a sign that the regime did not trust Sunnis. Al-Gharib told P6 that he was transferred to Division 40 in July 2011." P6 said that he does not remember these details, nor does he remember the relation between Division 40 and Branch 251.

#### ***Questioning about Accused Al-Gharib, continued***



Judge Kerber asked about the service weapons. P6 said that Al-Gharib told him that the weapons were withdrawn from them [after the uprisings], and that they did not have weapons as before.

Judge Kerber asked about the time-frame. P6 said that it is difficult but recalls that it was in summer. He said that Al-Gharib mentioned that he felt aligned on the basis of religion and sectarian groups. Judge Kerber asked if that was related to the withdrawal of weapons. P6 said maybe and that Al-Gharib told him that there was doubts and mistrust, and the atmosphere was tense. P6 said that the weapons were withdrawn and only given when there were demonstrations, but he did not remember.

P6 testified that Accused Al-Gharib told him once that there was a decree to detain an activist involved in the demonstrations, maybe in [redacted] P6 said that Al-Gharib told him that Al-Gharib sent a warning through a relative of that person, who told that individual he had to flee or hide. P6 said this occurred around May - August 2011, but it was difficult to remember.

P6 also testified about his friend who was warned. He said that his memory regarding the details of the event was not clear (especially about where he heard the information; whether it was directly from Al-Gharib or from another relative), but it did occur. P6 said that he was told that there was a decree to detain that individual, and they knew that P6 knows that individual. P6 said he was asked to warn her, but told them that the individual was basically hiding and was not going to her house regularly. P6 said her name was [redacted].

P6 said that he wanted to mention a small detail that he knew from Accused Al-Gharib's brother. He said that no one from P6's family or from Al-Gharib's family knew that P6 was going to testify. However, Al-Gharib's brother [redacted] called P6 when they were searching for P6's two cousins in the Caesar photos. P6 told him that there was a witness who was going to testify anonymously in Al-Gharib's case. He said that Al-Gharib's brother got surprised and said that this witness could testify in favour of Al-Gharib. P6 knew this information about this witness through media. Al-Gharib's brother called P6 and told him that there was a piece of information and was wondering if they could prove it, that Al-Gharib knew that there was an ambush for [redacted] and that she was going to be detained from a commemoration of someone's death [عزاء] and that she was going to visit in the "camp" in Al-Qadam, القدام in Al-Yarmouk camp, مخيم اليرموك. P6 said that Al-Gharib tried to reach her through the area's mayor to warn her [مختار المنطقة]. P6 said that information was from Al-Gharib's brother a week ago.

Judge Kerber asked how they ended up at [redacted] story during their conversation. P6 asked if he could bring his phone inside the courtroom in order to show the WhatsApp [conversation] history and how they ended up mentioning [redacted]. Kerber allowed it and asked the security guard to bring the phone. P6 said that it was in box number 6.

Judge Kerber said that until the phone arrives, she wanted to ask what Al-Gharib's rank was. P6 said third or first class warrant officer [مساعد أو مساعد أول].

The phone was delivered and Judge Kerber asked the witness to approach the judge's panel and show how they ended up speaking about [redacted]. P6 said that there was a voice call that happened with Al-Gharib's brother which addressed how they could prove that Al-Gharib tried to reach out for [redacted] and if that could be in favour of Al-Gharib.

The phone's screen was shown through the projector. A WhatsApp conversation dating back to June 24 was shown. P6 started to read out the conversation.

*"Hallo, how are you? Are you busy/free?"*

*"Do you remember appearance of [redacted] my cousin, son of my uncle [redacted]?"*

*"Yes, I know the image"*

*"Is this the image?" [a corpse image was shown in the conversation]*



*"I saw the photos yesterday and was suspicious, but no one was really him"*

*"I search for [using] the ear and the nasal bone"*

*"It is close, but not his photo"*

*"[redacted] is brown and this one is lighter"*

P6 said that they continued discussing the photo. Then, he scrolled down the conversation. P6 said: "Today there is a witness testifying anonymously concerning Eyad" [اليوم فيه شاهد مخفي بخصوص إياد]. Al-Gharib's brother answered that he was surprised. P6 asked him if he got an idea who the witness would be and Al-Gharib's brother said no. P6 told him that he read on Facebook or somewhere else that there would be an anonymous witness and maybe he would testify in favour of Al-Gharib. (there was a journalist from Levant who was covering the subject). He told P6 that he remembered an important thing and they talked about the [redacted] incident and then he asked P6 if they could reach [redacted] and ask her if that story happened.

Judge Kerber told P6 to take his phone back and go back to his seat. Kerber asked P6 if he was already planning to show that conversation prior to testifying, and P6 said no.

P6 asked if he could read out a testimony about a detainee in Al-Khatib branch who was detained in August 2012 for six months. The testimony was written in September 2016 and P6 shared it on his page [could be Facebook] in December 2016. P6 thought that the testimony could be of benefit, because it was about Al-Khatib and the conditions inside it.

P6 said that he wanted to clarify a point and stated that he completely supports the victims and justice. He said he is standing with Al-Gharib, but that does not change his position [of supporting the victims]. P6 wanted to read out the testimony before the court to describe to the horrible circumstances inside Al-Khatib.

Judge Kerber said that P6 stated that Al-Gharib was a sergeant major in his police questioning. P6 said that it could be a mistake in the translation.

Judge Kerber asked about Al-Gharib's defection. P6 said that Al-Gharib defected at the end of 2011, after P6 was released. P6 said that he personally knew that Al-Gharib was talking about defection since August or September, and they were advising him to take his time and arrange his family situation first, because defecting is not easy. After Al-Gharib defected, P6 did not see him. One or two months later, P6 said he heard that Al-Gharib travelled and he has not seen Al-Gharib until today [the day of the testimony]. He said they spoke twice: once on the phone in July 2018 when P6's mother died and then when Al-Gharib was released the previous year, as P6 called him to congratulate him.

*15 minute break*

Judge Kerber asked P6 about his background and education. P6 spoke about Al-Gharib's education and said he does not know if Al-Gharib graduated in [redacted] or [redacted]. He said the school was in [redacted], but he does not know where the final high school graduation exam بكوريا was held.

Judge Kerber asked if P6 knew whether Al-Gharib did a training or a military service. P6 said that he knew general information – that someone does a six-month training course when they volunteer in the security or military [field]. P6 gave an example that he did his military service between 2001 and 2003 as a doctor. He used to learn military science/knowledge and do sport exercises.

Judge Kerber asked if Al-Gharib joined the army or the security forces. P6 said that he does not remember Al-Gharib volunteering in the army. He knew that Al-Gharib was in the state security and does not know if state security was under administration of ministry of interior. P6 does not know the functional attribution/description, whether they were soldiers or have different names.



P6 said that he has no idea if state security is part of the intelligence services. Judge Kerber asked about state security. P6 said that the Syrian state security has two roles: (1) theoretically, it is supposed to protect the state and keep the people safe, but (2) in reality it monitors its own people and helps keep the regime in power.

Judge Wiedner said that P6 stated he was with the opposition, then asked if P6 did not have a problem with his cousin working for the state security. P6 said all he knew was that Al-Gharib was a sports trainer in Najha. P6 said he knew that Al-Gharib's intention was not to harm or damage anybody. Additionally, P6 said that during his work in his clinic, many people from the security forces and the army used to come, and many people from his village, relatives or acquaintance were in the army or the security forces. He said they used to know who was embroiled in certain obscenities [سفالات] and who was not (he meant before the uprising). He said there were many or some people whom they knew were corrupt or were harming people and therefore, they did not deal with them. Therefore, if P6 knew that Al-Gharib was a bad person at that period during his work, P6 would have not dealt with him.

Judge Wiedner said that he did not understand. He stated that P6 was detained after the uprising, and that Accused Al-Gharib's work was not routine anymore as Al-Gharib was monitoring mosques and witnessed detentions. Judge Weidner asked if P6 did not have a problem with this [i.e. was it not contradictory].

P6 asked if the question could be repeated, because he wanted to comment on the routine issue.

Judge Wiedner repeated the question. P6 said that he talked in February with Al-Gharib about the status of the security forces and Al-Gharib said that they were put on a complete alert. Regarding this issue, security forces used to bring junior employees from the country departments in March and April. These employees were [used] to prevent demonstrations or to do pro-regime marches. P6 said the whole regime was on alert, not only the security forces. Everybody who knew P6, knew that P6 was participating in demonstrations. However, P6 said he (and also many other relatives of Al-Gharib) were not afraid that Al-Gharib would report them.

Judge Wiedner asked how security forces dealt with demonstrations. P6 said that the first demonstration he joined was on March 25, 2011 in Duma. A pro-regime march of 100 – 200 people carrying the president's photos came from the other side. He said they knew that these people [marching] were employees and simple workers.

P6 said there was certainly violence from security forces against the demonstrations in May or late April after his detention, and he stayed home around four weeks out of fear. Then, he said he went to Kafar Souseh to participate in a demonstration. They were waiting at the square opposite to the mosque for the demonstration to get out [of the mosque] so that they could join it. At that time, the security forces closed the grand mosque's door, scattered demonstrators and forbade recording. Fifteen minutes later, a 24 passenger bus came. A group of military forces or soldiers wearing uniforms and carrying batons got off [the bus] and assaulted the demonstrators. P6 said they beat and detained people, but P6 does not know how many.

Judge Wiedner said that P6 experienced that situation and yet had a cousin who worked in the security forces and then in division 40 that has a bad reputation. Wiedner then asked if he did not find that a problem. P6 said that Al-Gharib declared to P6 clearly that he supported the uprising.

Judge Wiedner further asked P6 about this contradiction. P6 said that Al-Gharib did not mention participating [in such actions] or detaining demonstrators. Wiedner asked if P6 asked Al-Gharib about that. P6 said no, he does not remember. P6 did not look at Al-Gharib that way and therefore, P6 was considering Al-Gharib as part of the uprising, not against demonstrators. P6 said that Al-Gharib declared that he was with the uprising.

Judge Wiedner again asked about this contradiction [of how Al-Gharib was with state security and the uprising at the same time]. P6 said that he did not see a contradiction provided that Al-Gharib was helping demonstrators and detainees. He said that even if Al-Gharib did not help demonstrators



and detainees, it is enough for one to declare [his support for the uprising] or to be known that one is anti-regime [that would get someone in big trouble].

Judge Wiedner said that he was understanding this less and less. Wiedner stated that P6 remarked that branches are slaughter-houses, but P6 was still satisfied because Al-Gharib was ideologically on the other side. P6 said that he apologized and said that he thinks that the question format was not correct. P6 assumed that Al-Gharib was on the side of the uprising and was not looking at Al-Gharib as an accused.

Judge Wiedner said that P6's cousin is a defendant in the case and is accused of detaining demonstrators and delivering them to Al-Khatib. He asked P6 if knowing this would be surprising for P6. P6 said that he did not know that, nor did Al-Gharib tell him that he was personally participating in this charge. P6 said that he wanted to clarify a point: in spite of him knowing Al-Gharib, they did not used to meet daily or weekly. P6 said he was speaking based on the limited meetings.

Judge Wiedner said that P6 was treated well during his detention in Palestine Branch, which was not the usual case and asked about the reason. P6 said that he was detained on April 8, 2011, which means in an early time of the uprising. In P6's opinion, the plan of the regime in that time period was to limit violence. They were using a certain level of violence, which one could see in the numbers of martyrs who fell [died] on Fridays. Every two weeks, a certain number fell [died]. After that, the number rose. Therefore, more and more violence was used. P6 was lucky that he was not beaten but only sworn at.

Judge Wiedner asked P6 if he had advocates [in the security branches] and if he mentioned that his cousin worked for the state security. P6 said no; he did not mention that, but when he was detained and they took his Facebook account, many friends asked a lot about P6 and his friend who was detained, and wrote that they were missing and maybe detained. He said that is what the branch's head told them.

Judge Wiedner asked if there was a translator and a reverse translation during the police questioning. P6 said yes. P6 said there was a misunderstanding with the translator but they worked on it and there were no technical problems.

Prosecutor Klinge asked if a person called [redacted] was in their family. P6 said no.

Matthias Schuster, Counsel for Al-Gharib, said that P6 said in the police questioning that people from his region were increasingly joining the state security. P6 said no; he said that around 500 people from [redacted] were officers in the army - some in security forces or other departments, but not "all" or even "most" of them in security forces.

Counsel Schuster said that P6 said that other family members reported about Al-Gharib's desertion. P6 said that on the first or second day [after he deserted], [redacted], Al-Gharib's older brother, visited P6 in the clinic and told him that he submitted a notice that Al-Gharib was missing. That was the common excuse used to cover the desertion to avoid being pursued (either missing or abduction). P6 said that Al-Gharib's brother came to P6 to the clinic and told P6 that he submitted a notice [بلاغ] was translated as "Vermisstenanzeige" i.e. "missing person report", but not in the newspaper or media. P6 said Al-Gharib's brother also said that dozens submitted such reports.

Counsel Schuster said that P6 said that it was not in a newspaper nor in media and asked if Al-Gharib's brother went to the branch. P6 said that he does not know.

Plaintiff counsel Sebastian Scharmer said that P6 said that they had a conversation with the brigadier general and the latter told them to come whenever they have a problem. Scharmer said that it sounds like a job offer. P6 said that the security forces [عناصر الأمن] who took them were speaking with each other that they would take them to the brigadier's general's office and then they would be released. P6 said that of course it was a job offer; it was obvious. At that moment, P6 and his friend only wanted to go home. This may not help the case, but it was funny: at that moment, the brigadier general (after his offer) asked them if they lost something from their belongings at the detention.



P6's friend said that he bought a new USB/flash drive and lost it. The brigadier general asked how much did it cost and put his hand in his pocket, as if he was looking for money. P6 said that the situation was funny, because that branch (and other branches) are human slaughter-houses and that behaviour was caricature-ish in that field [it was "funny" as who would ever think that a head of a branch would have some conscience to tell him that "if they lost something because of us, then we must compensate them"].

Counsel Scharmer asked if P6 accepted the "job offer." P6 said of course not.

Judge Wiedner asked P6 questions about Accused Al-Gharib's background. P6 again remarked that his relationship with Al-Gharib started later in life, when he opened his clinic.

The proceedings were adjourned at 12:10 p.m. The next trial will be July 29, 2020 at 9:30 a.m.