

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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 22

Hearing Date: December 16, 2020

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:¹****Trial Day 52 – December 16, 2020**

P24, a 41-year-old female witness testified on her detention at Branch 251 and Division 40. Due to concerns about her and her family's safety, P24 was allowed to conceal information that would put her or her family at risk. P24 told the court that she did not endure [physical] torture, most likely due to the social status of her family in Syria. Nonetheless, she constantly heard people screaming from torture, and she witnessed torture in the hallways of Branch 251 through a gap in her cell door. She also spoke about the treatment of female detainees at Branch 251 based on her experience of sharing a solitary cell with a pregnant woman, as well as being detained in an overcrowded cell with several women and girls.

Day 52 of Trial – December 16, 2020

The hearing began at 9:30 am with four spectators and two members of the press in the audience. None of the accredited journalists required access to the Arabic translation. Presiding Judge Kerber announced that she will no longer ask about accredited journalists who require access to Arabic translation in the new year. There was no camera man recording before the beginning of the hearing. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Foerster-Baldenius appeared as replacement for Plaintiff Counsel Mohammed.

Presiding Judge Kerber asked Plaintiff Counsels Scharmer and Kroker about the appearance of their client as a witness, which was scheduled for the following week. Dr. Kroker told her that their client is currently in Sweden and cannot come to Koblenz due to COVID-19 related restrictions. Nonetheless, Dr. Kroker added, the client would be willing to testify via video if one of his counsels is present with him in Sweden. Kerber said that a video testimony would generally be an option and asked Scharmer and Dr. Kroker to inform the Judges about the relevant Swedish authority which they need to contact in order to arrange a video testimony. Kerber canceled the sessions scheduled for the following week (December 21 and 22) as there was no other witness scheduled and a court session only to read out reports from the case file would not be feasible in light of the pandemic.

¹ Throughout this report, [information located in brackets are notes from our trial 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.

Testimony of P24

P24, who wore a scarf over her head, was accompanied by Witness Counsel von der Behrens. Von der Behrens told the court that, according to her request to assist the witness as legal counsel, she requests that her client, P24, does not have to provide personal information due to possible dangers for her and her family in Syria.

Raslan's defense counsel Böcker requested to look at von der Behrens' request. Kerber allowed him to inspect it informally and look at the document on von der Behrens' computer.

Prosecutor Klinge said the prosecution has no objections to the request in accordance with the [relevant procedural rules](#).

Kerber ordered that the witness is allowed to not provide personal information as this would endanger the life, limb or liberty of the witnesses' family who is still living in government-controlled areas in Syria. As to why the prerequisites for §68 (3) StPO [not provide personal information for the above-mentioned reasons] are met, Kerber added that the judges are well aware from previous testimonies that the government has a crucial interest in the loyalty of current and former employees and other people.

Kerber told P24 that she can take off her scarf if she feels safe since no one will see her, as long as she does not turn around.

Instructions were read out to P24 and she was informed of her rights as a witness. P24 said that she is 41-years-old, but prefers not to reveal her professional occupation.

Judge Kerber's Questioning

Kerber mentioned that P24's testimonies with the French and German police are on the case file. She said that according to these transcripts, P24 was arrested and detained at different prisons for a certain time. Kerber asked P24 to explain why she was detained and how she was treated at the prisons. She added that the focus of the court would be on Branch 251. P24 thanked Kerber and said that in May 2012, around May 5, 2012, she met with friends at a private space. This place was then stormed, and she and her friends were arrested. She explained that the place was in Damascus, between [information redacted]. She and her friends were taken to Division 40 where they had to stay for one night. On the next day, they were brought to Al-Khatib Branch. P24 further told the court that she spent time at Al-Khatib before she was transferred to Kafar Souseh Branch. She was then the only one from the group who was re-transferred to Al-Khatib. She said she was released by Division 40 on June 9, 2012.

Kerber wanted to know details about how P24 and her friends got to the first detention facility. P24 explained that she and her friends were at an office when someone knocked on the door. When she opened the door, a person dressed in civilian clothes pointed a gun at her. Other people accompanying him said that they are from the security forces and wanted to come in. P24 said she requested an ID-card from these people, as she and her friends were "within the law". Nonetheless, the people stormed the office. P24 said this happened when she and her friends were having lunch together. The group of friends first asked about the reason why the office was being stormed, as they were only friends having lunch together. P24 remembered that they were a group of eight people. The officers, all dressed in



civilian clothes, searched everything and wanted to see all their ID-cards. They carried radio devices which they used to check their names. They then decided to take the group with them to their Branch. P24 said that apparently, the officers were bothered by the computers in the office. She further explained that, as usual for guys, the guards put the men's t-shirts over their heads, so that their back was naked. "Of course" they did not do the same to her. She said she requested to drive [to the Branch in] her own car, so two of the officers got in her car and they drove to Division 40. When they arrived there, her car was searched, and they started to torture the guys.² P24 said she was brought directly to an office for interrogation. They told her to open her e-mail and Facebook accounts. She was then brought downstairs where one of the men was tortured with electroshocks and beaten. P24 said they forced her to watch.

Kerber asked whether this man was from her group of friends. P24 affirmed, adding that they forced her to watch in order to make her testify against him. P24 said that, after all the interrogations, they had to wait in an office. A female officer was brought to the office to frisk her. P24 said that, upon her request, the female officer frisked her in the bathroom. P24 then had to spend the night in that office, while the door was locked. P24 further explained that early in the morning on the next day, they were taken to Al-Khatib in a minivan. She said that one of the people from Division 40 was called Yamen. She added that she was not blindfolded, but her hands were tied behind her back and she had to look down at the floor. P24 said it was early in the morning so the streets were almost empty and the minivan drove "incredibly fast". According to P24, the group was cursed and yelled at on the entire trip to Al-Khatib. She said that Yamen stayed with her when they arrived at Al-Khatib and accompanied her downstairs to the basement. She explained that they went into some kind of office. She was then called into another room, which looked like a bathroom. In that room, which was closed, a woman told her to undress. She had to take off all her clothes and was not allowed to leave anything on. She was then told to squat and get up three times. P24 said it is normal that her body makes cracking noises when she kneels or squats, but the woman did not believe her. P24 said she was allowed to re-dress and the woman went to the office, while she had to stay in the room. After that, she was taken to another room. P24 said she cannot remember where exactly the room was, however, she remembers that it was on the same floor which had many solitary cells. She said she was taken to a solitary cell measuring 2x1 meters, where an eight-months pregnant woman was waiting. P24 said she stayed there for 21 days, adding that she forgot the initial question.

Judge Kerber told her everything is fine and she did very well. Kerber asked her to go on and offered P24 to take a break whenever she needs one. P24 explained that the woman in the solitary cell had been there for quite some time already. She does not know how long exactly, however, there were three other women in the cell with the pregnant lady before P24 came. P24 added that the woman was very exhausted. She further said that she does not remember how much time passed until she was first interrogated, but it was at least several days. She said there is something she cannot understand, so she wants to give more explanation: P24 explained that there was no toilet in the cell. She said that there were more solitary cells on that floor, two on the right and two on the left side of their cell, and one opposite to them on the left. There were also several bigger cells which looked like "halls", as well as a room for the guards. P24 said that the guards decided when the detainees were allowed to use the toilet. She said that she and her cellmate always went together. They had to lower their heads and were not allowed to look at anyone. According to P24, she could only see the floor on her daily walk to the toilet, but she saw men sitting and lying on the ground. P24 said they got their

² Note from the Trial Monitor: P24 often used the term guys/young men instead of men.



drinking water from the toilet; it was of very bad quality. P24 described that at the toilet, there was a small window (a gap)³ in the wall where one could get some fresh air. She said that ironically, the toilet was the only room where one could breathe different air. Everywhere else smelled like sweat and urine. P24 said she remembers her first day at Al-Khatib when she decided to eat in order to keep up her strength. She added that two daily meals were provided to her at Al-Khatib, one in the afternoon, around 3:00 pm or 4:00 pm and one at the end of the night or early morning. She said the food had no salt or sugar. They had no cutlery to eat and the bread was most times rotten, but she still ate the food.

Judge Wiedner asked her about the quality of the food and whether it was enough. P24 said that one of the meals (night/morning) was jam, olives and bread. P24 added that they sometimes got Halva or an egg. Nevertheless, it was always only one plate, regardless of the number of people [in the cell]. For lunch, they got rice and a side dish. It was generally very bad food. P24 assumed that there were rations allocated for every person, but they did not reach the detainees. She further said that it felt like a dream when they once got cucumber and another time an orange.

Wiedner wanted to know whether P24 lost weight. P24 said she lost 8kg in 35 days, even though she ate.

Wiedner wanted to know how many days P24 was at Al-Khatib and how many days she was at Kafar Souseh. P24 said she was at Al-Khatib for 21 days together with the pregnant women, who then left the prison. After that, P24 stayed in that cell for one more night with another woman, before she was transferred to the big collective cell. P24 explained that [on that day] all the women were transferred from solitary cells to the collective cell. The reason for this was that many women were detained that day due to demonstrations in Damascus about the massacre in Al-Hama. According to P24, the men were taken out of the collective cell, however, she did not know where they were taken. She further said that the condition of that collective cell was “unbelievable”. The cell had a toilet, but the entire cell was dirty. There was no oxygen and a strong smell. P24 said she stayed there for two days before she was transferred to Kafar Souseh where she stayed for a couple days before she was transferred back to Al-Khatib. P24 went on to tell the court that at the beginning, she was interrogated by inspectors at Al-Khatib. However, she could not see the person, as she was blindfolded. She said she was only interrogated once and the room where the interrogation took place was more of passage than a room. She said she remembers that there was certain equipment, maybe kitchen tools. P24 explained that her hands were tied and she was blindfolded and had to kneel, while the interrogator sat on a small chair. She said that one of the guards was Abu Ghadab, who was responsible for “insane acts”. She said that every time that one of the guards was angry, Abu Ghadab started to torture people. She described him as tall and thin and said that she felt like he was “weird”. P24 added that during her interrogation, Abu Ghadab was present and held a whip. However, he was not there because of her specifically. He was coming and going again and again and lashed the floor right next to her. She added that it felt as if he wanted to let her know that “I am here [with a whip] if you do not want to talk”. P24 said the interrogator played the role of the ‘good cop’, telling Abu Ghadab that his assistance was not necessary. She concluded that they “played the good cop – bad cop game throughout her interrogation. However, the interrogation did not deliver any results, as she did not say anything that would incriminate her. She said that the interrogator insisted on personally accompanying her to her cell and patted her on her back on the way, as if he wanted to tell her “stay calm”. She said as far as she recalls, there were no more interrogations at Al-Khatib. P24 said the same interrogator wanted to

³ Note from the Trial Monitor: The translator consulted P24 to clarify what exactly she meant. During a break at a later point, they were able to clarify that it was not a window, but a light shaft.



talk to her on the day she was transferred to Kafar Souseh, however, it was rather meaningless. When she returned from Kafar Souseh, she had no more interrogations at Al-Khatib.

Presiding Judge Kerber said that this trial is about Raslan and asked P24 whether the interrogator was Raslan. P24 turned to the defendants' bench and, after a short break, said she does not think that Raslan was the interrogator.

Kerber wanted to know why she thinks that. P24 said that the entire situation surrounding the interrogation and the room do not fit with a man of his rank. She added that guards were constantly entering and leaving the room.

Kerber wanted to know whether P24 noticed anything about the language/voice of the interrogator and if she identified his dialect. P24 said she tried to remember the interrogation. There were some indications about the person but she does not remember.

Kerber recalled that P24 told the German police (BKA) that she thinks she was interrogated twice at Al-Khatib. She was not beaten or bound. However, she was blindfolded and could not see who was interrogating her. She said it was the same person for both interrogations and he spoke a Sweidan dialect. P24 told the BKA that she can consequently preclude that it was Anwar Raslan. Kerber asked P24 whether she remembers anything about the dialect. P24 said it might be possible that he had an accent from Sweida.

Kerber said that is fine. P24 said she cannot remember right now, but if she told the police that information, it is probably true. She added that the interrogator [at Al-Khatib] told her he would go and visit her [if she was released] and unveil his identity to her.

Kerber asked if he did visit her indeed. P24 denied.

Kerber wanted to know what happened after P24 came back to Al-Khatib from Kafar Souseh. P24 said that on her last day at Al-Khatib, she thinks it was June 9, 2012, she was put in a car. She was not blindfolded or bound. She was taken to Division 40 to the office of the person who interrogated her on her first day. She said she was even offered coffee, which she drank after her experiences [bad food] at the detention facilities. P24 told the court that she was then taken to another place where she had to wait before she was "handed over" to her father, however, without any of her personal belongings. She said she was sent home without her car or papers. P24 further explained that at this time, there were many checkpoints in Damascus, so it was difficult to move around freely without papers. She said she consequently returned after ten days to ask for her belongings. P24 said she started at Al-Khatib where she was told at the checkpoint at the gate to wait while they search for her things. They asked for her ID-card but she only had her mother's phone. P24 said she did not take the phone with her inside the building. She then went upstairs (not downstairs where the detainees are) and told the man at the desk who she was and that she wanted her personal belongings. P24 said she was told to wait on a broken sofa. People at Al-Khatib were friendly and greeted her. According to P24, she thought that the man at the desk knew her. He was sitting behind the desk when he got up to say hello, then sat on the sofa opposite to her. P24 explained that he asked her how he could help after he said "[t]hat's what happens when you're released". She said that sentence referred to her appearance: she was dressed normally but he meant that this is what people look like after they were released. According to P24, she told him that she wanted her personal belongings. The director of the prison, who is responsible for all cells, came with a file for signature. He asked how "can we help,



Ms....?”. P24 explained that she left the room with the prison director, but did not find her belongings at Al-Khatib. She then went to Division 40, where she was handed her belongings.

Kerber asked P24 to describe the room in which she was with the two people. P24 described a square room with a window opposite to the door. She also said that there was a desk, two leather sofas and a picture of the president. She remembered that there were curtains but could not remember the color.

Kerber asked about a shelf or coat stand. P24 said she does not think that there was any of these items, however, there were many things in the room, including a TV.

Kerber said that P24 already drew a sketch of the room, which she can explain later. Kerber went on to ask P24 if she has any assumptions about the identity of the second person. P24 denied, saying that she cannot remember.

Kerber asked her to look at the defendants and wanted to know whether she recognizes one of them. P24 denied, saying she does not think so.

When Kerber asked her whether she needed a break, P24 denied. Raslan’s defense counsel intervened, requesting a break to get some fresh air.

[5-minute break]

The translators clarified that the window by the toilet in Al-Khatib, which P24 previously mentioned, was a light shaft.

Judge Wiedner’s Questioning

Judge Wiedner wanted to know more about the guard that P24 previously described, Abu Ghadab. The translator said Abu Ghadab can be translated as “father of anger”. P24 affirmed, adding that in this case “nomen est omen” and the name would perfectly describe the person.

Wiedner said this question might sound stupid but he wants to know how P24 knew that she was in Al-Khatib. P24 explained that she did not have to wear a blindfold, though she had to look down. She added that she saw the streets and knows the area very well.

Wiedner concluded that P24 knew before she was detained there that Al-Khatib is somewhere in that area. P24 affirmed.

Wiedner wanted to know how big the solitary cell was. P24 said it was 1x2 meters, but had a high ceiling.

Wiedner concluded that it was actually only the size of a bed, yet there were two people inside. P24 affirmed, adding that there was no bed though.

Wiedner clarified that he was only talking about the size to make a comparison. P24 said they slept on the floor. She slept on her side, while the other woman, who was pregnant slept on her back.

Wiedner asked P24 to describe the situation when the pregnant woman did not feel well. P24 said that one time, the pregnant woman had to use the toilet urgently. They knocked on the door, but no one



answered, so they knocked several times. She said the woman was afraid when one of the guards came. Nonetheless, she was allowed to use the toilet. P24 was punished by not using the toilet for 24 hours. P24 said she does not know to which instance Wiedner is referring. She said another time, they heard the sound of torture and screams at night, coming from upstairs. It sounded as if one's head was hit against a wall or floor. That was the night when the girl collapsed. P24 said the screams reminded her [the pregnant woman] of her home, as her father used to beat her. She told P24 that she will never forget that noise.

Wiedner affirmed that P24 told the same story to the police. He recalled that she further told the police that the woman was released and able to give birth. P24 denied, explaining that she met the woman two weeks after her own release. After two weeks that P24 and the pregnant woman were detained together, the woman's belly got hard. They agreed to tell the guards that the child stopped moving, so she would be transferred to a hospital and examined. They then told the guards that the child was probably dead. The woman was transferred to Red Crescent Hospital where the doctors found that the child was still alive, and she was close to giving birth. They accelerated that process and a court transferred her to Adra Prison.

Wiedner wanted to know how the air in the solitary cell was, whether it was ok and enough oxygen. P24 laughed, saying that there was simply no air, not in any meaning of the word.

Wiedner concluded that the air was bad. P24 said there was no ventilation or anything like that.

Wiedner recalled that P24 told the BKA that the only place with fresh air was the toilet, as there was a tube to the outside, so one tried to breathe through that. He wanted to know whether that is correct. P24 affirmed, adding that one has to bear in mind that this toilet was used by countless people. There were rats and no towels. She explained that she and the pregnant woman are both afraid of rats. Whenever they went to the toilet, one of them was using the toilet while the other one put her feet in front of the whole from which the rats came. P24 said this would be the place where they breathed fresh air.

Wiedner wanted to know how many people were in the collective cell. P24 said there were no less than 25 people. She said she remembers that not all of them were able to sleep at the same time. They had to sleep in shifts.

Wiedner asked about dirt, rats, lice, and insects inside this cell. P24 explained that in the same cell, when used for men, there were even more people inside. The toilet in the cell was dirty. P24 told the court that the women offered to clean the toilet themselves. Three of them volunteered to clean it if they were given cleaning supplies. P24 further said that this was when she met the prison director, as they detected cockroaches in the cell. According to P24, there were at least 60 big cockroaches. When the women started screaming, the guards asked them if everything is fine. When P24 told them that nothing would be ok, the guards yelled at her. However, the director of the prison came to solve the cockroach issue. He sprayed some chemicals, which only caused more cockroaches to enter the cell. When he got a more effective spray, the women inside the cell almost suffocated while the guards laughed at them. P24 said the director himself had to leave the cell and threw up. He immediately ordered for all the women to be taken outside, until the dust was gone. She said the cockroaches were gone, however, when she came back to Al-Khatib there were cockroaches again.

Wiedner recalled that P24 said she was taken to Division 40 upon her arrest and asked her how she knew that she was at Division 40. He also asked her to tell a bit more about the Division personnel,

how they were dressed, and if she knows anything about the tasks of Division 40. P24 said that Division 40 was familiar to them [her and her friends], especially in the context of the revolution. She said that “such divisions” usually were at remote locations, as she did not wear blindfolds on her way to the Division, she was able to see where they were going. She further explained that, despite a few exceptions, they [Division personnel] were usually dressed in civilian clothes. One person from Aleppo was wearing camouflage, but he did not look like he was in the military. He was not wearing a uniform, however, his clothes made him look angrier than someone in a regular uniform. P24 said she saw a similar person when she picked up her belongings. They looked like they belonged to a militia. She said the person who interrogated her at Division 40 had a big office with many arms, including many big rifles. It was a high-profile office. P24 said there was another person, Yamen, who accompanied her. According to P24, it was obvious that he [the man from Aleppo] was supposed to unofficially talk to the detainees. She said that other women spoke with him as will. He was apparently one of the main people, but his behavior towards people varied from person to person. P24 said that Yamen was relatively young; he was born in 1989. In addition to him, there were 3 or 4 additional people [when she was arrested at the office]. The one who knocked on the door and pointed a gun at her was wearing a jogging suit. This person was downstairs as well and opened the “guys” computers and questioned them. The person who was tortured next to her was tortured by a young man from Aleppo, who according to P24, was the most brutal one of them. She further explained that when she was walking down the hall in Division 40, people were beaten in the halls and when she was brought to the guy wearing the jogging suit, she heard screams from a man. When she asked where the guard was taking her, she was told not to ask any questions. P24 asked Wiedner what his question was.

Wiedner said everything is fine and recalled her explaining to the BKA that Division 40 was different, as some people wore camouflage and she assumes that some of them, who wore tight t-shirts, were *Shabiha*. Wiedner said she further told the BKA that she felt as if this [people wearing camouflage and tight t-shirts] would rather be a show to differentiate from others. P24 said that this is exactly what she meant when she spoke about uniforms and militias.

Wiedner recalled that P24 just mentioned that she saw one of them at a checkpoint. He cited from her interview with the BKA during which she said that “employees of Division 40 had several tasks, not only to arrest people”. P24 affirmed, adding that she saw one of them at a checkpoint in Damascus. He recognized her and did not look at her ID or search her car. After that, he was no longer at that checkpoint. She said that they were also strolling through the trendy neighborhoods, and it became apparent that they had a mission.

Wiedner wanted to know who led Division 40. P24 said it was Hafez Makhlof.

Wiedner asked her if she ever met him. P24 said she met him on the day she was released.

Wiedner asked P24 if it is alright for her to talk about her detention at Branch 251 rather than having a break. He went on to ask her whether it is correct that she was never beaten or mistreated. P24 said that is correct, adding that she was threatened during the interrogation.

Wiedner asked whether she was referring to the person who lashed the whip on the floor next to her. P24 affirmed.

Wiedner asked her whether she was simply lucky or if there might be reasons why she was not beaten. He told her that she only had to answer this question in a way that does not lead to conclusions about her and her family’s identity. P24 said she would rather not answer this question.

Wiedner wanted to know if P24 saw or heard how others were tortured. P24 said there was a “welcoming”. Regarding male detainees, this “welcoming” was in the area where the cells are located, a place where new detainees are received. She further explained that there are also “welcoming-beatings” which she heard from her solitary cell, but did not see them. She said she also saw beatings from a door gap in the collective cell. Other women with brothers, fathers, and husbands [in detention] had a breakdown when they heard the noises. She said that from her solitary cell she also heard screams and saw an elderly man who was forced to undress. When he told the guards that he was the same age as their fathers, they beat him. According to P24, the guards sometimes went into the men’s cell at night and started beating them. She further said that on her way to the toilet she could see bleeding feet of other detainees.

Wiedner said that P24 also explained to the BKA how other people were tortured when she said that there was a big gap under the door of her cell through which she could see incoming detainees. The guards knew about the gap, so the detainees were afraid to look through it. She said that people were beaten with sticks and elastic belts until they fell on the ground where they were then ‘properly’ tortured and beaten. She told the BKA that she only saw this once. P24 further told the BKA that she assumes that only men are beaten at Al-Khatib during “welcoming parties”. P24 affirmed, adding that women who were arrested at demonstrations were arrested and beaten at Division 40. There was no torture during interrogations [at Division 40], but they were beaten when they walked upstairs. P24 said they were told that everyone [the personnel] had the right to beat them [the detainees] at any time.

Wiedner asked whether that was at Division 40. P24 affirmed. Regarding Al-Khatib, she added that they never heard anything about women. She explained that in the area where the guards were working, people who were transferred or released were called by name at specific times. P24 said she could clearly hear the names from her cell, however, she never heard the name of a woman. She further recalled the time when she wanted to pick up her belongings and was sent to Al-Khatib by Division 40. She said she had to wait in a room to identify her belongings. During the situation, she spoke with a normal voice, but the guard yelled at her and told her to lower her voice, as they only hear voices of men, not women.

Wiedner wanted to clarify whether this happened at Division 40 or Branch 251. P24 said it was at Branch 251.

Wiedner asked whether she could also hear men being tortured from the collective cell. P24 affirmed, saying “of course” she heard that.

Wiedner wanted to know whether this noise was non-stop, at certain times, and if so when and how many times. P24 said she heard it all the time.

Wiedner recalled that P24 was interrogated at Branch 251 and wanted to know where that [the interrogation room] was. He asked her if she had to go upstairs where the collective cells were or if it was further away. P24 said she was in a solitary cell and it [the interrogation room] was further away from that cell, however, closer to the collective cells.

Wiedner asked whether it was the same floor. P24 affirmed.

Wiedner wanted to know where she met the director of the prison when she returned [to pick up her belongings]. P24 explained that if one goes downstairs starting at the ground level, he gets to the cells. However, this time she was upstairs, at the first floor if she remembers correctly.



Wiedner said that P24 inspected the defendants extensively. He asked her whether she excludes the possibility of having met one of them, or if it would be possible that she met one of them but could not remember. P24 explained that her way of dealing with detention was to not resist, but to take action as much as possible. During her detention she did not look at anyone's face, regardless of whether she was blindfolded or not. She tries to understand why she cannot remember the face of the person at the office; she guesses that she looked down at the floor. According to P24 she cannot remember until this very day.

Wiedner recalled that P24 mentioned Anwar Raslan during her interview and said it [the person in the office] might have been him. He asked her why she thinks that and told her that she does not need to say who identified the person. P24 preferred not to answer.

Wiedner said there is a second defendant, Eyad Al-Gharib. He asked P24 if she knows him or can say anything about him. P24 denied.

Wiedner recalled that P24 told the BKA that people she knows and trusts only say good things about Eyad. P24 said that during [Al-Gharib's] detention, when his name went public, reactions amongst Syrians varied. Some said that he tried to help, however this would be a personal opinion. P24 added that she herself does not know anything about him and has no secure information.

[60 minutes break]

Presiding Judge Kerber asked P24 if either she or her family has close relations to the Syrian government, or if there was another reason why she was not treated that badly. Kerber added that she thinks this question does not harm P24, however, P24 can of course consult her counsel. P24 said it is a difficult question to answer, however, what she can say about her profile as a person is: as a woman she had her own car, which is a sign that she is rather well situated; she has a college degree; and she had a job back in Syria. These would all be indications that she was in the "best category" that enjoys some kind of special treatment.

Prosecutors' Questioning

Prosecutor Klinge wanted to talk about P24's arrest and the reasons for her arrest at the office. P24 said she does not know the exact reasons, however, it seemed as if she and her friends were being surveilled. P24 explained that the arrest happened on a Friday, and back then there was a curfew on Fridays which meant there was a heightened police presence. She said their meeting was not planned. They decided to meet on short notice due to the situation in Damascus. P24 added that they were a group of people who had access to a non-civilian place, which is suspicious. This is her suspicion of the reasons for arrest.

Klinge asked whether P24 and her friends were part of the civilian or military opposition or if their arrest was by mistake. P24 said they were certainly not members of the armed opposition. Actually, they were only a group of friends with common values, such as justice and equality. The aim of their meeting was to have a dialogue.



Klinge wanted to know whether P24 and her friends organized any events like demonstrations, etc. P24 said she can only speak for herself; she certainly had an attitude that opposed the regime at that time, but she did not attend any demonstrations.

Klinge asked how many people were arrested. P24 said five people plus herself.

Klinge asked about the number of men and women. P24 said she would rather not answer that question.

Klinge said it is fine for P24 to not answer the question and asked her to provide more details regarding the incidents when she spoke with Yamen at Division 40 and had to watch a person being tortured. P24 said she entered a room opposite to an office of the person who interrogated her. A young man whom she knew was lying on the floor behind her on the right side. "They" kicked and beat him and used electroshocks. P24 further explained that she was asked about her relationship to this man regarding "certain events".

Klinge wanted to know how long the torture lasted. P24 said she cannot say precisely but guesses that it took five to ten minutes. She said she saw the same person hours after that incident on her way to the toilet. He was lying on the floor, half dead. She said he opened his eyes and smiled as a sign that he was still alive. However, the marks of fist beatings on his face told her that he was dead.

Klinge recalled that P24 said she spoke to Yamen on her way from Division 40 to Branch 251 and that Yamen accompanied her to the basement of Branch 251. P24 said that Yamen was from Division 40, so she did not see him at Branch 251. She remembered that when they were waiting together in the office, he spoke to another officer about torture instruments. They spoke about which tools they had and which ones they needed to purchase. P24 said after that she was alone with him. That was when he told her that she was transferred to the place where she was before.

Klinge asked P24 whether there were blankets or other things in the solitary cell at Branch 251. P24 affirmed that there were blankets, which they put on the floor or used to cover themselves. She recalled that it was very cold, even though it was May. She added that all they got were blankets and a bottle of water from the toilet.

Klinge wanted to know more about the condition of the blankets, whether they were clean or not. P24 denied, saying that they were full of lice. She said she had lice everywhere from these brown blankets. She further added that during the 24 days she was in this cell, the blankets were not changed.

Klinge recalled P24 talking about a lack of sleep in the collective cells and asked her to tell the court how many collective cells she saw in the area. P24 guessed that there were four or five cells.

Klinge asked her to estimate the number of detainees in this area. P24 said that she heard screams from the male collective cells because the men yelled at each other when one of them could not sit down or sleep. She said that one time, guards entered the cell, however, that was actually not possible as there were so many people in the cell. P24 estimated that 100-120 people were in this cell, adding that they were not even able to sit down, all of them had to stand.

Klinge wanted to know whether P24 knows anything about torture methods used at Branch 251 or if she heard anything about that. P24 said that there were lashes at Branch 251. She remembered that people were beaten on their feet with lashes. She added that the detainees had to stand up while they were beaten on their feet and when they fell down, their entire body was beaten. She said people were tortured in the room above her, but she has no idea which tools were used there.



Klinge asked P24 whether she saw corpses or executions at Branch 251. P24 denied, adding that, though she does not remember how she found out, the pregnant women with whom she was detained requested a shower after certain days of detention. She was told that it was no longer possible to use the showers. There were certain indications that there was some kind of special situation in the shower room. P24 said there was no information more specific than that. She further told the court that the pregnant woman was arrested with her husband. When P24 asked her about her husband, the woman told her that when she asked about him, she was told that she should forget about him. P24 said the women acted as if he was dead.

Klinge recalled that P24 told the BKA that she knows nothing certain about executions and corpses but assumes that the situation for male detainees was probably horrible. P24 said all she can talk about is what she saw on the floor [in the hallway on the way to the toilet]. She saw men's yellow and red feet. The men had to stand up, facing the wall. P24 said she saw signs of torture on their feet and backs. She concluded that they were most likely tortured.

Klinge further recalled that the French police asked P24 about the relationship between Alawites and Sunnis within the regime. He wanted to know whether P24 remembers these questions. P24 denied.

Klinge asked P24 what she can tell the court about the representation of Alawites and Sunnis at the regime level. P24 wanted to know if Klinge was talking about the government. Klinge affirmed. P24 said it would only be her personal view, but that there are positions which are clearly allocated since Al-Assad [took power]. Sometimes they are allocated according to religion, sometimes according to party membership. She said that certain ministries go to the socialist parties and others to the Baath party. P24 added that she was talking about people with certain functions, representing the party. For example, the Premier Minister would always be a Sunni and high positions within the security forces would always be given to Alawites. She said that in her personal view, high administrative positions are always given to Sunnis, while high positions regarding security matters are always given to Alawites.

Klinge recalled that P24 told the French police that she cannot say that the regime would only consist of Alawites. She told the French police that the premier and president of the parliament were Sunni. Overall, there were around 60% Sunnis. P24 said that is correct.

Klinge asked about Ali Mamlouk's confession. P24 said she does not know.

Prosecutor Polz recalled that P24 was transferred from a solitary cell to a collective cell with around 20-25 women and asked P24 whether any of the women showed signs of torture or mistreatment. P24 said she already told the court that women were mistreated at Division 40. They showed signs of that on their feet and hips.

Polz wanted to know if P24's comments were based on her own conclusions, or if she knows that for sure. P24 said she cannot say with complete certainty.

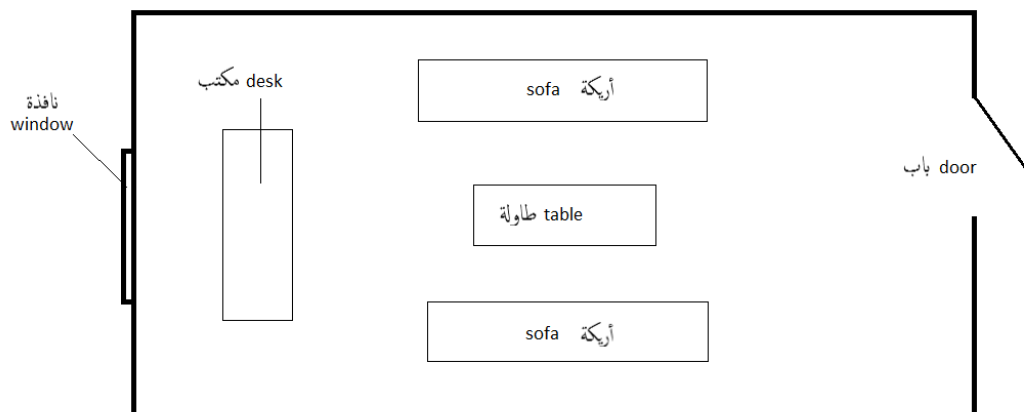
Polz asked P24 whether she spoke about that [torture or mistreatment] with anyone. P24 said that in the collective cell, the women were very careful about what they said and what they did not say. They were always afraid that "someone could be present" [one of the guards among the detainees]. That is why none of them said what they had to endure. P24 said women from Division 40 were shocked. She added that she was in the collective cell for two days before she was transferred to Kafar Souseh. She said she was so exhausted when she returned from there that she barely communicated.

Polz asked P24 whether she is a victim of sexual violence. P24 denied that she is a victim of sexual violence. She added that she did not hear anything explicit about that from others. However, there were two women: one of them wanted to smoke and showed her breasts to one of the guards to get a cigarette. The other one apparently had an addiction. She was only there for one night and kept walking up and down the room. She then spoke to one of the guards, so he could get her something. P24 said she could not hear what they said. P24 further said that there was a woman with her underage daughter. The woman told the daughter that she knows how to handle the guards.

Polz wanted to know whether there were more minors at Al-Khatib. P24 said that this one was a minor for sure, but she did not see other minors.

Polz recalled that P24 told the court that she had to undress and squat and that she had issues with her joints. P24 said theoretically, this practice was used to frisk people. In practice however, it was used to make people feel humiliated. She added that it [the act] was only viewed from that angle [of humiliation].

As the prosecution had no more questions, Presiding Judge Kerber referred back to the sketch which P24 created during her police interview. She said that P24's name and handwriting is redacted and asked her to describe the sketch.



P24 said that this was the room she was in when she picked up her belongings [at Branch 251]. She described the room's interior.

Prosecutor Klinge asked her about the color of the sofas. P24 said they were either brown or black, adding that she cannot remember precisely, but is sure that they were dark.

Defense Counsels' Questioning

Raslan's defense counsel Fratzky recalled that P24 mentioned a Sweida dialect and asked her in which region this dialect is common. P24 said it is spoken in Sweida, which is a governorate in the South of Syria.

Fratzky wanted to know more about the ethnicity of the people living in Sweida and who spoke this dialect. P24 said that most people there are Druze. However, the dialect is spoken regardless of the religious group, but dependent of the region.

Fratzky further recalled that P24 told the court that she was at Branch 251 to pick up her belongings and asked her about the name of the director of the prison whom she mentioned. P24 said she does not know his name but he was there during the cockroach incident. She described him as a small man.

Fratzky wanted to know whether it was the same man who was there when she picked up her belongings. P24 said this man entered the office of the person to whom she was talking about her things. The man who entered the office requested signatures from the person that was already there.

Fratzky asked P24 how she knew that he was the director of the prison. P24 said he was the one in charge during the cockroach incident. The guards told the detainees that the director would come.

Fratzky wanted to know whether the name Tawfiq Younes sounds familiar to P24. P24 said everyone knows this name.

Fratzky asked P24 whether she has any information on him. P24 denied, adding that some people simply become legends.

Fratzky further asked P24 whether he [Tawfiq Younes] had anything to do with Al-Khatib. P24 said she does not know.

When P24 was dismissed. She thanked the court.

Al-Gharib's defense counsel asked the judges about Inspector Knappmann's appearance in court. Judge Wiedner replied that, as usual with witnesses from abroad, the relevant BKA inspector will testify in court. Schuster wanted to know when that will happen and if he and his colleague will still have a chance to question him [considering that the court announced that it will issue a judgment for Al-Gharib by the end of February 2021]. Presiding Judge Kerber told Schuster that she is aware of the difficulties surrounding the witness's schedule and assured him that he will be able to question Knappmann sometime early next year.

Prosecutor's statement on the submission of the Plaintiff Counsels Kroker and Scharmer regarding a change in legal reference.

Prosecutor Klinge read out the prosecution's statement responding to the submission of Plaintiff Counsels Kroker and Scharmer regarding the inclusion of sexual violence as a crime against humanity to the charges, as well as the translation of certain documents [the following is a summary of the main aspects of the statement as noted by the Trial Monitor]:

- 1) The submission barely differs from the indictment. The indictment already found the existence of a systematic and widespread attack against the Syrian population. The criminal acts of sexual violence cited in the plaintiff counsels' submission were also included in the indictment.
- 2) If the judges share the plaintiff counsels' evaluation of the cited acts of sexual violence, the acts would merely qualify as one act under §7(1) No. 6 VStGB, in addition to the acts under §7(1) VStGB which are already included in the indictment.
- 3) Introducing as evidence the documents mentioned in the plaintiff counsels' submission, as well as the respective translations, would not serve the economy of the trial or due process interests. The judges already have knowledge of the facts that requires evaluation.
- 4) Sexual violence is already included in the indictment and was confirmed by several witnesses. The judges therefore already have enough evidence to judge this matter.
- 5) The documents mentioned in the plaintiff counsels' submission do not provide further information regarding a widespread and systematic attack against the civilian population.
- 6) The evidentiary value of the documents is furthermore limited as they are solely reports.



Presiding Judge Kerber canceled the session scheduled for the following day.

The proceedings adjourned at 1:50pm.

Next hearings will take place on January 6, 2021.