

TRIAL OF ANWAR RASLAN and EYAD AL GHARIB
Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 26
Hearing Dates: February 3, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 59 – February 3, 2021

Deußing, a criminal chief inspector with the German Federal Criminal Police Office (BKA), testified about the content and background of a questioning with a witness, who was detained twice and tortured in Al-Khatib. Earlier, the witness told the court that he would not come to Koblenz in person for private reasons.

Presiding Judge Kerber announced that the cases against Anwar Raslan and Eyad Al-Gharib will be severed on February 17, with a judgment in Al-Gharib’s case following on February 24.

Day 59 of Trial – February 3, 2021

The hearing began at 9:30 am with 3 media representatives and 4 spectators present.² Attorney Ms. Friedrich appeared as replacement for Plaintiff Counsel Dr. Anna Oehmichen, Plaintiff Counsels Khubaib Ali Mohammed and Manuel Reiger were not present.

After starting the session, Presiding Judge Kerber asked the audience whether the changes they made to the sound system were successful so everyone could hear what is said and is able to follow the proceedings. The audience affirmed.

Presiding Judge Kerber mentioned that the court summoned the witness [name redacted] twice. His counsel Mr. Bahns said the first time that the witness had other commitments and the second time, that the witness could not make it to Koblenz. Judge Kerber said the court interpreted the latter statement as a final refusal of the witness to testify in court and therefore summoned Mr. Deußing, the Criminal Chief Inspector of the German Federal Criminal Police Office (BKA) who previously interviewed the witness.

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.

² No one requested access to Arabic interpretation.

Testimony of Criminal Chief Inspector Deußing³

Presiding Judge Kerber said that since Deußing already testified several times in this trial, she will keep the instructions short and only remind him of his duty to tell the truth. She went on to ask him for his personal information and whether he was related to the defendants by blood or marriage. Deußing denied the latter, repeating his personal information and confirming that he can be summoned through his employer's address.

Judge Kerber's Questioning

Presiding Judge Kerber explained that she has only a few questions that she would like to clarify before handing it over to Judge Wiedner. Kerber asked Deußing about the last name of the witness, mentioning that he apparently had two last names. Deußing affirmed, explaining that from the witness's passport and the documents which the BKA received from their Swedish counterpart, prior to their own [the BKA's] interview with the witness, indicated that the witness had two last names [name redacted].

Judge Kerber asked Deußing to describe the circumstances that led to the BKA's interview with the witness. Deußing explained that the BKA sent a mutual legal assistance request (MLA) to their Swedish colleagues after they met at an international conference in The Hague. There, the Swedish police said that they interviewed a human rights activist who mentioned the name Anwar Raslan during this interview. Deußing said he forwarded this information to the German Federal Prosecutor General (GBA), asking him to issue a mutual legal assistant request to the Swedish counterparts in order to get the transcripts of their interviews with the witness and the opportunity for the BKA to question the witness as well. The GBA then issued the respective request through a European Investigation Order. Deußing further explained that when he, himself, tried to arrange a date for a witness interview with his colleagues in Sweden, attorney Dr. Kroker approached him, and told him on behalf of his client, the witness, that he would agree to a BKA interview in Germany. Deußing said the witness eventually came to Berlin at the end of August 2018, where he was interviewed by the BKA in their premises. The interview was conducted with the help of an interpreter and lasted around 10 hours. Deußing added, that they had several breaks in between, one of them for around ninety minutes due to technical issues.

Judge Kerber wanted to know whether the witness was informed about his rights and duties. Deußing affirmed.

Kerber asked whether communication between the interpreter and witness worked well. Deußing affirmed, adding that in his interviews, he always asks the interpreter to introduce himself to the witness, so the witness gets to know the interpreter and feels comfortable talking to him.

Kerber said her last question (for now) would be whether everything was re-translated to the witness. Deußing affirmed again, explaining that the re-translation took around ninety minutes and the witness made several changes to the transcript, which indicated that he thoroughly followed the re-translation.

³ Note from the Trial Monitor: For the purpose of this report, the witness in court, Criminal Chief Inspector Deußing, will be called by his last name, while the witness who was initially summoned and interviewed by Deußing will be called "witness".

Judge Wiedner's Questioning

Judge Wiedner recalled that the witness was interviewed in Berlin and asked Deußing whether the witness was generally willing to cooperate when they were in contact. Deußing explained that he was not in contact with the witness, as his Swedish colleagues arranged everything. Deußing said he was then approached by Dr. Kroker who told him that the witness was willing to come to Berlin. According to Deußing, the witness was willing to testify during their interview, however, he was worried that Anwar Raslan might get to know about his testimony. However, the witness was willing to testify in court as well.

Wiedner wanted to know why the witness did not want to come to Koblenz to testify in court. Deußing said he cannot answer this question, as he was not in contact with the witness after the interview in Berlin. All he could say is that the witness was worried about Raslan knowing about his testimony.

Wiedner wanted to know more about the overall situation of the interview; whether the witness provided detailed descriptions or was rather hesitant. Deußing said regarding the witness's cooperation, he could say that the witness was willing to testify. At the beginning of the interview, the witness's counsel at the time, Dr. Kroker, said that the situation in Syria was still very stressful for the witness and asked Deußing to start, if possible, with questions about the detention in Al-Khatib before talking about the witness's arrest.

Wiedner asked Deußing to tell the court about the content of the witness's testimony. Deußing said he first wants to add that the witness took his time to check the re-translation and made several corrections to his testimony. Regarding the content of the testimony, Deußing said that he called the witness by his second last name, as that was easier. He asked the witness about his personal information: he was born in 1991 in Damascus and studied IT and engineering. The witness worked for UNHCR before the conflict in Syria started. After the conflict started, he worked with "Syrian Youth for Change" where he was responsible for disseminating flyers on the internet and via SMS; informing people about upcoming demonstrations. According to Deußing, the witness first did this work only related to Damascus, then all of Syria. He was arrested in February 2011. Deußing explained that, as Dr. Kroker asked, they detailed his arrest at a later point of the interview. Deußing further added that the witness said that he had family problems after his arrest and detention, due to his activities. According to Deußing, the witness went to Darayya, a region that was not under government control, after he was released. He worked for "Witness" at the time, an NGO collecting information and documentation to be used in future criminal cases. The witness was part of their training program. After that, the witness went to Deir ez-Zor and from there he moved to Turkey in 2013. In 2015, he left Turkey for Sweden, where he successfully applied for asylum. Deußing said the witness was heavily involved in the work of an organization called "Syrian Archive" and through this work, was in contact with Amnesty International and Human Rights Watch. Deußing said that regarding the subject matter of the witness interview, the witness was one of the first victims who was interviewed during the investigations in the case against Anwar Raslan.

Judge Wiedner intervened, asking whether it was correct that the interview took place on [information redacted]. Deußing confirmed, adding that the witness's detention in Al-Khatib started in February 2011 when he was arrested together with friends at a raid and taken to Al-Khatib. Deußing said the witness told him that he had to undress until he was naked and was frisked at his arrival at Al-Khatib. He was then taken to a solitary cell (Deußing did not remember the size of the cell). According to Deußing, nothing happened to the witness during the first days at Al-Khatib.

The guards only threw empty sheets of paper in his cell for him to write down his information. He was taken to interrogation after five days. The witness told Deußing that he was taken to an officer who interrogated him for less than thirty minutes. Deußing recalled that the witness did not understand the purpose of this interrogation as he was not asked any “actual questions.” He was then taken back to his cell. There, again, nothing happened for several days.

Wiedner cited the BKA’s transcript of the witness’s interview during which he told Deußing that he was detained in Al-Khatib for around 58 to 63 days and taken to his first interrogation after approximately one week. The interrogation lasted around twenty minutes. Deußing confirmed the statement.

Deußing mentioned that he sometimes does not understand the judges very well. Judge Wiedner and one of the court officers explained to Deußing how to switch on the loudspeakers at the witness stand and how to coordinate that with his microphone.

Deußing went on to explain that the BKA questioned the witness only about four of his interrogations. However, the witness said that he was interrogated fifty times, always varying in terms of intensity and duration. Deußing explained that they simply did not have the time to go through all the interrogations and wanted to spare the witness unnecessary suffering, so they focused on four interrogations. According to Deußing, the witness’s second interrogation in Al-Khatib took place within the first month after his arrest. The witness told Deußing that the interrogation lasted several hours and was conducted by the same officer as the first interrogation. The witness was able to recognize the officer from his voice. Deußing explained that the second interrogation was very focused, detailing the witness’s participation in the movement “Syrian Youth for Change”, his role, and the names of other members, especially foreigners. Deußing further told the court that the witness “apparently made an ironic comment about the President”, which was the reason why the officer called a guard to “teach him some manners”. The witness said the guard was called Abu Al-Mot [father of death]. The witness could not tell Deußing whether the interrogation officer stayed in the room while he was beaten by Abu Al-Mot. According to Deußing, the witness was first beaten in his face, then forced into a tire and beaten, before enduring *Falaqa* [beatings on the soles of his feet]. Deußing said he cannot remember whether this was after the witness’s first or second interrogation, however, after one of them, he had to stand in the hallway for several hours before he was taken back to his cell. The witness described that his way back to the cell was very painful because his feet were hurting and he could barely walk.

Judge Wiedner said he had one short question regarding the time between the witness’s first and second interrogations. He asked Deußing whether the witness mentioned anything about the capacities and occupation in Al-Khatib at that time. Deußing said the witness mentioned that it got more hectic and later said that he heard people being tortured particularly on Fridays.

Wiedner cited from the BKA’s transcript of the witness interview that the witness described that he was not interrogated for a time period of a few weeks, but less than a month. At some point during this period, it got more hectic in Al-Khatib, the witness assumed that this was when the demonstrations got more intense. People were tortured and interrogated daily. Wiedner concluded that Deußing’s statement confirmed this description.

Wiedner said, based on Deußing’s previous descriptions, he assumed that the witness was blindfolded. Deußing confirmed, adding that he was blindfolded especially during interrogations and on his way to interrogations. He did not have to wear blindfolds in his cell. The witness further told Deußing that there was a small gap in the door of his cell, through which he could see the area in front of his cell.

Deußing explained that during interrogations, the witness was blindfolded most times. However, one time, when he was interrogated by Anwar Raslan, he did not have to wear blindfolds, as he was shown pictures of a girl allegedly affiliated with “Syrian Youth for Change”. The witness was told to identify her, which he could not do.

Judge Wiedner recalled that regarding mistreatment and torture, the witness told the BKA the following: “After they slapped my face, I was beaten on my back three times, before being beaten on my legs. They then squeezed me in a tire, so it was easier for the torturer to torture me. They then beat my feet with some sort of cable. I was blindfolded; however, I could recognize that there were two people. One who held the tire and one who beat me. I cannot say how long this went on. Afterward, I had to stand in the hallway, facing the wall. Everyone who came past me hit me. On my way back to the cell, I fell down several times.”

Wiedner asked Deußing what happened next during the witness interview, whether Deußing showed the witness pictures of certain people. Deußing said they showed the witness pictures of Anwar Raslan. While the witness was not sure whether the person in the first picture was actually Raslan, he identified Raslan on the second picture. Deußing explained that, according to the witness, Raslan was not the one who interrogated him at his first and second interrogation in Al-Khatib, however, he coincidentally met him at another occasion in Al-Khatib. Deußing said he and his colleague then detailed this incident with the witness.

Raslan’s Defense Counsel Böcker intervened, asking whether Deußing showed the witness a picture of Raslan. Deußing confirmed.

Böcker complained that Deußing’s descriptions regarding the identification of Raslan would not entirely be congruent to the transcript of the witness’s interview with the BKA. Böcker asked the judges to allow him to ask a couple of questions on this matter. Presiding Judge Kerber allowed Böcker to ask a few questions.

Defense Counsels Questioning

Raslan’s Defense Counsel Böcker recalled that Deußing mentioned that the witness identified Anwar Raslan. Böcker wanted to know whether Deußing’s statements were based on his memory of the interview or whether he read the transcript of the interview in preparation of his testimony in court.

Presiding Judge Kerber intervened, reminding Böcker that he is only allowed to ask short questions at this point.

Böcker asked Deußing whether the witness definitely identified Anwar Raslan on the pictures or whether there were certain limitations to his identification. Deußing said that he just provided a summary of the witness’s testimony in his own words. He added that, if Böcker wants to know the witness’s exact word in this situation, he had to take a look at the transcript of the interview. Deußing further explained that the transcripts represent the witness’s exact words as they were re-translated during the interview and checked by the witness. The degree of identification would also become apparent from the transcript.

Böcker said he is aware of all that, however, he wanted to know from Deußing whether the witness said something like ‘I think it is him. I am not sure but he looks like him’. Deußing said if that is what the transcript says, then the witness said it like that.

Judge Wiedner's Questioning

Judge Wiedner told Böcker that he would have asked these questions in due time. Böcker said he was aware of that. However, he left another statement from Deußing uncommented and could not do that a second time. He added that he feels better now that he asked this question and clarified the matter.

Judge Wiedner cited the BKA's transcript where the witness said that the person in the second picture looked like Anwar Raslan. Deußing confirmed, explaining that the transcript always says exactly what the interpreter said.

Wiedner cited another paragraph from the BKA's transcript where the witness said that he thought that Raslan was the person in the second picture, however, he was not sure and he added that the person in the picture looked like Raslan. The witness further added that the person in this picture had the same birthmark as Raslan. According to the witness, the person in the first picture looked similar to Raslan as well, however, the longer he looked at the picture the more certain he was that the person in the first picture is not Raslan, because Raslan was a bit heavier. Deußing confirmed.

Wiedner wanted to know whether Deußing and his colleagues asked the witness about the situations where he met Raslan before they were talking about the degree of identification. Deußing said they went on to talk about the coincidental encounter between the witness and the person whom he identified as Anwar Raslan. The witness explained that an unknown guard came to his cell and poured water over him. The guard then took him to a hall where he had to stand and wait. From this hall, the witness was able to look into another room. He saw three people in this room, all of them wore suits, the person whom he later identified as Anwar Raslan wore a tie as well. The witness described that this person yelled at him to look down at the floor and asked him for his cell number. When he said that his cell number was No.8, this person yelled at the guard, telling him that he asked for No. 13 and ordered to take No. 8 back to his cell to get No. 13 instead. Deußing recalled that regarding the situation of other detainees, the witness described that he saw this detainee (No. 13, the Iraqi) passing his cell (No. 8) when he was taken to a hall by some guards. These guards then tried to squeeze the person in a tire, however, the person was too thick, so the guards started beating him anyway. Deußing said the witness then never saw this person again.

Wiedner wanted to know more about "the Iraqi" and asked Deußing whether the witness identified other people as well. Deußing said he remembered that the witness identified this person as Iraqi, however, he could not remember why the witness identified him as such.

Wiedner cited from the BKA's transcript of the witness interview, during which, in context of the witness identifying Anwar Raslan as one of the interrogators, the witness described that this person shouted at him to look down at the floor and asked whether he was Iraqi. The witness denied and the person whom he identified as Anwar Raslan (all three wore suits, two of them wore a tie as well) [see context above] asked for his cell number and when the witness said it was No. 8, the person called a guard, yelled at him and told him to get No. 13 instead. Wiedner said that later during the interview, the witness said that he identified a detainee as Iraqi due to his language. Deußing confirmed.

Wiedner wanted to know more about the second situation in which the witness met the person he later identified as Anwar Raslan. Deußing explained that the second situation was no coincidence. He recalled that the witness told him that he was again taken from his cell. However, this interrogation was different. Previously, he was first questioned and then beaten. This time, he was taken to a big hall where he was beaten.

The witness described to the BKA that he had to lay down on his belly and put his legs up. He was then beaten on his feet with an iron stick, studded with nails or other sharp items. According to Deußing, he further described that he was taken to a different room afterward, where he was given a sheet of paper to write down his activities [regarding demonstrations]. The witness told Deußing that he also met a well-known journalist there, however, he forgot his name. The witness further described that he was then taken to a room where the same interrogation officer from his previous interrogations and the person he later identified as Anwar Raslan waited for him and showed him pictures of a girl allegedly affiliated with “Syrian Youth for Change” whom the witness was supposed to identify, however, he said that he could not identify her. Deußing told the court that the witness was then taken to another room where he had to hang from the ceiling for a long time. The witness said that while he hung there, someone burned him with a hot item, probably a cigarette, and he was exposed to electroshocks.

Wiedner wanted to clarify whether the witness told Deußing that he had to endure torture/mistreatment while the person he identified as Raslan was present. Deußing confirmed, adding that after the witness had to hang from the ceiling, he was taken back to the room where Raslan was before, however, he was not there this time, only the previous interrogation officer was there. Deußing said the witness told him that this interrogation officer said that ‘a bird told me that you will sing today’. He then called Abu Al-Mot to make the witness talk, telling Abu Al-Mot that ‘if necessary, make him talk with blood on the walls’. The witness was then beaten with a metal pole until he fell unconscious.

Wiedner wanted to know whether the witness was blindfolded when he saw the person whom he identified as Anwar Raslan, or if he saw him directly. Deußing said that the witness was shown pictures in this situation, so he was not blindfolded. He was told to look down, but he was able to look up once and see the person.

Wiedner cited the BKA’s transcript according to which the witness said that he was once tortured in a hall prior to an interrogation. He was beaten with an iron stick studded with nails and beaten on the soles of his feet with a cable. The witness said that three people were present during this torture, however, Raslan was not one of them. He was then taken to an interrogation and after this incident, taken to the room where he had to hang from the ceiling for several hours at least. The witness said that his hands were swollen from this procedure [*Shabh*]. A person burned his arm with a hot item, probably a cigarette, he had to endure electroshocks, was beaten, and was kept from sleeping, maybe for several days. According to the BKA’s transcript the witness showed Deußing and his colleagues the scar on his arm. Deußing confirmed the statement.

Wiedner asked whether it would be correct that the scar was on the witness’s right elbow. Deußing said that if it is written in the transcript like that, it would be the case.

Wiedner wanted to know whether Deußing remembered if he asked the witness to provide a narrower time frame for his encounter with Raslan. Deußing said he could not remember.

Wiedner recalled that, according to the BKA’s transcript, the witness said that he met Raslan in April 2011, however, he could not provide an exact day. He was interrogated afterward and transferred to another Branch. Deußing confirmed.

Wiedner wanted to know whether the witness said anything else about Anwar Raslan. Deußing recalled that at one point, he asked the witness how he got to know Raslan's name. The witness answered that he did not know his name when he was still in Al-Khatib but found out later. The witness mentioned that a person in Syria was known because he appeared at a demonstration in Douma and later gave a radio interview after he defected. Deußing said the witness told the BKA that he recognized the voice from this radio interview as the voice of the person who interrogated him in Al-Khatib and yelled at him on another occasion. The witness then started to do research on the internet and eventually found Raslan's Facebook profile with his picture.

Wiedner asked what the witness said about the time he first assigned the name Anwar Raslan to the person he knew from Al-Khatib. Wiedner wanted to know whether this was before or after the witness's research. Deußing said as far as he remembered, the first assignment happened after the radio interview, which also was the reason for the witness to start doing more research. The witness also mentioned that he spoke to Anwar Al-Bunni who mentioned that he met Raslan in Germany.

Judge Wiedner cited another paragraph from the BKA's transcript. When the witness was asked about when he first came across the name Anwar Raslan, he said that he heard a radio interview that Raslan gave after his defection. He recognized Raslan's voice as the voice of the person who interrogated him at Branch 251. The witness added that he recognized the voice from its volume and an accent typical for people from Hama. He then searched for his face on the internet. According to the witness, he found him on social media two years after that. The witness further told the BKA that Raslan was introduced as Anwar Abbas Raslan in the radio interview. When the witness was asked about Anwar Al-Bunni, he told the BKA that he spoke with Dr. Kroker and Anwar Al-Bunni about Branch 251. That was when Al-Bunni told him that Raslan is in Germany and that Al-Bunni saw him there. Deußing confirmed the statement.

Wiedner asked Deußing whether the witness also mentioned something about Raslan's position and his rank. Deußing said the witness called him "boss" if he remembered correctly, he called him "boss of investigations". Deußing said the witness explained that the guards and interrogation officers from his first and second interrogation called Raslan "Sir" [sidi/sayyidi]. Deußing further said that the witness told him that the guards saluted in front of the person whom he identified as Anwar Raslan. However, the witness also said that he did not hear that this person (whom he identified as Raslan) gave any orders during his interrogation.

Wiedner went on to ask about the location of the witness's interrogation by the person whom he identified as Raslan. Deußing said, according to the witness, the room was better equipped than the room of his first interrogation. He explained that the room where his first interrogation took place had only one iron table, while the room of the person whom he identified as Raslan, had a bigger table.

Wiedner cited from the BKA's transcript of the witness interview during which the witness explained that the person he later identified as Anwar Raslan was leading the interrogation and had the position of the Head of investigations at Al-Khatib. The witness further mentioned that whenever this person (Raslan) was there, everyone was wearing uniforms, while when he was not there, guards wore "pajamas/sweatsuits." However, the witness added that he did not witness any orders coming from Raslan. He only witnessed him yelling when he got angry at one of the guards and that people called him "Sir" [sidi/sayyidi, سيد]. Deußing again confirmed the statement.

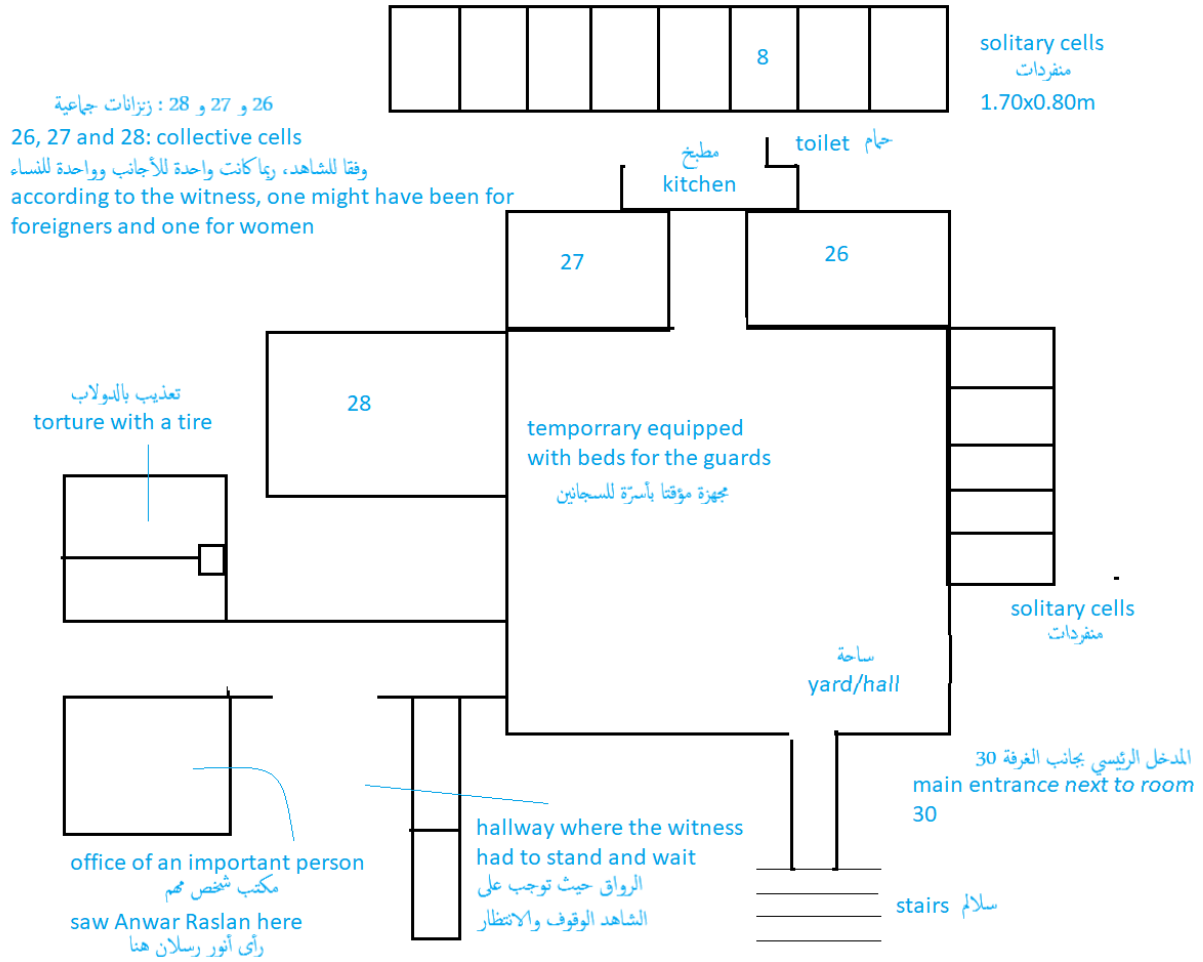
Wiedner wanted to know whether Deußing further questioned the witness about how he knew Raslan's position. Deußing said he could not remember whether he asked any details, if he did ask for details, one could find it in the transcript.

Wiedner went on to ask Deußing about the witness's descriptions of the overall detention situation and mistreatment and torture of other detainees. Deußing said he explicitly asked the witness whether he saw people being mistreated/tortured at Al-Khatib. In answering this question, the witness explained that he could see the area directly in front of his cell through a gap in the door of his cell. That was where he saw 9 to 15 people being tortured. He did not witness further torture, however, he heard screams, especially on Fridays. Deußing recalled that he asked the witness how he could tell that it was Fridays, the witness then explained that there was a certain timeframe during which he was allowed to use the toilet three times. He assumed that this time frame was one day. Deußing summarized that the witness counted the days this way, as his cell was completely dark.

Wiedner cited from the BKA's transcript, according to which the witness explained that he saw a person, "the Iraqi" being tortured by four guards in front of the witness's cell. Amongst others, they used electroshocks, after they poured water over the person. The witness further described that he could only see a hall and kitchen from his cell. He witnessed nine to fifteen people being tortured in this area. The witness also mentioned that he did not see torture in the interrogation rooms, however, he realized a difference in Al-Khatib between the time before the start of big demonstrations and afterward: after the start of big demonstrations, he heard screams from torture several times a day, especially on Fridays and Saturdays. Wiedner said from reading this, he would wonder whether the interrogation rooms were close to the cells or not, since the witness said he could hear screams but not see people being tortured. Deußing said that the witness created a sketch of the underground detention facility during his interview with the BKA. On this occasion, he described that there was some kind of hall in front of his cell. He had to leave this area to get to the interrogation rooms and the room he identified as the office of the person he later identified as Anwar Raslan.

Presiding Judge Kerber said the court will now inspect the sketch that the witness created:

[below is a recreation of the sketch which was shown in court. The recreation is based on what the
Trial Monitor was able to hear and see in court]



Plaintiff Counsel Bahns intervened, asking for a break to let some fresh air inside the court room.

Judge Wiedner said he had only two short questions before making a break. He first wanted to know how long the witness was detained in Al-Khatib. Deußing said that if he remembered correctly, he was there for around two months.

Wiedner confirmed that, according to the BKA's transcript, the witness was in Al-Khatib for more than two months. Wiedner further wanted to know what happened to the witness after leaving Al-Khatib. Deußing explained that the witness was transferred to Branch 285. The witness said that he also received the "welcoming party" there and was interrogated as well, however without the use of torture. Deußing said that the witness told the BKA that the interrogators at Branch 285 apparently had the results of his very first interrogation and asked respective questions. He was then taken to a court from where he was transferred to Adra prison where he was detained until his release in September or October 2011.

[15 minute break]

Prosecutors' Questioning

Prosecutor Polz wanted to know whether the witness provided details about his cell in Al-Khatib. Deußing said that the witness described the size of the cell, however, he could not remember exactly.



Deußing added that the witness also said that there was no daylight. However, Deußing did not remember whether the witness said that directly or indirectly by talking about the scheduled times to use the toilet.

Polz cited from the BKA's transcript where the witness was asked when his next detention was. He replied that it was less than a month after his first interrogation. However, it was difficult to count the days because it was always dark inside his cell. He was allowed to use the toilet three times during a certain period of time. He assumed that this was per day, so he kept track of time by counting these periods. Deußing confirmed.

Plaintiff Counsels' Questioning

Plaintiff Counsel Scharmer wanted to know what the witness said about the communication between the person he later identified as Raslan and himself during the interrogation when he had to identify the girl from the pictures. Deußing asked Scharmer to cite from the transcript as he could not remember. Scharmer cited that the witness described that when he had a look at the people around him, Raslan yelled at him, telling him to look at the pictures, otherwise he 'would slam him'. Deußing said these would indeed be the witness's words if the transcript says so.

Judge Kerber's Questioning

Presiding Judge Kerber said she was not sure whether this was already mentioned, so she wanted to clarify how the witness knew that he was in Al-Khatib. Deußing said he described the location of the building, mentioning its proximity to the red crescent hospital and Baghdad street.

Kerber cited from the BKA's transcript where the witness explained that he was arrested on February 19, 2011 and taken to Baghdad street. He added that the detention facility there would be known as Branch 251, but people would just call it Al-Khatib. He further said that it was close to the red crescent hospital. Deußing confirmed.

Kerber recalled that the witness mentioned a gun during his interview with the Swedish police and asked Deußing whether he and his colleague asked the witness about this incident. Deußing explained that they had a look at the transcript of the Swedish interviews. He added that that the witness's first interview with the Swedish police lasted three hours and the second interview was less than thirty minutes. From these interviews, it seemed as if the witness was threatened with a gun by the person leading one of his interrogations. Deußing said that when he asked the witness about it, he clarified that this incident happened at Branch 285.

Kerber cited the relevant section from the BKA's transcript where the witness was asked about an incident where an interrogator put a gun against his head. The witness clarified that this incident took place at Branch 285, not Branch 251. He added that the interrogator was not Raslan but someone else, whose name he knew, but could not remember.

Judge Kerber said that if none of the parties had further questions about this matter, they would go on to ask Deußing about another issue. She added that none of the parties should mention the name of the witness about whom they would now talk, as the witness was allowed to conceal personal information [[P20 TR#19, day 46](#)].

Judge Wiedner recalled that the witness who testified in Koblenz on November 25, 2020, was shown pictures for identification during her interview with the French police. If he remembered correctly, Raslan's Defense Counsel Böcker had asked to clarify certain aspects, which was the reason why he contacted Deußing. Deußing explained that he had a look at the relevant file and remembered that the BKA found out about the witness's interview with the French police in December 2018.



The BKA then requested a transcript of the interview and asked to hear the witness again, themselves. The French police showed the witness several pictures during their questioning, a total of five pages. However, these pictures were not the pictures that the BKA used to identify Anwar Raslan and Eyad Al-Gharib. That was why the BKA then asked the French police to do another presentation of pictures.

Judge Wiedner said he wanted to clarify the chronological order and recalled that the witness was twice interviewed by the French police and one time by the BKA. Deußing confirmed.

Wiedner wanted to know whether it was correct that the first interview was in 2017 and the witness was not shown any pictures on this occasion. Deußing affirmed.

Wiedner referred to an interview from [information redacted] during which the witness was shown five pages of pictures. He asked Deußing whether it was correct that these were not the BKA's pictures. Deußing confirmed, adding that he contacted his French colleagues after Wiedner approached him with this question. His French colleagues told him on the phone that they presented the witness a sample of pictures of suspects from French investigations.

Wiedner asked whether it was correct that the BKA's selection of pictures was presented [information redacted]. Deußing affirmed, adding that he remembered that it would have been unnecessary for the BKA to travel to Paris only to show the witness their pictures if the French police would have told them earlier that they would conduct a second interview.

Deußing was dismissed as a witness.

Presiding Judge Kerber asked the Parties whether anyone had administrative things to clarify.

Al-Gharib's Defense Counsel Schuster said he already told Judge Wiedner that he would like to submit an application to take evidence, adding that this application would in his opinion not prolong or hinder the proceedings.

Presiding Judge Kerber told Schuster to read out his application.

Schuster explained that he is making an effort to always keep his record complete. As he did not have relevant notes and documents on his record, he asked colleagues for clarification. As they also did not have relevant notes, he decided to submit the following application to take evidence.

[The following is a summary of the application to take evidence, based on what the Trial Monitor was able to hear in court]

Application to take evidence:

Request to partially read out the transcript of Eyad Al-Gharib's asylum-seeking interview with the German Federal Office for Migration (BAMF) to prove the following facts:

- 1) *In answering questions about his former professional activities in Syria, Eyad Al-Gharib described that he worked at the Religion Branch where he received a five-month training and was tasked to collect information from mosques and attend prayers, especially Friday prayers to observe what the Imam was preaching.*
- 2) *When asked about his superiors at the Intelligence Service, Al-Gharib said that he was reporting to Kamal Al-Ahmad.*

- 3) *In answering questions about his defection, Al-Gharib explained that he did not want to work an office job and wanted to work at another Branch. He, therefore, started working in Al Zabadani. However, his boss Kamal Al-Ahmad asked him to return, so he stayed at the religion Branch for two more months. Al-Gharib then explained that he then worked at Division 40 starting in June 2011. According to Al-Gharib, Division 40 was only one kilometer from [Bashar] Al-Assad's house.*

Reasoning:

There has been a misunderstanding based on [Klaus Wöllner's testimony on May 18, 2020](#), which needs to be resolved. Witness Wöllner told the court that Al-Gharib went from the Religion Branch directly to Division 40. This is incorrect. The taking of evidence showed that Al-Gharib only wanted to be transferred to al-Aswad. He then only returned to the Religion Branch on Kamal Al-Ahmad's request. Al-Gharib worked for the 'mafiosi-like' Division 40 only after that. It was not Al-Gharib's own instance to work at Division 40, as the Prosecutor claimed. Al-Gharib never said that. Citations from Al-Gharib's asylum-seeking interview were read out to Wöllner, however, he made partially contradictory statements. The Prosecutor concluded from this instance that Al-Gharib voluntarily joined Division 40 because he wanted to do 'something exciting'. This needs to be disproved.

Presiding Judge Kerber thanked Schuster and asked if any of the parties wanted to make a statement on this.

Prosecutor Klinge said the essential parts of Al-Gharib's asylum-seeking interview were already read out in court by making remonstrations. Everything else would be a matter of evaluating evidence.

Judge Kerber said the judges would examine Schuster's application and make a statement at the next hearing.

Raslan's Defense Counsel Fratzky asked whether he and his colleague Böcker had to be present on February 18. He wanted to know in advance to cancel his hotel booking and save the German treasury some money. Judge Kerber assumed the treasury would be grateful for Fratzky's efforts and explained that it seemed as if the court was able to follow the schedule meaning that Fratzky and Böcker did not have to come on that day.

Al-Gharib's Defense Counsel Schuster asked for permission to talk to his client in the courtroom for five minutes after the hearing was closed. Presiding Judge Kerber asked the court guards for their availability and allowed Schuster to talk to his client.

The proceedings adjourned at 11:20 am.

The next hearing will take place on February 17, 2021.