



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

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 35

Hearing Date: May 5, 2021

*CAUTION: Some testimony includes descriptions of torture.*

**Summaries/Highlights:<sup>1</sup>**

On day 72 of trial, the Court heard the testimony of Faye Sarah, a 70-year-old Syrian journalist, author, and politician who resides in London. He discussed his background as an opposition leader going back to the 1970s and his involvement with the national coalition. Faye Sarah also described his three experiences in detention. During his last detention in 2011, he was briefly taken to Branch 251 where he was insulted by a group of intelligence personnel before his interrogation with someone whom he could not see. He later learned that Anwar Raslan was the person who conducted the interrogation. Faye Sarah emphasized that this trial is beyond Raslan; it is about holding accountable the Syrian regime, under which Raslan was also a victim.

**Day 72 of Trial – May 05, 2020**

The proceedings began at 9:30AM. There were eight spectators and three members of the press in the audience, including a court illustrator.

Klinge and Polz represented the prosecution. Plaintiff's Counsel Kroker was not present.

Counsellor Mohammad was permitted not to wear his cloak by Judge Kerber who said that the honour of the court would not be damaged.

Judge Kerber confirmed that Faye Sarah arrived to Germany the prior day. She also announced that the session would start at 10:30AM on May 19, 2021. A witness who was invited for the sessions on May 19-20 may or may not be able to attend – there was a 50/50 chance. Even if the witness does not attend, court will still be in session.

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[30-minute-break to wait for Faye Sarah]

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Faye Sarah arrived at 10:05AM. Instructions were read and Faye Sarah was informed of his rights as a witness.

**Testimony of Faye Sarah**

Judge Kerber asked Faye Sarah if he is related to the accused by blood or marriage. Faye Sarah said no. This was the first time he saw the accused, and he did not know the accused.

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<sup>1</sup> 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.



### Questioning by Judge Kerber

Before giving his testimony, Faye Sarah thanked Judge Kerber and expressed his honour to be in a court that serves Syrians who were treated unjustly. He then told his story. Faye Sarah was detained for the first time on March 29, 1978 because of his involvement in pro-opposition activities. He was released on February 10, 1980. During that detention, he was held in Branch 251. Faye Sarah was detained a second time in Branch 251 on January 3, 2008 for being an opposition leader involved with the Damascus Declaration. He had a court hearing alongside 12 of his colleagues and was sentenced to 30 months in prison. He was released eight months before the March 2011 revolution.

When the revolution started, Faye Sarah immediately said that he was pro-revolution. Then on April 30, 2011 a patrol from the Internal Security Services stormed Faye Sarah's office, arrested him (in front of his wife), and took him to Al-Khatib Branch where he was looked at with disdain from the moment he entered. This period of detention was far worse for Faye Sarah than his previous interactions with the intelligence services. When he first arrived, his hands were cuffed behind his back and he was blindfolded. He entered a room where he was met by a group of personnel. They insulted him using language that was not normally said to "special detainees" who were highly revered, then they took him to a nearby room. He could not see (because he was blindfolded), but he heard someone say, "bring a chair for Mr. Faye Sarah." Faye Sarah felt slightly more secure after he was referenced as "mister." The reference meant that he was known to the interrogator, unlike the people in the previous room who clearly did not know him based on the fact that they insulted him.

The interrogator asked Faye Sarah if he organized demonstrations at Mohammad Mosque in Masaken Barzeh *مساکن برزة*. Faye Sarah denied the accusation and mentioned that he did not know of a neighbourhood named Masaken Barzeh or Mohammad Mosque. He did not even pray. The interrogator asked why Faye Sarah appeared on Al-Jazeera and attacked the Syrian media. Faye Sarah confirmed that he spoke to Al-Jazeera and that he criticised the Syrian media. This interrogation was essentially a recapitulation of the Al-Jazeera situation which happened three days prior to his arrest. [He noted that he and Raslan were now smiling as they heard a story from ten years ago.] After the interrogation, he was transferred to Branch 285 – Kafar Souseh *کفرسوسة*, along with George Sabra *جورج صبرا* (who became the head of the council of the opposition). Then they were both transferred to Adra *عدرا* prison where they stayed for a month before being released on May 11, 2011. One of Faye Sarah's friends was a lawyer, and he paid Faye Sarah's 5000 Lira (100 USD) bail.

### Questioning by Judge Wiedner

Judge Wiedner noted that Faye Sarah was politically active. He asked Faye Sarah to describe his position in the opposition and his activities before he was detained. Faye Sarah explained that he was in the leftist opposition to Hafez Al-Assad in the 1970s. The regime imprisoned all of its opponents at this time. Faye Sarah was detained without a court hearing for this reason. He was charged with establishing an unofficial organization against the government ("or something like that"), and his detention lasted a little over a month.

Wiedner asked why Faye Sarah was detained for a second time in 2008. Faye Sarah explained that, after the Damascus Declaration (around November 30, 2007), an intelligence officer called Faye Sarah and asked to speak with him in person. Although the officer said that the matter was urgent, Faye Sarah declined. The officer kept calling and Faye Sarah ignored him. Faye Sarah was detained on January 3, 2008 from his office. This was the first time that he was told "you are under arrest" when he was being detained, which reminded Faye Sarah of an Egyptian drama. He was then taken to Branch 251 where he received papers (he stayed in the car outside of Branch 251 – the officers got them). Then he was taken to Branch 285.



Wiedner asked if Faye Sarah was convicted of a charge in 2008? Faye Sarah said that he was transferred to the second criminal court in Damascus. There were court sessions and lawyers. He was charged with weakening national sentiment, undermining the national will, and establishing an opposition organization. These charges could be applied to anyone.

Wiedner recalled Faye Sarah's statement that he was released eight months before the revolution started in 2011. Wiedner asked if Faye Sarah was an active opposition member at this time and, if so, what were his activities. Faye Sarah explained that he took six or seven months to take stock of his situation after he was released from prison. But he was interested in what was happening in Syria. He anticipated a revolution and he thought the regime had too. In February 2011, Brigadier General Tawfiq Younes (the head of Branch 251) requested to speak with Faye Sarah. Faye Sarah noted that he was not active at this time. There were no [opposition groups] aside from the Damascus Declaration and Faye Sarah was not involved.

Wiedner asked if Faye Sarah participated in demonstrations. Faye Sarah confirmed.

Wiedner asked Faye Sarah about the situation in April 2011, if there were demonstrations at this time, and how the regime reacted. Faye Sarah explained that [the regime] tried to tell people that nothing would happen in Syria, and if something did happen, then the regime would solve the problem. Regardless, people expressed their concern over a potential revolution on social media and in shadow chat rooms. In the two months before the revolution started, young people held events outside the embassies of other countries where revolutions were happening, like Egypt, Libya, and Tunisia. Faye Sarah knew a lot of these people, among whom were former members of civil society and former politicians. These events were attended by only a few dozen people. People lit candles, cheered, sang, and discussed.

Wiedner asked if the regime reacted violently to demonstrations in April 2011. Faye Sarah confirmed. He noted that the regime uses violence, but not as a habit: [the underlying issue] was that [the regime] does not know how to interact with people. During the Damascus Spring, the protestors made an effort to ask the regime how they should communicate with it. They did not want to be secretive or bring about change violently. Rather, they wanted to [have open dialogue] and be peaceful. But even the protestors who said they wanted peace were beaten and detained. So, the simple answer is yes [the regime reacted violently] beginning in Dar'a درعا on March 18, 2011.

Wiedner asked if the reason why Faye Sarah was detained was because he participated in demonstrations and organized them. Faye Sarah clarified that he was only accused of organizing demonstrations at Mohammad Mosque in Masaken Barzeh. He had told the interrogator that he didn't even know of a neighborhood called Masaken Barzeh, and if he wanted to organize a demonstration, then he would have done it near his office because it was close to Al-Hasan Mosque [a famous mosque in the Al-Midan neighborhood where demonstrations often started]. He participated in demonstrations.

Wiedner asked Faye Sarah if there could have been another reason for his detention. Faye Sarah thought the reason could have been the Al-Jazeera debate or an official meeting he attended with Samira Al-Masalma سميرة المسالمة, a regime defector and the editor-in-chief of Tishreen تشرين newspaper which was linked to the presidential palace, as well as General Manaf Tlas مناف طلاس (close to Bashar [Al-Assad] and the son of Mostafa Tlas مصطفى طلاس) and Omran Az-Zo'bi عمران الزعبي (who became the Minister of Information in the government of Riyad Hijab رياض حجاب soon thereafter).



Kerber clarified that the official reason for Fayeze Sarah's detention was that he organized demonstrations. She asked Fayeze Sarah if there were other reasons, such as if someone reported him to the intelligence services. Fayeze Sarah did not think that the reason for his detention was that he was reported. He had been reported many times before [and was not detained]. So, either they wanted to detain him any way they could, or there was a misunderstanding.

Kerber asked if the authorities knew about Fayeze Sarah's meeting with Al-Jazeera. Fayeze Sarah confirmed.

Wiedner recalled Fayeze Sarah's statement that he had never seen Raslan before, but Fayeze Sarah told the police that Raslan interrogated him. Wiedner asked how Fayeze Sarah knew that he was interrogated by Raslan. Fayeze Sarah explained that he was in Istanbul as a member of the coalition three years after he was interrogated in Branch 251. The coalition's representative, [Mohammad Al-Morawweh] told Fayeze Sarah that he spoke with Raslan about Fayeze Sarah. [Fayeze Sarah originally said that the representative's name was Mohammad Al-Matroud محمد المطرو , but he clarified the name after the break.] During that conversation, Raslan told [Al-Morawweh] that he interrogated Fayeze Sarah and asked [Al-Morawweh] for Fayeze Sarah's phone number. This was when Fayeze Sarah learned that Raslan interrogated him and why he said [at the beginning of the hearing] that this was the first time he had seen Raslan (he was blindfolded during the actual interrogation).

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[15-minute-break]

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Wiedner asked if Fayeze Sarah had personal contact with Raslan after he learned that Raslan interrogated him. Fayeze Sarah said no. Al-Morawweh gave Raslan Fayeze Sarah's phone number, but then nothing happened.

Wiedner asked if Fayeze Sarah knew about Raslan when Fayeze Sarah was still in Syria. Fayeze Sarah said that he knew about Raslan generally. There was talk of Raslan, but Fayeze Sarah knew that a lot of the gossip in Syria was not necessarily accurate.

Wiedner asked Fayeze Sarah what people said about Raslan. Fayeze Sarah explained that no one thought Raslan [was a saint]. They said he was an officer with the intelligence services and the head of the interrogation division, and that "his body fits clothes." The same way an employer would fire someone who did not do his job, the intelligence services would fire an officer who had no value to them.

Wiedner asked Fayeze Sarah about his personal experiences with Raslan and how Raslan treated him in 2011. Fayeze Sarah explained that he could not separate his [good treatment] by Raslan from how he was insulted and threatened by the other personnel. This was the first time he felt goaded into responding in a manner that would warrant his punishment or death. He felt that the treatment was interconnected because the personnel would not have done something of which Raslan would not approve. He did not believe that Raslan was good, and only the people who surrounded him were vulgar (which is what some pro-government people said about Al-Assad and the people who surrounded him).

Wiedner quoted Raslan: "[Fayeze Sarah] was treated and received hospitably. He was offered drinks and the interrogation lasted for an hour." Fayeze Sarah clarified that Raslan asked his staff to bring Fayeze Sarah a chair. But Fayeze Sarah speculated that Raslan remembered how Fayeze Sarah refused to sit and was not offered a drink, nor would Fayeze Sarah have asked for a drink. Fayeze Sarah knew dozens of people who were summoned for coffee and remained in prison for twenty years.



Wiedner asked about Branch 251's reputation. Faye Sarah said that Branch 251 was involved with everything. It was founded in the beginning of the 1970s to be a local branch in Damascus. Captain Farid An-Noqri فريد النقيب became the head of the Branch. He was later detained and tortured in Branch 251 because he worked for the Iraqi Ba'th Party. Mohammad Kheirbek محمد خيربك [who was known as Abu Wa'el أبو وائل] became the new head of the branch and served for twenty years. He was an influential general in the intelligence services. He changed the Branch's policies to reflect political situations, like the relationship with the Iraqi Shiite and Lebanese political forces, and profile of the people in the Syrian government and businesses. He was one of the few officers who were directly connected to Hafez Al-Assad.

Wiedner recalled that Faye Sarah was detained multiple times in Branch 251. He asked if Faye Sarah noticed any changes in detention conditions before and after 2011. Faye Sarah said that he was just passing through the branch during his last two detentions, so he did not see anything because he was taken directly to the interrogator and then left. When he was detained in 1978, Faye Sarah was interrogated, tortured, saw other prisoners, and saw prison guards. Criminal methods were used then. However, he did not personally experience [any criminal methods] in 2008 or 2011, except for the group of personnel [Faye Sarah called them scumbags, the interpreter used the term "young bad people" throughout the testimony.] in the room nearby where he was interrogated.

Wiedner asked if Faye Sarah was subjected to abuse in 2011 other than what he already described. Faye Sarah explained that the situation he described only lasted for 15-30 minutes. Also, he and George Sabra were put in a cell the size of a table in front of him [2x1m] with a height slightly above Faye Sarah's head [he was 185cm]. After about 30 minutes, a third person was who was three times bigger than Faye Sarah was brought to the cell. This man was from Al-Mo'addamiyyeh المعصمية, a town adjacent to Damascus and the Al-Mazzeh المزة neighborhood where the most heinous crimes were committed. Faye Sarah thought this was a "top" [said in English] [situation of] torture and there was nothing worse than that. He recalled how Judge Kerber called for a break because the air in the courtroom was bad. "Imagine the air there and how much the contempt of human beings was." This is an example of torture applied to prisoners.

Wiedner asked Faye Sarah to confirm that he did not experience physical violence. Faye Sarah confirmed.

Wiedner asked why Faye Sarah thought he was not beaten or subjected to physical violence. Faye Sarah said that the people who were beaten and tortured during the revolution were young and did not have files with the intelligence services. People like Faye Sarah who had big files were not beaten because the intelligence services already knew everything about them. When someone goes to the intelligence service, the person is given paper and a pen, then told to write everything about himself since he was born until the current moment. Faye Sarah had to do that many times. He used to tell the intelligence services that "it is not enough. Take more paper." Now the intelligence services wanted to know about the new detainees, especially the young ones, so they beat and coerced the detainees to get information. Faye Sarah heard of many confirmed stories where people could not leave [detention] until they wrote a statement that they were members of armed groups and that they killed people from security forces and the army. They did not need to torture Faye Sarah because they already had information on him.

Wiedner recalled Faye Sarah's statement during police questioning that detainees got treated differently depending on their age, health, position, and media coverage of their cases. Wiedner asked if those factors were among the reasons why Faye Sarah was treated relatively well. Faye Sarah confirmed.



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[One-hour lunch break.]

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The Prosecution did not have questions.

Questioning by Defence Counsel Böcker and Fratzky

Defence Counsel Böcker noted that Faye Sarah was detained on April 20, 2011. He asked if the interrogation took place on the same day. Faye Sarah confirmed.

Böcker asked Faye Sarah how long he was [in Branch 251] before he departed. Faye Sarah clarified that he was not allowed to wear his watch while he was detained, but he estimated that he spent 30 minutes between the group of personnel and [Raslan]. There were procedures, like handing over jewellery and money. He and Sabra were taken to Branch 285 on the same day. This all took maybe four or five hours.

Böcker recalled that Faye Sarah heard pages turning [during the interrogation]. He asked if Faye Sarah saw or heard anything else. Faye Sarah clarified that he heard, not saw, the pages turning because he was blindfolded. He could see slightly from the bottom of the blindfold, but not in front of him.

Böcker asked if Faye Sarah heard anyone else in the room. Faye Sarah did not know if there was anyone else. He only heard the voice of his interrogator.

Böcker asked if Faye Sarah knew that he was being interrogated about the content of the papers. Faye Sarah did not know. He only knew that there were voices and questions. He added that he was released from Adra with two other people: George Sabra, and Kamal Sheikho *كمال شيخو*...

Böcker interjected and asked if the papers had anything to do with the interrogation. Faye Sarah said no. He asked if Böcker wanted to know the contents of the papers (which he learned after the interrogation). Böcker said no, his question was already answered.

Defence Council Fratzky asked if Faye Sarah knew Ahmad Al-Jabra *أحمد الجبرا*. Faye Sarah said that Al-Jabra was his friend and they worked together at the National [Syrian] Coalition.

Fratzky asked if Faye Sarah met Al-Jarba at his home. Faye Sarah said that he met with Al-Jarba hundreds of times, so Fratzky should clarify if he was referring to a specific occasion.

Fratzky asked about Istanbul, Ataköy. Faye Sarah said that Ataköy was where [Al-Jarba] lived.

Fratzky asked if there was a meeting with Al-Jarba and Aqbeq *أقبيق*. Faye Sarah said that they worked together.

Fratzky asked if they met Raslan. Faye Sarah did not [think so], unless there was a meeting at which Raslan was unknown.

Fratzky said that this was theoretically possible. Faye Sarah added “and practically.”

Böcker asked if Faye Sarah knew Robert Ford. Faye Sarah said yes, the American ambassador.

Böcker asked if Ford spoke about Raslan in the meeting with Al-Jarba. Faye Sarah said that it is important to clarify that he did not know Raslan before the story with Mohammad Al-Morawweh. He reiterated that today was the first time he saw Raslan.



Böcker did not have further questions.

Judge Wiedner asked if Faye Sarah knew anything about Raslan's pro-opposition activities. Faye Sarah explained that he never liked being at the Geneva Conference, even though he was an advocate for negotiations and for finding a solution for Syria. He was not told that Raslan would be in Geneva. He learned this later and thought it was arranged by Al-Jarba. It was normal for the president to bring whoever he wanted without telling others. Faye Sarah did not oppose the presence of people like Raslan, as long as they said that they were with the coalition. For Faye Sarah, [the trial] is not about Raslan. It is about convicting the regime in some way. "Even Anwar Raslan is a victim of the regime like the rest of the Syrians." Whether Raslan's role was good or bad, he was [subjected to] the regime's intimidation or the fake beliefs of those people. Ten years later, Faye Sarah still cannot understand the how people could be pro-regime while children suffered from hunger, died, and lived [like animals]. Faye Sarah added that it is not beyond the eyes of the court to see that the conviction of the regime is more important than the conviction of individuals forced to act by the regime. He thanked the Court and wished it success in its attempt to deliver justice.

Judge Kerber dismissed the witness. Faye Sarah thanked the Court again, as well as the interpreter for bearing with his mistakes.

Kerber announced that the following day was cancelled. The session on May 19<sup>th</sup> would start at 10:30AM. There was a 50-50 chance that the witness scheduled for May 19 and 20 would participate.

The proceedings were adjourned at 1:55PM.

The next trial will be May 19, 2021 at 9:30AM.