





TRIAL OF ANWAR RASLAN and EYAD AL GHARIB Higher Regional Court – Koblenz, Germany Trial Monitoring Report 12

Hearing dates of September 9 and 10, 2020

CAUTION: Some testimony includes descriptions of torture.

Summary / Highlights:¹

Trial Day 30 – September 9

• P14, a 55-year-old man, testified about his experience working as a civil servant, supervising burials of corpses from the state security apparatus, including from Sednaya Prison. He details the gruesome condition of the corpses with faces disfigured by acid and decomposing as well as the lack of sanitation for the team of civil servants that unloaded the bodies into the graves. His descriptions allude to torture in the prisons and hospital-directed deaths. As a supervisor to this team, P14 sheds some light on the record-keeping practices for mass graves and the secrecy surrounding the corpses and mass graves. Although the witness testified with a disguise to protect his identity, he walked outside the courtroom and spoke with his attorney without the disguise.

Trial Day 31 – September 10

• P14 continued his testimony showing a sketched example of the burial records, indicating numbers and locations. He also identified on a map the Al-Qutayfa and Najha cemeteries where he worked and described their surrounding locations. P14 clarified questions about which hospitals sent corpses to be buried in mass graves and the security codes that were assigned to the hospitals and prisons. The defense attempted to get more clarity on P14's job before the Syrian conflict, however, P14 did not answer those questions in public as he was concerned about revealing his identity.

Trial Day 30 – September 09, 2020

The proceedings began at 9:30 am. There were about 9 spectators and 5 individuals from the media present.

Chief Judge Dr. Kerber asked the translator to translate what she was going to say [as she does routinely]. She asked if any accredited Syrian journalists needed headphones for Arabic translation. One of the spectators raised his hand. Judge Kerber asked him to introduce himself. He said that his name is Tarek Khello طارق خلّو and that he works for a German media channel. Judge Kerber pointed out that he was speaking with her and understood her in German, so she asked why he needed headphones. He said that he would not understand everything in German. Judge Kerber told him that he needs to meet with her during the break because she wanted to know whether he was related to the person who filed

¹ Throughout this report, [information located in brackets are notes from our court monitor] and "information placed in quotes are statements made by the witness, judges or counsel." Note that this report does not purport to be a transcript of the trial; it is merely an unofficial summary of the proceedings. The names of witnesses have been redacted.



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a second case regarding the Arabic translation. [Khello was given a headset after this conversation. He was the first accredited journalist to receive a headset for translation. He also received a headset the following trial day, however, he was the only person to receive the headset.]

Defense Counsel Fratzki entered an administrative objection and disagreed on the use of certificates, UN reports and the Federal Office for Migration and Refugees (BAMF) report on September 2 and 3. There would not be an immediacy through a direct witness, it was only indirectly read out and was therefore objected to by the defense lawyers.

Senior Prosecutor Jasper Klinge reserved a right to respond later.

Judge Kerber said that on August 4, the witness decided that he would not give personal information. The witness wanted to conceal his face because he was threatened.

The witness P14, code-named Z30/07/19, entered the courtroom with his attorney Bernhard Docke from Bremen.

Linke mentioned concerns because he wanted to see the witness' facial expressions.

Judge Kerber asked if Linke knew about the threat against the witness' family in Syria. Linke replied that it would not change his opinion the fact that facial expressions are not visible.

Judge Kerber allowed P14's partial disguise. Even if he would have played only a secondary role within the system, there was still a threatening situation for the witness.

Linke objected and demanded a court decision.

15 minutes were given for the decision. In total, there was a 30 minute break.

The court decided to allow the partial disguise. He was a former member of a governmental office and is worried about his family in Syria and his relatives had already been threatened.

Linke wanted the decision in writing and asked for a 30 minute break.

35-minute break

Linke objected to the decision (remonstration): the person would be sitting in the front and cannot be seen by the people behind him. There were no film recordings or photographs. A threat would not be given regarding his identification. Facial expressions are valued as recognition of evidence and a mask would prevent this. Linke mentioned §68 (3) III StPO.²

Klinge responded that §68 (3) III StPO would apply when a witness gets threatened. If plaintiff lawyers ask questions, he might reflexively turn around and show his face.

² If there is reason to fear that revealing the identity or the place of residence or whereabouts of the witness would endanger the witness' or another person's life, limb or liberty, the witness may be permitted not to state personal particulars or to state particulars only of an earlier identity. However, if so asked at the main hearing, he shall be required to state in what capacity the facts he is indicating became known to him. Documents establishing the witness' identity shall be kept by the public prosecution office. They shall only be included in the files when the danger ceases.





Fratzki said that plaintiff lawyers could sit in the front and this argument would not count.

Break

The court did not change its decision.

Linke said that he could not see the witness and that his lawyer should move a bit backwards.

Testimony of P14

P14 is 55 years old. He was asked if he wanted to answer whether he is related to the accused. P14 responded no. Judge Kerber clarified whether he meant that he does not want to share the information or if he is not related to the accused. P14 said that he wanted to proceed and he is not related to the accused.

Judge Kerber said that P14 was questioned twice by the German police. He was asked about his occupation at the burials of possibly murdered people. Judge Kerber asked what could he say about this. P14 said that he used to work in the Damascus governorate [P14 probably meant the Damascus do refer to the building itself "المحافظة" to refer to the building itself as a civil worker [servant, but he used the word "worker"]. When the Syrian crisis began, 20 [مبنى المحافظة officers from the intelligence services were relocated to P14's place of work [فرز] at them]. P14's [original] task/work was to conduct traditional burials (the one with prayer), but after that, the officers There, they مشفيي تشرين و حرستا العسكريين).) forced them to go to Tishreen and Harasta military hospitals found big cargo trucks [lorries]. P14 and his coworkers were forced to take the trucks, accompanied by intelligence services forces/personnel, to bury "them" ["corpses"]. There were so many corpses, gathered/collected from all intelligence branches: military, Al-Khatib, political [security], and several other branches. They [the corpses] were taken to an unknown place, where there were already big excavations/diggings/holes [the words in Arabic are similar to each other, حفريات and حفريات] that were about six meters deep. From the lorries, they put the people [corpses] in the holes. The corpses used to come twice a week from the hospitals while the corpses from the Sednaya صيدنايا executions used to come on the same day [of the execution]. The number of corpses was big from 2011 to 2017 and the workers had no vacation. In some cases, high-ranking officers were present at the burials and they [P14 and his colleagues] were not allowed to come close to the area. This happened two or three times a month when the subject matter was classified/secret. P14 and his colleagues were not given papers/documents to know the exact number of corpses (they were given approximate numbers). They (we) used to see in civilian hospitals how the killing... [P14 did not finish his sentence].

Judge Kerber asked whether P14 saw the hospitals killing people or heard of it from others. P14 said that they were taken to Al-Mowasa المواساة and Al-Mojtahed المجتهد [hospitals] where the refrigerated trucks and the corpses were collected and they [P14 and colleagues] took them [the corpses]. A person in the hospital told P14 that they killed five people on that day, but P14 did not see that himself.

Judge Kerber repeated that P14 mentioned 2011 – 2017 and asked about the month. P14 said from October or November, he does not remember exactly.

Judge Kerber asked if P14 meant in 2011. P14 confirmed.







Judge Kerber asked P14 to describe the refrigerated trucks. P14 said that the trucks used to come and park/queue up and the corpses were collected in them.

Judge Kerber asked about the truck's size. P14 said that they were similar to cargo trucks, so about 11 meters.

Judge Kerber inquired about the number of corpses. P14 said that it was not always the same numbers, but they were huge numbers.

Judge Kerber asked for an approximate number, as P14 had given during police questioning. P14 said 500 to 700 corpses.

Judge Kerber asked if he counted them. P14 said no, he did not count them himself.

Judge Kerber asked if the numbers were always in the hundreds. P14 said that it depended on what the officers told them. They told them to write down estimates like 200 or 500.

Judge Kerber asked about P14's task. P14 said that he had a notebook with the inventory/list [عملية [الجرد]

Judge Kerber asked if he registered the documents. P14 said that the corpses were gathered from all of the military hospitals and branches, such as from the military branches Palestine 120 – 150, the Air Force, the military security, the area branch [Branch 227], Company 215, etc. They used to receive corpses from all of the branches of the Syrian regime.

Judge Kerber asked what P14 registered/wrote down. P14 said that they used to register the branches and the number of corpses next to them. When the corpses came, they had stickers on their heads and chests with numbers on them. They [the corpses] came naked and they [P14 and colleagues] saw the numbers and symbols [on the stickers] from far away. The corpses from Sednaya executions were buried on the same day [as the execution] but at night. The burials were in three areas: sometimes in Al-Qutayfa نجها, and sometimes in Najha نجها, while the Air Force [intelligence] used to bury the corpses in the same branch [as the execution].

Judge Kerber asked if they counted using the numbers on the corpses or in the documents. P14 said that the numbers were in the documents and they did not use them to count.

Judge Kerber again asked what they registered/wrote down. P14 said they just wrote the name of the branch.

Judge Kerber asked if there was anything else. P14 said the name of the branch and the number.

Judge Kerber asked if P14 meant the number of corpses or the number on the foreheads of the corpses. P14 clarified that they wrote the number of corpses.

Judge Kerber asked P14 about Division 40. P14 said it is state security like Al-Khatib branch. Corpses came from the State security administration, Division 40, Al-Khatib branch, Palestine branch, the political security branch, the area branch, Company 215, the patrol's branch, and they [the corpses] even came from the Air Force administration.



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Judge Kerber asked which branch most of the corpses came from. P14 said that he used to hear officers saying that on particular days ["today"], the state security was really working [meaning: today, the state security is "going ham"].

Judge Kerber recalled that P14 saw the trucks in front of the hospitals and asked if he went inside the hospitals as well. P14 said that they were accompanied by civil workers. Mobile phones were not allowed, nor were they allowed to speak with each other. [The corpses] from Sednaya Prison's executions were obviously from the same day [the people were killed on the same day they were being transported; i.e. fresh]. There were two or three cars with bodies that came twice a week.

Judge Kerber asked how they were transported to the graves from the hospitals. P14 said that a patrol [of cars] used to come to take them [P14 and his colleagues] from their workplace.

Judge Kerber asked where they were taken to. P14 said to the burial locations: Najha and Al-Qutayfa.

Judge Kerber asked how big the graves were and if they were six meters deep. P14 said that the excavator's driver told them that he dug six meters deep each day and the bulldozer's driver said that he made a mountain of dirt [soil].

Judge Kerber asked if P14 saw that. P14 confirmed.

Judge Kerber asked about the length and the width of the hole. P14 said that it was long, about 100 to 300 meters.

Judge Kerber asked about the width. P14 said 3 or 4 meters to 10 meters [P14 was estimating and indicated he meant "something like that"].

Judge Kerber asked if P14 saw the corpses being buried. P14 said that he was standing about ten meters away, because of the smell. The refrigerated truck used to come, they would open its [rear] door, the workers would climb into the truck, and then they would push/shove the corpses out.

Judge Kerber asked whether the corpses were carried [to the graves] or dumped [like unloading a sand truck]. P14 said dumped and the bulldozer backfilled it.

Judge Kerber asked how many graves there were. P14 said that the bulldozer leveled the ground/land and cleared a large surface area. That area is dug up. For example, the diameter of the hole was 4000 – 5000 meters [The translator said "square meter," however, the witness used the word diameter it was implied].

Judge Kerber asked if the hole was closed/filled up in one day. P14 said it took more than one day to be filled, sometimes over a month. They used to dig and backfill repeatedly. P14 said that the holes were not aligned with each one in a certain place.

Judge Kerber asked P14 to describe the appearance of the corpses and if, for example, they were skinny. P14 said that the workers who unloaded the corpses told him that there were apparent signs of torture on the corpses. The facial features were erased/wiped out and there were bruises and redness on them. The corpses from Sednaya had marks from a rope wrapped around the neck. The corpses were intact, but the abrasions appeared new/fresh and there were signs of electrical currents on their bodies and their fingernails had been extracted.





Judge Kerber asked if P14 personally witnessed that. P14 said that he did get closer to the corpses from Sednaya because they did not smell.

Judge Kerber asked if P14 saw bruises. P14 said that he saw with his own eyes the corpses from Sednaya and the injuries/condition of the bodies.

Judge Kerber asked if that has had negative impacts on him. P14 said that he used to always stay far away from the corpses [during his work]. Even after P14 came to Germany, he is still having nightmares. Even during the police questioning, an ambulance had to come for him (due to low blood pressure and diabetes).

Judge Kerber asked if P14 needed a break. P14 requested a short one to smoke a cigarette.

15-minute break

Questioning by Judge Wiedner

Judge Wiedner asked P14 how he got started in this work. P14 said that he was a normal worker until security officers came and told him that he had to come with him. They told him to bring several other workers with him. P14 then gave them [the officers] the full names of 14 workers.

Judge Wiedner asked if P14 knows the names of the security officers. P14 said yes, he knows them.

Judge Wiedner asked P14 if he was willing to disclose the names. [P14 discussed with his attorney.] P14's attorney said that they would have gladly given the names, but the answer would expose the identity of the witness.

Judge Wiedner recalled that P14 mentioned the names during the police questioning and wondered whether he should quote/recollect what P14 said during the testimony.

P14's lawyer, Docke, asked for this not to be discussed at the main trial.

Defense Counsel Hannes Linke suggested excluding it from public.

Docke said that the question could be answered if it was asking if the names were correct without repeating them in the public main trial.

Judge Wiedner retracted his question. Instead, Judge Wiedner asked if the officers told him to bring his coworkers with him. P14 said that they [the officers] came to the place where he and his colleagues used to do civilian work. They went to their [P14 and colleagues] manager/boss and then chose workers to bring with them. P14 said that he was unable to work unloading the corpses, but some of the workers accepted/agreed to do this. The security officer told P14 to stay and serve as a supervisor to the workers and to take them there [to the work location] and to bring them back [i.e. drive them back and forth].

Judge Wiedner asked if the nature of the work was explained to them. P14 said that he did not understand the question.

Judge Wiedner reframed the question asking if P14 was told what he would work on. P14 said that, in the beginning, their [P14 and colleagues] manager/boss told them that the officers had corpses and that P14 and his colleagues needed to bury them (in a traditional way).



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Judge Wiedner asked P14 to describe a typical working day. P14 asked if the question could be clarified.

Judge Wiedner said that P14 seemed to be at the gravesite often. He asked P14 how many times a month he was there. P14 said that he was at the gravesite whenever there were burying procedures. They gave P14 one of their cars so that he did not have to stop at checkpoints.

Judge Wiedner asked what type of car. P14 said that it was a 14-passengers vehicle – a Nissan Sunny.

Judge Wiedner asked what P14 did with that car. P14 said that he drove it.

Judge Wiedner asked if P14 used to drive the workers. P14 confirmed but said he didn't drive them for long distances. For example, Damascus to Al-Qutayfa is 30 to 40 kilometers, or Damascus to Najha is about 15 kilometers.

Judge Wiedner made a remonstration (refreshed the witness' recollection with a prior statement), quoting "An employee came to his office, he received a list and a car without a license plate and images of Assad." P14 confirmed.

Judge Wiedner asked how many people were with P14. P14 said 8 to 12 and, sometimes, they [the officers] used to bring workers of their own. It depended on the number [of corpses] that needed to be buried.

Judge Wiedner asked how long the burial work lasted. P14 said that they used to go to work around 4 or 5 am and come back at 8 or 9 am. P14 said that by 10 am, they were done [the work was finished].

Judge Wiedner asked if they were accompanied by an intelligence services' bus. P14 confirmed that there was a security bus with them.

Judge Wiedner asked if the vehicles went inside [could enter] the burial location and if it was fenced and guarded. P14 said that the area was within/a part of a military camp/compound .[قطعة عسكرية]. P14 said that the compound even said that no civilian was allowed to enter, except for them [P14 and colleagues], because their vehicles were known.

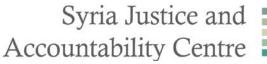
Judge Wiedner asked if there were checkpoints before reaching the burial location. P14 said that there were two of them.

Judge Wiedner asked if the checkpoints were occupied by soldiers. P14 said that there was a checkpoint on the way to the crossroad of the burial site with a colonel عقيد and had his forces/personnel [عناصر]. However, P14 and his colleagues were allowed in because they [the checkpoint's forces] recognized that the vehicle belonged to the officers.

Judge Wiedner asked if the burial sites were enclosed. P14 said that Al-Qutayfa Cemetery was surrounded by a two to three-meter-high mound/hill. Najha Cemetery was surrounded by a seven to eight meter wall and had a gate.

Judge Wiedner asked if P14 was present at multiple sites. P14 said he was at Al-Qutayfa and Najha. They were not taken to the Air Force branch, but the bulldozer's driver [at one of the cemeteries] told them that they used to bury corpses there [in the branch].







Judge Wiedner asked if it is correct that P14 was not present at other burial sites. P14 confirmed and said he was only at Al-Qutayfa and Najha cemeteries.

Judge Wiedner questioned P14 about other locations. P14 said that there were burial sites in other intelligence services [branches] that they knew about.

Judge Wiedner made a remonstration - "Other graveyards that belonged to the air force, secret graveyards, also the military airport in Mezzeh" and asked if P14 went to those sites. P14 said that they did not enter them, but at the Air Force branch and Al-Mazzeh airport, مطار المزة, they used to bury corpses underneath the runway (according to the bulldozer driver).

Judge Wiedner reminded P14 that in the police questioning he said that there were secret cemeteries in Al-Mazzeh. P14 said that he was not present there, but the bulldozer driver told them this.

Judge Wiedner asked who provided P14 with that information. P14 said that the person who told him about it used to dig there [the airport/branch in Al-Mazzeh], but the secret burials were between 12 to 1 am. They were in Najha Cemetery and were always accompanied by DShK-mounted vehicles. There were around 20 squads of intelligence services outside [It is unclear what P14 meant by "outside", but it is assumed he meant outside the hospital/branch where they were loading the corpses].

Judge Wiedner asked if P14 was present during any of the secret burials. P14 said that he was present in the secret burial, but they were not given information nor papers [documents]. P14 used to just drive the workers back and forth and did not know where the corpses came from. A brigadier general or higher [rank] was present.

Judge Wiedner asked if P14 was present in Najha and the Air Force branch. P14 said that he used to drive the workers back and forth. Regarding the Air Force branch, it was utterly forbidden for anyone but the gravedigger to enter.

Judge Wiedner asked how often P14 used to go to the cemeteries. P14 said that the burials of corpses from Sednaya Prison were twice a week. The refrigerated trucks from Tishreen and Harasta [hospitals] arrived once or twice a week and each time there was either one or two refrigerator trucks.

Judge Wiedner asked if it was four times a week, for example. P14 said that they worked each Monday and Wednesday or Thursday (burying the corpses from Sednaya prison). Twice a week for Tishreen and Harasta hospitals as well. He was referring to the gathering of the corpses from the branches, except for Al-Mojtahed and Al-Mowasa [hospitals], which were gathered twice or thrice a month.

Judge Wiedner asked how P14 knew where the corpses came from. P14 said that the information was in the documents. It stated, for example, Palestine branch and the number and there were 10 to 15 branches of the military security listed.

Judge Wiedner asked P14 when the officers used to take the lists. P14 said after they finished the burial. They ["we"] knew that the papers were with them [he said us] and the officer took the papers with him. He was relocated [فرز] to their workplace so that no information leaked outside. He used to put them [the papers/documents] in his closet.

Judge Wiedner asked where the list came from. P14 said it came from the officers who accompanied the refrigerated trucks.



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Judge Wiedner asked if it is correct the list was from someone in the security vehicles who accompanied the workers. P14 said that when the refrigerated trucks left Tishreen and Harasta [hospitals], either they [the convoy of refrigerated trucks] preceded "us", or "we" preceded them [to the burial site] [Either the convoy of refrigerated trucks arrived at the location first, or P14 and the workers arrived first]. However, they [the refrigerated trucks] were accompanied by their own security forces and officers.

Judge Wiedner asked what P14 did with the lists. P14 said that he did not do anything with the lists at the [burial] location. He did not need to do anything.

Judge Wiedner asked what P14 used to register/write down. P14 said that the officer with the logbook used to tell them [P14 and colleagues] that these [numbers of the corpses] were from the Palestine Branch and these were from another location. "We" [Syrians] have three branches of state security: Al-Khatib, Division 40, and state security administration/directorate, which is large.

Judge Kerber asked what happened with the logbook. P14 said that he and his colleagues used to register/write down the information in the logbook when there was a security officer with them. Then he [the officer] took the logbook and left with the logbook.

Judge Kerber asked if P14 made that logbook. P14 said no, they, the intelligence [personnel] made it, but they used to calculate in front of P14.

Judge Wiedner recalled that during the August 14, 2019 police questioning, P14 said "I had a register with me, the employees gave me a paper with numbers that I registered, approximately DIN A-3." Judge Wiedner asked P14 what he used to write. P14 said that he used to write numbers, for example, 300, 400, or 1000. He wrote down the numbers on papers and made copies of them. The workers with P14 used to help in writing down/registering, but P14 had an office inside.

Judge Wiedner asked P14 if he had an office at the cemetery. P14 said no, it was within the governmental service/department where P14 was employed.

Judge Wiedner asked what P14 wrote down. P14 said that it depended on what numbers he was told. For example, he [the officer] would tell P14: "Palestine branch, write down 400, Division 40 [It was translated to 50, but Kroker mentioned that there was a mistake in the translation] and, write down 100 – 200.

Judge Wiedner asked if P14 wrote down/registered dates. P14 said not consistently [not all the time], for example, 5/5 [May 5] was only the day of the burial.

Judge Wiedner reminded P14 that in the police questioning he said it was day – date – number. Corpses had numbers and he noted them. In every truck there were around 700-750 corpses, always two to three trucks, far away. There was a paper with numbers and P14 registered the numbers. P14 said that when the refrigerated trucks came and the burials began, P14 used to stand far away because of the bad smell. P14 said that he stood by that car [or truck], as they [corpses] used to come from several branches, but the corpses from Sednaya Prison had a number and a symbol.

Judge Wiedner asked if the numbers and the symbols were on the corpses. P14 said yes, and sometimes on the refrigerated trucks, in which they were gathered.



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Judge Wiedner asked where the numbers or symbols were on the corpses. P14 said, on the forehead and the chest. For example, on the forehead, a sticker said 215 and a symbol or it said 227 and a symbol.

Judge Wiedner asked what specific symbols were on the corpses. P14 said that he does not know. It was a secret that only "they" knew.

Judge Wiedner asked how he knew about them from a distance. P14 said that the people who used to unload the corpses used to tell him. But the corpses from Sednaya had no smell [did not stink], therefore, P14 would get closer. He could see from a close distance the corpses being unloaded.

Judge Wiedner asked if P14 saw the corpses from Sednaya. P14 said yes, he was fairly close to the cars, but not the refrigerated trucks.

Judge Wiedner asked if the workers had safety equipment for protection. P14 said that they put [face] masks on, but not always. The officer did not give them anything, not even alcohol. P14 said that some of the workers, (two), were afflicted by serious diseases and some of them [the workers] died.

Judge Wiedner asked if there were rooms to change clothes. P14 said that they [the workers] did not change clothes, but only wore aprons which they left at the cemetery to wear the next time. They washed their hands with water and soap and had delicate/thin medical gloves.

Judge Wiedner recalled that P14 said there was a room with a water closet and a changing room in the area and that P14 did not take anyone with him who was not wearing clean clothes. P14 confirmed saying that there was a room in Najha Cemetery. In Al-Qutayfa, it was a wall (a room with no ceiling). In Najha, water was available for washing. They [we] used to take water gallons to Al-Qutayfa, and when the workers took off their aprons, they poured water on themselves.

Judge Wiedner asked how far P14 was when the corpses were unloaded. P14 said that sometimes he was 10 to 20 meters away, but he was able to see.

Judge Wiedner recalled that during police questioning, P14 said, every week there were trucks with 700 corpses with pathogens and stench. And that he did not have a face mask like the others. In the questioning he said the smell stayed in one's nose/ head, as it was very extreme and as soon as doors were opened, you could smell it 100 meters away. There were rivers of blood and maggots and he could not eat in the first days. P14 confirmed.

Böcker asked if the quotation/remonstration started with "every." Judge Wiedner said no.

Lunch break

Judge Wiedner asked if P14 saw the marks indicating the cause of death (strangulation) on the corpses or if someone told P14 about them. P14 said that the cause [of death] in Sednaya was execution and the burials were on the same day.

Judge Wiedner asked if someone told P14 that they were executed on the same day. P14 said the officer who brought them, and even the workers who brought [or carried] the corpses, said that they [the corpses] were warm, not cold.

Judge Wiedner asked what the officer said. P14 said that the officer claimed that the execution was at 12:00 am, midnight, and the burial was between 4:00 am to 5:00 am.



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Judge Wiedner asked if the officer told P14 about executions. P14 said yes, once, one of the officers told him. One time, one of the executed was still alive and on his last breaths. The officer ordered the bulldozer to run him [the dying person] over.

Judge Wiedner said that that was in regards to the warm corpses and questioned if P14 knows the cause of death of the other corpses. P14 said that the workers were the ones who unloaded the trucks, but P14 was far away from them because of the strong smell. When they [the workers] got off, they talked to each other and told "us" [P14 and others] that some of the corpses were worn out and some of them had no [facial] features. That is what the workers mentioned [about the corpses] from the refrigerated trucks that had a [bad] smell. They also said that there were numbers on the foreheads and chests.

Judge Wiedner asked if P14 was told the cause of their death. P14 said that the officers did not speak about the matter, but the workers used to say that there were bloated corpses, decomposed corpses, and bony corpses. However, they said that the facial features had completely vanished/disappeared.

Judge Wiedner recalled that during the questioning P14 had said that a chemical substance was used on the faces. P14 said yes, similar to an "acid substance" (مية نار ro أسيد "Fire water" is a commonly used word by people in Syria to describe nitric or sulfuric acid] that they used to put on the faces. The workers said that there was no way that nothing had been poured on their [corpses'] faces.

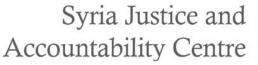
Judge Wiedner asked if it was used only on the face or also on the body. P14 said just on the face. The rest [of the body] was decomposing.

Judge Wiedner asked what P14 meant by saying they were broken up. P14 said that by "broken up," [مكسرات] he meant dissolved, with a mucus material dripping from them and they had worms in them. P14 said that when a security person [عنصر أمن] was with them [P14 and his colleagues] at their workplace, they cooperated [worked/helped] with him and wrote down the numbers and the branches. Just by the mere discussion, P14 used to be unable to eat or drink anything for two to three days, not to mention the smell [P14 meant that when they talked about the corpses at work, he was so disgusted, that he was not able to eat]. By the end [in the last days/ after a while], they got used to it [the smell] like one does a perfume. Regardless of what they did or how much they washed at home, the smell remained nesting in their noses. P14 said that he thanks his God that he is staying in Germany for a while, but he still has nightmares at night.

Judge Wiedner asked if there were signs of abuse on the corpses. P14 said that the workers used to talk amongst each other that there was blueness [bruises] on his [the corpse] back, chest, fingernails, or toenails. Some of the corpses were even handcuffed behind their backs. The corpses from Sednaya were handcuffed with plastic [strands] or with standard handcuffs.

Judge Wiedner recalled that P14 said during the police questioning that "on the corpses, there were signs of beating: blue, old ones and red, recent ones, and there was a cut off penis. Sometimes, the signs were on the back and sometimes on the legs." P14 confirmed. The 11-meter refrigerated trucks were loaded from the back to the front and when the doors opened, the ones [corpses] that were at the door had been there for no more than two days [not more than two days had passed since the corpses were placed at the door. They were fresh]. When they [the workers] opened the doors of the refrigerator, they said that they saw red or black signs [of beating]. The corpses' refrigerator was sealed airtight and when it was opened, it was as if one had opened a gas cylinder.







Judge Wiedner asked if P14 saw that himself. P14 said that he saw that from a distance and also was told that.

Judge Wiedner asked how they used to unload the corpses. P14 said that the procedure of unloading the corpses was [as follows]: when the refrigerated truck stops [parks], it was elevated from the front and the workers get on it and pull/drag the corpses so that they [the corpses] fall into the hole [grave] haphazardly. For example, if the hole was 100 meters, they used to bury corpses in 10 meters and the other 90 meters was left open. They used to fill a section of the hole and then backfill it. The surface area of the land was very vast.

Judge Wiedner recalled that during police questioning P14 said that they used to backfill the entire hole [grave]. P14 said yes, some of the holes were 50 meters, some were 100 to 200 meters, and some of the holes had 20 burials [20 دفنة means 20 burial procedures, digging and back filling] until they were completely backfilled. They used to call the hole a "line" and they would say "that line was filled up/done." Some of the lines were long and had 50 to 60 burials [burial procedures]. The bulldozer and the excavator were always there.

Judge Wiedner asked if there were female corpses. P14 said that occasionally the workers would say [that they saw] a woman with her children. P14 said that he once saw a case where a woman was hugging her child. P14 saw that the woman and the child were dead. On that day, P14 had a [nervous] breakdown, more than raping and killing [He meant that he broke down after seeing that, even more than he would break down after a rape or murder case].

Judge Wiedner asked if P14 personally saw that. P14 confirmed.

Judge Wiedner asked whether the workers said that there were child corpses. P14 replied that they said there were women and girls.

Judge Wiedner asked if P14 needed a break. P14 said no. Judge Kerber assured P14 that he can choose whatever is best for him. P14 said that he would carry on.

Judge Wiedner said that P14 knew the numbers of the corpses asking how P14 arrived at these numbers in the lists. P14 said that as he previously stated, a security person [عنصر أمن] was assigned to their [P14 and his colleague's] civilian governmental service/department where P14 had an office. The security officer used to come with the papers and P14 used to help him. He [the officer] transcribed the numbers to P14 and P14 wrote in the papers something like Palestine Branch, area branch, patrol branch, Al-Khatib Branch, Division 40. That security person [عنصر أمن] would photocopy the file while the big logbook was being filled out with numbers. He [the security person] put the logbook in the closet and took some [papers] to the work manager and his boss.

Judge Wiedner asked if he was talking about the record of the buried. P14 said that they used to fill out the logbook after the burial was over (for the refrigerated trucks from Tishreen and Harasta military hospitals).

Judge Wiedner asked if the numbers were the numbers of the corpses that came from the hospitals. P14 confirmed.



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Judge Wiedner asked if there were numbers for Al-Khatib Branch in the lists. Defense Counsel Michael Böcker said that P14 would not have said it with the list's labelling.

Judge Wiedner said that yes, P14 had mentioned and repeated his question. P14 said that they got papers from security personnel [عناصر أمن] at several branches. In each burial, they found Palestine Branch, Al-Khatib Branch, etc. Syria's military security has ten branches, state security has three branches, and the air force has two branches. Numbers were written down, but P14 does not remember the numbers precisely. Al-Khatib could have been 100 or 200.

Judge Wiedner asked whether the number or the name of the dead was written down. P14 said that when the papers came, they said: "Palestine 150."

Judge Kerber explained that the question was whether the name of the dead was written in the list/logbook or its number. P14 said 247, 293 military security.

Judge Kerber asked about Al-Khatib. P14 said that he did not hear a number, but he heard someone say "We received 100 from Al-Khatib...".

Judge Kerber asked if Al-Khatib had a specific number. P14 said that he thinks that it was 247.

Judge Kerber asked if number 251 means something to P14 but assured P14 that if he did not know, it was not a problem. P14 said that a long time ago, he used to memorize the branches and their numbers.

Judge Kerber said that she was asking only about Al-Khatib's number. P14 said that they only said "Al-Khatib, state security. Division 40, state security," etc. These were different from the military security, Palestine, or the area branches.

Judge Wiedner asked if P14 remembers a specific number of corpses from Al-Khatib. P14 said that he does not know a specific number.

Judge Wiedner asked for an approximate number. P14 repeated as he said in the beginning, that in September, October, or November 2011 the security [personnel/forces] who took P14 and his colleagues back and forth did not tell them anything. After that, they slowly began to know the workers and trust them more. P14 said that he could say 100, but it could turn out to be more than that. Therefore, P14 could not say a number. But the important thing is that the burial was one million, or one and a half million, maybe 4 million. Every week, the land that was dug and filled was big/vast. "We used to guess/speculate/estimate in our mind: if the hole is six meters deep and the whole surface area of the land was used for burials" [then, the numbers would be as they estimated].

Judge Wiedner clarified that he did not mean the whole count, but rather how many from Al-Khatib in 2011 and 2012. Böcker interrupted and said that he understood from P14 that there was no differentiation between the state security branches.

Judge Wiedner said that he would get to state security soon but he was asking specifically about Al-Khatib - about the number of dead in the registry/record/logbook from Al-Khatib from 2011 and 2012. P14 said that they [the corpses] used to come from branches, including from Al-Khatib but not all the time, about twice a month and sometimes only once. Additionally, Al-Khatib was the one most associated with civilian hospitals; like Al-Mojtahed and Al-Mowasa, not just Tishreen and Harasta.





Judge Wiedner asked if the classifications of the branches were written. P14 said that they were written on the paper from the security personnel [عناصر الأمن]

Judge Wiedner asked if the number of the dead was written. P14 said there were no names, only numbers.

Judge Wiedner asked what number, whether 5, 10, or 500, was written on the paper for Al-Khatib. P14 said that he does not remember.

Judge Wiedner recalled that in the police questioning P14 said a number of names from the state security. P14 said that he did not understand the question.

Judge Wiedner said that P14 said that there was no exact information as the lists were often mixed. 50,000 names were from the state security alone (2011 and 2012), so about 25,000 names per year. P14 said that state security has three sections: Al-Khatib, Division 40, and the state security administration.

Judge Wiedner asked if the state security administration had a number [was coded by a number]. P14 said that it had a number, but he does not remember it.

Judge Wiedner asked if it was 285. P14 said that they used to say "251, state security", but he does not remember. However, P14 remembers the rest - names and numbers.

Judge Wiedner made a remonstration - "How many names from al-Khatib? Of 25,000 names from the state security: 1) about 10,000 came from Al-Khatib 2) about 10,000 from Division 40 and 3) 5,000 from the administration; each in 2011 and 2012. From 2013 on, the numbers increased". P14 asked if Judge Wiedner meant numbers or corpse counts. [Apparently, P14 was confused between the number of the branch (like Al-Khatib = 251) and the number/count of the corpses].

Judge Wiedner recalled from P14's testimony that he said, "3,500-5,000 corpses from Al-Khatib and Division 40 together."

Judge Wiedner then made another remonstration/recollection: "He would have seen corpses with the symbol of Al-Khatib, 10, 15, 20. Of 700 corpses, 10 or 15 came from the state security, maybe Al-Khatib".

Judge Wiedner said that those numbers would be far apart from each other. P14 said that he was shown photos during the police questioning and he said that each branch has a code/symbol. The security person [عنصر الأمن] at work told P14 that "this number and this letter" means Al-Khatib, because he [the security person] knows these things.

Judge Wiedner asked if P14 could give approximate numbers from Al-Khatib. P14 said that he would say the whole state security.

Judge Wiedner asked if P14 had just said only a part of the state security. P14 said yes, the state security contains three branches. Al-Khatib belongs to the state security. The numbers [the count of corpses] increased, and sometimes, they were not able to count [the corpses].

Judge Wiedner asked if P14 remembers a number from Al-Khatib from any day [at any time]. P14 said that in a year, [the number was] 3000 to 4000 or 5000, but he cannot say exactly. P14 said that "they" knew that one of the civilian workers leaked information, so, they took him [the civilian worker] to Al-Khatib and imprisoned him. The worker stayed at Al-Khatib for around a month, more or less, and then



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was released. He [the imprisoned worker] told P14 that when a person dies in the prison, they wrap him with a blanket and leave him among "us" [the prisoners]. P14 said that that person kept working with them until 2017, and P14 could say his name. P14 said that he mentioned the names of the workers [in the police questioning] and the rest of the information/data is with Mr Docke [P14's lawyer]. P14 said that, overall, he thought one million or one and half a million corpses, considering/thinking about what the workers told him. There could be three million or less. However, by looking at it, it gives a hint/suggestion that the numbers were big.

Judge Wiedner asked if P14 meant between 2011 and 2017.

Plaintiff Counsel Manuel Reiger pointed out that there were two hecklings from the accused [Raslan] and he wanted to know what Raslan had said.

Böcker said that there was no heckling in the main trial. Böcker also said that if the witness wanted protection for himself and his family, he should not walk around the court building while being unmasked and talking to his lawyer.

Judge Kerber said that they would talk about it soon.

P14's attorney said that his client's blood pressure had dropped and he was unable to continue. P14 was asked if he needed an ambulance. P14 said he did not.

The proceedings were adjourned at 03:00 p.m.

The next trial day will be on September 10, 2020 at 9:30 a.m.

A note from the Trial Monitor:

Tarek Khello, a Syrian journalist informed the court reporter that when Eyad was preparing to go outside the courtroom, he looked at Tarek and said in relatively loud voice [so that Tarek hears him]: "Thanks for your efforts [meaning the court] and the efforts of the German government, which is fighting the Hitlers."

<u>Trial Day 31 – September 10, 2020</u>

The proceedings began at 9:30 a.m. There were about 9 spectators and 5 individuals from the media present.

Police Officer Knappmann will not come but will be summoned again.

Mrs. Frier will not be summoned again.

The prosecution seeks to give a statement on [name redacted].

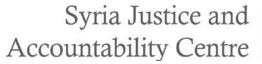
Klinge also mentioned a statement of Deußing regarding the Caesar case.

Judge Kerber said that the Caesar photos will be electronically available.

20-minute break because the witness had not yet arrived.

A sketch that P14 made during the police questioning was shown.







Surface area of the burial location Ahmad Mohammad index was a location 1 A a work of the burial location 1 A a work of the burial location 1 a a constraint of the burial location 1 A a work of the burial location 1 A a work of the burial location 1 A burget of the burial location 1 A burget of the burial location 1 A burget of the burget of

[Spectators were worried that the name at the top right was the name of the witness, but it was clarified later that it was a random name].

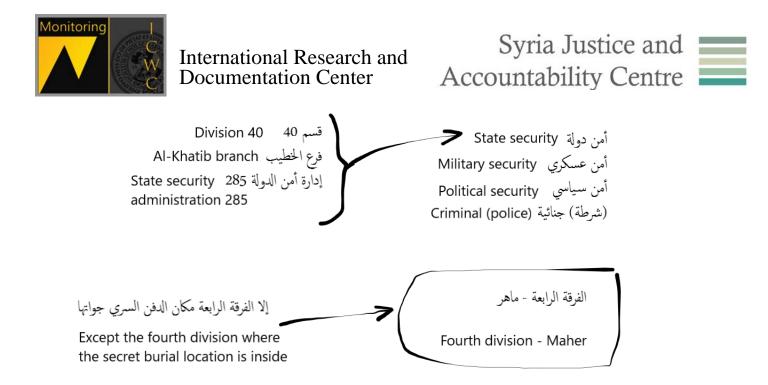
P14 said that in the list, it was written like: "X branch 51, Y branch 63..." [P14 was just giving an example].

Judge Kerber asked how the land surface area is related to the lists. P14 said that he was answering a question during the police questioning and he was drawing randomly, then, P14 told the police that there were letters.

Judge Kerber asked if the lists contained codes/symbols. P14 said that it was the same [he was just drawing randomly], but P14 did not know the codes/symbols. Only the security branches knew them. P14 added that the Latin letters were written by the police. P14 gave an example 40 [S 40] [S 40] (= 1 [S = State security]). [Therefore, it is assumed that P14 meant by S 40: State security, Division 40].

Judge Kerber asked if it was correct that the order was: number of dead / the branch / the division. P14 confirmed. During the burials of the corpses from Tishreen and Harasta, there were six to ten documents. For the corpses in the refrigerated truck, there were documents as well, sometimes five. Every document was from another branch.

Another sketch that P14 made during the police questioning was shown.



Judge Wiedner asked if P14 knew the "list with detainees" meant corpses. P14 did not understand the question.

Judge Wiedner asked P14 which institutions the lists came from. P14 said that he did not know the number of detainees and only the approximate number of corpses.

Judge Wiedner asked what the sketch was and what the branches had to do with the burials. P14 said that the police asked him to write down the names of the branches where the corpses came from. P14 said that each branch has its specialty and told the police about the fourth division saying that the burial was there. P14 said that he added "police "mitcher" after "criminal "شرطة" after "criminal police." He added "police" after that to clarify to the German police in the interrogation that by "criminal," he meant "criminal police."], because it is the civilian wing. The political security police and the military security police are independent authorities and interfere in everything, even in the woman and children [The trial monitor does not know what was meant by that statement].

A satellite image was shown.



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[Coordinates: 33.736029, 36.598190]

P14 said that he was shown this photo from Google and he was told to point to Najha and Al-Qutayfa Cemeteries.

Judge Wiedner asked if P14 saw Al-Qutayfa Cemetery in the photo [In the courtroom, Judge Wiedner indicated the photo and said "here"]. P14 said that he could recognize [its location] if he saw the Arabic writings.

Judge Wiedner asked if P14 wrote the note on the photos [the note was in German]. P14 said that he only knows Arabic. The police wrote it [the note].

Judge Wiedner clarified that P14 said that he was unable to see Al-Qutayfa Cemetry on the map. P14 said yes, he said that it was in a different area than Najha. They are in different directions.

Judge Wiedner said that another photo would be shown in a moment, but he was asking about the one that was currently being shown. P14 said no, he could not indicate the location.

Another satellite image was shown.



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[Coordinates: 33.41637557,36.37156671]

P14 said that that place is close to Najha, <u>Afamya أفاميا hotel</u> [The trial monitor believes that the name of the mentioned hotel was a slip of the tongue because it is located in Damascus. Whereas, the actual hotel that he meant, mentioned in the following question, Ebela, is close to Najha. "Afamya" seemed to be at the tip of his tongue], Damascus Airport Road [highway]. It was around ten kilometers away from the airport. Whereas, Al-Qutayfa is a mountainous and desert area.

Judge Wiedner asked if Najha Cemetery was visible to P14 on the map. P14 said "now no", but he knows that when he was in the cemetery, he was able to see <u>Ebela ايسلا hotel</u>.

Defense Counsel Böcker asked what direction the airport was located from Damascus, for example, north or south. P14 replied that Damascus International Airport is about 15 to 17 kilometers east of Damascus because it is surrounded by the Eastern Ghouta الغوطة الشرقية.

Böcker asked the same question about Al-Qutayfa Cemetery. P14 said that Al-Qutayfa Cemetery is in the direction of Homs حمص

Böcker asked if P14 meant north. P14 said that it was in the direction of Homs International Road [Highway]. However, Al-Qutayfa Cemetery is 40 kilometers from Damascus.

Schuster recalled that P14 said that he saw a hotel on the map and asked what the name of the hotel is. P14 replied that it is Ebela.

P14 asked for a ten minute break, but Scharmer had only one question. He asked where P14 saw the hotel in Al_Qutayfa district. P14 showed him where he saw the symbol of a hotel, but did not want to determine whether it was Najha or Al-Qutayfa.

A 10 minute break was given and extended for another 10 minutes due to a German-wide alarm)

A zoomed-out satellite image was shown.



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[Coordinates: 33.736029, 36.598190]

Judge Wiedner asked if P14 recognized anything. P14 said no, it was difficult.

Plaintiff Counsel Sebastian Scharmer asked if the image could be further zoomed-out to show the area in relation to Damascus.

[The image was zoomed out]



P14 said that it is not apparent, because it a desert and barren/waste area. They used to enter a long dirt road to go to the cemetery.

Questioning by Senior Prosecutor Jasper Klinge



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Prosecutor Klinge recalled that during the July 30, 2019 police questioning concerning the beginning of P14's occupation in October/ November 2011 P14 stated: "In May or June in 2011 they would have first been commissioned to keep the minutes about the corpses. Twice in July 2011, but this was the first time in Al-Qutayfa." P14 said yes, he had said that at the beginning of their work, they [P14 and the workers] had not been trusted but they were taken to work. During the first and second phases, they did not know anything.

Klinge asked if July 2011 was the first time P14 was in Al-Qutayfa. P14 said not exactly, but approximately, yes.

Klinge asked which hospitals collected the corpses. P14 responded that as he had said the corpses were from Tishreen and Harasta military hospitals, and from Al-Mowasa and Al-Mojtahed, which were civilian hospitals. P14 said that the corpses were gathered from these four hospitals.

Klinge recalled that P14 also mentioned Hospital 601 in the questioning and asked P14 if it had a name. P14 said that Hospital 601 is like Tishreen and belongs to/is under the administration of it [Tishreen]. Its name was 601, but the corpses were collected from Tishreen.

Klinge asked about Al-Mazzeh المزة hospital. P14 said that Al-Mazzeh hospital is Hospital 601.

Klinge asked if it is the same as Tishreen hospital. P14 said that Tishreen Hospital has a different location than Al-Mazzeh's.

Klinge asked if corpses were also gathered in Al-Mazzeh. P14 said that Al-Mazzeh Hospital is a military one like Tishreen and Harasta, whereas, Al-Mowasa and Al-Mojtahed were civilian hospitals. The corpses were gathered in it [By it, P14 seems to be referring to Al-Mazzeh Hospital].

Klinge asked how P14 knew that the corpses were gathered in Al-Mazzeh. P14 said that on the way there [It is not clear if P14 meant Al-Mazzeh or "the cemetery" by "there"], they used to say "we received from X hospital...".

Klinge asked if P14 only heard this information, but did not see it. P14 said that Hospital 601 is a small hospital and he does not imagine that a refrigerated truck could park in it, but they sent small cars from 601 to Tishreen [hospital].

Klinge asked if P14 was there personally. P14 said that he, himself, was not present.

Klinge asked where P14 used to meet the officers. P14 said they met in Tishreen Hospital, because the officers who used to accompany them had offices there.

Klinge asked if the meeting point was in the cemetery. P14 said that usually he used to drive the workers from his civilian working place to the hospitals, and then they'd drive to the burial location but sometimes they met at the burial location. It was either they [the convoy of refrigerator trucks] preceded "us", or "we" preceded them.

Klinge clarified that it was not in the hospitals where P14 saw the officers. P14 said that he saw them and waited for them at the hospital until they got out [P14 may have meant that he waited for the officers to leave their offices, or that he waited for the officers to exit the hospital to accompany the trucks]. P14 had workers with him.



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Klinge asked for whom he was waiting. P14 said the officers who accompanied the corpses.

Klinge asked if P14 remembers the locations of mass graves other than Najha and Al-Qutayfa which he mentioned in the police questioning. P14 said they received no documents from the fourth division of Maher Al-Asad ماهر الأسد, and the Air Force branch in Al-Mazzeh used to bury at their [own] place.

Klinge asked if P14 only heard that from others. P14 said that the bulldozer's driver used to tell them [P14 and colleagues] that they [the bulldozer driver and his colleagues] dug in Al-Mazzeh Airport to bury corpses.

Klinge told P14 that he mentioned Al-Husayniyya . الحسينية . P14 said that the Al-Husayniyya area is where Najha cemetery is. It [Al-Husayniyya] is a residential area.

Klinge said that the two accused are sitting on his right side and asked if P14 recognizes anyone. P14 said that he does not know.

Defense Counsel Hannes Linke

Linke asked P14 what his job was because Linke did not understand. P14 asked Linke to repeat the question.

Linke asked what P14's job/task was back then. Scharmer said that "back then" should be specific. Linke clarified since 2011. P14 said that they were civilians under the administration of "Damascus" to bury the normal dead.

Linke recalled that P14 said that he went to school until 7th grade and asked if that was correct. P14 confirmed.

Linke asked if P14 completed any training/education after that. P14's attorney said that no statement would be given.

Linke replied that P14 had answered that in the police questioning. P14's attorney said that was in private rather than in public.

[Böcker and Scharmer responded, but the trial monitor did not hear what they said. However, it appeared that they agreed with Linke that the question should be answered.]

Linke asked P14 to respond yes or no if he did any training/education. P14 said that he did not understand the question. Linke asked if P14 went to college after school. P14 said no.

Linke asked what kind of training/education P14 did after graduating from school. P14's attorney said that no statement would be given.

Linke asked if P14 did any training/education for truck/lorry driving. P14's attorney said that it had no factual connection to the subject and they do not want to give information about P14's biography, because it would lead to exposing his identity.

Klinge said that the questions that the police asked would be innocuous and could be answered.

Plaintiff Counsel Anna Oehmichen said that the question should be answered but not in public.







A short break was taken to let the court decide.

Judge Kerber said that the question would be allowed.

Linke asked if P14 was a truck/lorry driver after school. P14 confirmed.

Linke asked if P14 did military service after that. P14's attorney said that no statement would be given and it would be the same problem with any question where Linke pointedly asked for personal information.

Linke responded that he does not want to know P14's CV just his tasks since 2011. P14's lawyer said that he should get back to that question then.

Linke asked if P14 was an administrative officer after his military service. Böcker said that the defence team was having a problem understanding P14's job and how he was meters away from the burial and worked on the documents. P14's attorney said that his client's job/task was to drive the workers, and in his [P14's] office, he worked on the lists and the registries/records/logbooks. Partially administration, partially driving to the mass graves.

Judge Kerber asked P14 if that was correct. P14 confirmed.

Linke asked if P14 was an administrative official. Scharmer objected and said that the question was already answered.

Linke said that he wanted to know the period of time. Scharmer responded that Linke should then time-frame his question.

Linke asked if P14 worked with [name redacted]. Linke started talking about secret tasks of that officer, but Klinge intervened and said that what Linke did would not be right, as those subjects would not have anything to do with the trial subject.

Linke said that he wanted to know for whom P14 worked before 2011. Scharmer said that the question was already answered. Judge Kerber agreed with Scharmer.

Linke said OK, and asked if P14 was responsible for making the lists. Judge Kerber asked P14 if the question was clear. P14 said yes, he [P14] and a security person [عنصر أمن].

Linke asked if that was in P14's office. P14 confirmed.

Linke recalled that P14 said that the numbers in the lists referred to dead and asked P14 how he knew that.

Judge Kerber said that Linke should quote from the record [remonstration] (Judge Kerber asked Linke to quote from the police-questioning-transcript what P14 said). Linke agreed and said that he gives this task to Judge Kerber, but then asked from where P14 had the information for the lists. Judge Kerber said that P14 answered that the previous day.

The witness was dismissed.

The proceedings were adjourned at 12:00 p.m.



The next trial will be September 15, 2020 at 09:30 a.m.

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