

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 37

Hearing Dates: June 16 &amp; 17, 2021

*CAUTION: Some testimony includes descriptions of torture.***Summaries/Highlights:<sup>1</sup>****Trial Day 75 – June 16, 2021**

**P34, a 34-year-old Syrian man and plaintiff in the trial, testified regarding his own detention in Al-Khatib Branch, as well as his brother's detention at the same Branch. P34 described the generally bad detention conditions at the Branch and said he heard people being tortured with electroshocks every day. He further explained to the court that his sister told him that their brother who was detained in Al-Khatib Branch, was interrogated by Anwar Raslan who threatened him to arrest and rape his sister if he did not confess. P34 also showed the court a picture from the Caesar Files that shows his brother-in-law who allegedly died at Al-Khatib Branch.**

**Trial Day 76 – June 17, 2021**

**P35, a former Syrian athlete testified on his detentions at Al-Khatib Branch as well as the physical and psychosocial consequences of his 13 detentions in Syria. The judges acknowledged that it was difficult for P35 to testify in court and remember details due to the psychosocial trauma that was caused by multiple detentions and torture. P35 identified Raslan as head of interrogations at Branch 251 with far reaching competencies and influence.**

**Day 75 of Trial – June 16, 2021**

The hearing began at 9:30 am with six spectators and two members of the press in the audience. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsel Dr. Kroker was not present. Plaintiff counsel Kleyer substituted for Khubaib Ali Mohammed.

A new court interpreter was sworn in and informed about his duties as a linguistic expert in the trial.

Presiding Judge Kerber said Plaintiff counsel Bahns who accompanied P34 recently sent a picture to the court and asked Bahns to explain this to all parties. Bahns said his client spoke about his brother-in-law [note for the translator: his sister's husband] during his questioning with the police [BKA]. When Bahns spoke to P34 some time after the questioning, P34 told him that his family identified his brother-in-law in one of the pictures from the Caesar Files. P34 sent the picture to Bahns who thought he had sent it to the BKA, but apparently did not. He therefore sent the picture directly to the judges, so it could be included in the casefile and made available for all parties. Presiding Judge Kerber handed out color-copies of the picture to all parties to the case.

<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.



### Testimony of P34

P34 was accompanied by his plaintiff counsel and informed about his rights and duties as a witness. P34 detailed that he was 34-years-old and working as a care worker at a school for disabled children.

### Judge Kerber's Questioning

Presiding Judge Kerber explained that P34 would need to repeat in court what he already told the police during his questioning at the end of last year. She asked P34 to describe why and how he was arrested in Syria. She added that Judge Wiedner would then ask additional questions if needed. P34 asked if he should tell how he was arrested or provide general descriptions. Judge Kerber said he should tell the court how he was arrested and what happened after his arrest.

P34 explained that demonstrations started to take place in March 2011. His brother, his uncle and others participated in these demonstrations. There were demonstrations in the old town of Damascus and in Al-Hamidiyah. P34 said his brother and his uncle were arrested at a demonstration and the family found out that they were taken to Al-Khatib Branch, where they were detained for one month. When they were released, one could see signs of torture and mistreatment. After their release, P34's brother started organizing demonstrations against Bashar Al-Assad which spread all over the country. P34 said he participated in demonstrations in [information redacted]. P34's brother organized demonstrations on a large scale. This was the reason why P34's brother's name eventually appeared on a list. He was strongly suspected and urgently searched for.<sup>2</sup> P34 explained that he and his other brothers were also demonstrating, so their names appeared on the list as well. At the end of July 2011, members of the military stormed the family's house. P34 said these people were members of the army/military carrying Kalashnikovs. They destroyed the door and stormed the house. P34 said he and two of his brothers were taken away. They were taken to a Branch and downstairs. P34 explained that he was able to see that there were three vans that were accompanied by Jeeps ahead and behind the convoy.

Presiding Judge Kerber intervened, saying she noticed a gesture from P34 that might indicate that there were weapons. She asked P34 if the people in the Jeeps were carrying weapons. P34 said there was one pick-up that carried a big weapon. He asked whether he should explain all details. Kerber affirmed.

P34 went on to describe that his and his brothers' mobile phones and purses were taken. P34 only wore a vest/undershirt and shorts. He was barefoot, his hands were tied behind his back, and he was blindfolded. P34 said he was grabbed by his neck, taken downstairs, and put inside one of the buses. Members of the military were waiting inside the bus, one of them carried a weapon. P34 explained that because he was barefoot, one of the people wearing military boots stepped on his feet. Every time that he or one of his brother's raised their heads, they were beaten. P34 said they arrived at their destination after around one hour. He was only able to see that they were taken downstairs. They were placed inside a queue at a hallway. P34 said there were cells in this basement. He further told the court that he and his brothers had to take off their shorts and lie on the floor.

<sup>2</sup> Note from the Trial Monitor: P34 said his brother was wanted by the *Mukhabarat*, however, the interpreter translated that he was urgently searched for. Throughout his testimony, P34 corrected the interpreter several times.



The guards then searched their anuses to check whether they were carrying anything. P34 said if someone carried anything with them, it was taken away.

After this, P34 and his brothers were taken inside a collective cell. The cell was already crowded and completely packed, when P34 and his brothers arrived. Then two people carrying big batons entered the cell and started beating everyone standing in the front rows. Once the door was closed, one could hear that people were tortured with electroshocks, said P34. He and his brothers were waiting for their turn to be interrogated. P34 added that when they entered the cell, some people were immediately accused of having owned bombs and weapons. He went on to describe that they got food twice a day, however, the food “was nothing.” He said they were constantly hungry and only got a tomato or flatbread. New detainees arrived at the cell every two or three days. P34 said there were around 125 in this small cell. On his first day in the cell, he saw a child, who was around eight or nine years old. He also saw an elderly man, around 80-years-old. P34 told the court that detainees were taken for interrogation, others returned to the cell after interrogations. There was no water inside the cell and they had to drink water from the toilet. According to P34, the detainees had to sleep while standing as there was simply no space.

P34 said he was in this cell for around five days, maybe longer. During this time, he constantly heard people screaming. After a few days, he was taken to the hallway. His hands were tied behind his back and he was blindfolded. He had to stand in the hallway where he could hear screams from torture. He was then taken to a room. There was a person behind him in this room who carried a baton. P34 said he could not see much of what was happening in front of him but he could see that there was a person sitting behind a desk. P34 had to kneel and was asked questions about whether he participated in demonstrations or if he planned anything against the government. He denied everything and received a hit from behind for every denial. He was also asked if he ran a website opposing the regime. He denied and every time he denied, he was beaten. P34 said he was taken to a hallway after the interrogation. He had to stand there with his head down. Every time he raised his head, he was beaten. He was then taken to another hallway where he had to sit on the floor for around two hours before he was taken back to the same cell from where he was taken. He was then told that he and his brothers would be released in two or three days.

He and his brothers were taken to a hallway. They had to take some steps downstairs to get there. P34 explained he assumed they would be released but they were transferred to a smaller cell. P34 and one of his brothers shared a cell while his other brother was taken to a different cell. P34 described that around 35 or 36 people were detained in the small cell. They had to stay there for a couple days. P34 recalled that he met two older men there. One of them had been in this cell for nine years, another one had been there for twelve years. Both were there without any indictment and had never seen a judge. P34 described another person who was detained in the same cell. He was from Douma and one could see signs of torture all over his body. P34 added that this person’s body was blue and green. According to P34, this person was unable to eat or drink but did not receive any medication. P34 said if one looked at this person, one could tell that he must be taken to a hospital, or he would die. P34 said this person was already in the same cell than P34 before and they were transferred together.

P34 said he was detained at the Branch for eleven days in total. They were taken out of their cell and told that they could go home. P34 added that the person with severe signs of torture was taken out of the cell every two days and returned “with even more suffering.” When P34 and his brothers were released, this person was still in detention. P34 assumed he died there because he did not receive any medical treatment.



P34 told the court that [when they were about to be released] they had to go upstairs [from where the cell was] where they were gathered. Their hands were tied with cable ties. P34 explained that the person who told them they were allowed to go home, smiled while he said that. However, they were put in buses and blindfolded. P34 described that he was able to see some of the way. The situation was similar to the previous one [when they were taken to the Branch from their home]: military vehicles were accompanied by additional vehicles. A person was waiting at the entry of the bus. He was carrying a weapon and wearing a uniform. P34 said he was surprised when they were taken to the State Security Branch.

P34 explained that this Branch was a city for itself. After they entered through the big entrance gate, they took the street to the left and were let off the bus. They had to assemble at a yard when guards came and started beating some of the detainees. P34 said they had to wait there for two to four hours before the guards started taking them downstairs. The cells were located at an even lower level and the detainees were allocated to different cells. P34 added that the cells were around 2x1 meters big with 25 people inside. They all had to stand as there was not enough space. P34 further added that guards constantly came and beat detainees using a baton. One day, their hair was cropped. P34 said that was around Ramadan.

He further explained that they got food twice a day. However, the food was bad, dirty, and not enough. He said he lost 20kg in 20 days. P34 said the rules at the Branch were very strict. They were only allowed to use the toilet twice a day, maybe even only once. He said that every time they wanted to use the toilet, they had to stand in line with guards carrying batons standing next to them. The guards then beat the detainees on their way to the toilet and back. P34 added that one had five or six seconds to use the toilet. If one took more time, a guard came and started beating the person. P34 said they were also beaten on their way back to the cell.

P34 further described that one of the guards was particularly beastly. This guard started beating everyone when he was in a bad mood. P34 recalled that one time a detainee wrote the word "Allah" on the wall of the cell. P34 said if he remembered correctly, the person used blood to write on the wall. When the particularly beastly guard saw the writing, he started beating all detainees and said "there is no God, just Bashar Al-Assad." P34 further recalled that after he was in this cell for a couple days, he was blindfolded and taken to a corridor in the basement. P34 added that he thinks they were taken to another building through a tunnel. They then had to go upstairs to the first or second floor until they arrived at an office where a guard was standing next to the door. P34 was then taken inside the office where he had to stand. He was asked if he participated in demonstrations or organized activities against the regime. P34 said the interrogator had P34's brother's phone and was asking him about names from the contacts. P34 first thought it was his own phone but then found out that it was his brother's. P34 denied all questions. He told the court he did not care. According to P34 he was lucky that the interrogator was in a good mood. He was watching TV during the interrogation and zapping through the channels. After the interrogation, P34 was taken back to his cell. P34 explained that he was detained in Al-Khatib Branch for eleven days and nine days in this branch.

P34 described that he sat in his cell until guards came with a list of names and were calling people's names. P34 and his older brother were detained in the same cell while their younger brother was detained in a different cell. Nonetheless, their younger brother's name was called. P34's name was called as well. He was surprised that he would be released. P34 described that everyone whose names were called, were blindfolded and their hands were tied behind their backs.



They were taken upstairs and some people, around eight or ten, had to wait in a yard. P34 said that two officers and other members of the military were standing in the yard as well. They told the detainees that they were chosen to be released. However, they should make sure to never be arrested again. If they would be arrested again, ‘they’ would already know what to do with them. P34 said the officers also told them to be on the side of the “fatherland”. The detainees were then put inside a small van that had no seats. Their hands were untied, and the blindfolds were taken off. P34 said this happened at night. The van then drove for around 500 meters. They drove outside the Branch to a street when the van suddenly stopped and the detainees were kicked out. P34 explained that this was a strange situation because he was just wearing shorts and a shirt – what he wore when he was arrested. He was barefoot and no taxi driver was willing to stop to take him home. P34 said everyone ran away in different directions. At some point, a taxi stopped and took P34 home. He added that when they were kicked out of the van, he could see that they were in Al-Baramkeh neighborhood in Damascus.

P34 told the court, that when he came home, his parents had not heard anything about the whereabouts of their sons. They hugged each other and P34’s parents started to cry. P34 further recalled that his brother (who had not been home since P34 and his brothers had been arrested) also came home. P34 said he was the only one who was released, his two other brothers were transferred to a third branch. According to their descriptions, they were transferred to a military branch close to Damascus airport. P34 said that the treatment of detainees was very bad there. They were put in a hole and doused with dirty water. P34’s brothers were released twenty days after he was released. He recalled that after his release, he was able to regenerate a bit. He had lost a lot of weight during his detention. P34 added that he was afraid to sleep at his home. He was in constant fear and worried all the time. P34 further said that he had some money in his purse when he was arrested – around €100 – but he only got back his empty purse when he was released.

Judge Kerber thanked P34 for his descriptions and asked about the date of his release. P34 said it was in mid-August 2011, during Ramadan.

Kerber wanted to know how P34 knew that the first Branch he was detained at was Al-Khatib. P34 said he knew from people who were detained with him. They recognized the streets. Some people who were already in the cell when P34 arrived also told him and his brother that they would be at Al-Khatib Branch. P34 added that after he was released, he was also told that he was detained at Al-Khatib Branch as this Branch was in charge of the area he lived in.

Kerber recalled that other witnesses mentioned names of guards and asked P34 if he knew any names as well. P34 said he does not remember very well, but one guard got a nickname: Mimat. [The translator added that this would mean pigeon breeder in German].

Kerber asked if the nickname derived from a TV series. P34 affirmed, adding that he was not entirely sure because this happened ten years ago.

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[15-minute break]

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### Judge Wiedner's Questioning

Judge Wiedner said he had a few more detailed questions for P34, starting with a question about the time before his detention when he participated in demonstrations. Wiedner wanted to know how the Syrian security forces reacted to the demonstrations. P34 said he participated in demonstrations, particularly in [information redacted]. Security forces and police fired shots at the protestors using Kalashnikovs at every demonstration. There were big buses with members of the military carrying batons and weapons at every demonstration. Streets were blocked in addition and vehicles with heavy ordnance were present as well. P34 added that some people were killed, others were arrested. If one was killed, the many protestors participated in the funeral, chanting slogans against Bashar Al-Assad. According to P34, security forces were present at the funerals as well, shooting at people.

Wiedner asked if P34 participated in such a funeral himself. P34 denied, adding that he participated in demonstrations where shots were fired.

Wiedner wanted to know when and where these demonstrations happened. P34 explained the demonstrations took place in Al-Midan and Al-Qadam. He recalled that at one demonstration in Al-Midan, people were gathering after Friday prayers, close to the Al-Hasan Mosque, and shouting parols against Bahar Al-Assad. Security forces came and started shooting at protestors in a "hysteric manner". P34 said he was very afraid at this incident. He further recalled another demonstration in Al-Midan that took place on a Friday as well. According to P34 security forces fired smoke-bombs at the protestors.

Wiedner wanted to know if these incidents happened before P34's arrest. P34 affirmed, adding that it was in May or June [2011]. His uncle was killed by a sniper at a demonstration in Al-Qadam. His funeral turned into a demonstration and security forces started beating people.

Wiedner asked when this happened. P34 said it was summer 2011, however, he could not remember the exact date.

Wiedner went on to ask P34 if he was directly taken to Al-Khatib Branch at his arrest or if he was taken to another place before. P34 said it was early morning when he and his brothers were taken to the buses and directly taken to Al-Khatib.

Wiedner recalled P34 telling the German police that he might have been at Jisr Al-Abyad after his arrest. P34 explained that he assumed that Al-Khatib Branch was located in Jisr Al-Abyad. However, he asked someone who used to demonstrate with his brothers and who was detained in Al-Khatib as well according to his descriptions of the cells. This person then told P34 that Al-Khatib Branch was not located in Jisr Al-Abyad but close to the Red Crescent Hospital. P34 added that he did not know Al-Khatib Branch because there are just so many branches in Damascus. According to P34 the person who told him about the location of Al-Khatib also told him about Anwar Raslan and that he and P34's brother were interrogated by Raslan.

Wiedner wanted to know if P34 met Raslan during his detention. P34 denied, adding that he could not see due to the blindfolds.

Wiedner went on to ask about the detention conditions. He recalled that P34 said that around 125 people were detained in one cell and asked P34 about the size of this cell. P34 said it was around 6 or 7 meters long and around 1 to 2 meters wide.



Everyone had to stand all the time, and one could not lie down to sleep. P34 said it was very crowded and he had to lie on the side when he wanted to sleep and could not move.

Wiedner asked about the air inside the cell, considering that it was in the middle of summer. P34 said there simply was no air. He got a skin rash and the situation inside the cell was very bad. It was very hot and while some people slept, others used their shirts to wave some air. P34 concluded that the situation was unbearable.

Wiedner wanted to know if there was daylight in the cell. P34 denied.

Wiedner asked if the light was switched off at night. P34 denied, saying it was burning all the time.

Wiedner wanted to know why P34 got a skin rash. P34 explained that there was no water, the cell was full of dirt and there was no soap to wash.

Wiedner asked if P34 heard other detainees being mistreated, and if so, how many times he heard it. P34 said he heard people screaming from torture with electric shocks every day. He also saw a person from Douma who showed signs of torture. His entire body was green and blue. P34 recalled that a person who came from the same town that P34 tried to flee [on his arrest]. He was then thrown from the balcony, broke his foot, and was detained. P34 said the one person in his cell who was tortured the most would have needed medical treatment.

Wiedner wanted to know what this person had to suffer and if he was injured. P34 explained that this person's body was covered with bruises. He could barely breath and was unable to eat or drink. He was lying on his back and the others thought he was about to die any time.

Wiedner asked if someone told the guards and if they were aware of the situation. P34 said of course someone told the guards, they already knew this person and knew about his situation.

Wiedner wanted to know if P34 spoke with others about interrogations. P34 said that people from Douma explained what happened to them. According to P34 the focus was on people from Douma. One of them carried fireworks and was therefore suspected to have stored bombs. P34 was questioned whether he participated in demonstrations against Bashar Al-Assad or organized them. He was also questioned if there was a link between him and his brothers and Al-Jazeera, if they filmed demonstrations and sent the material to Al-Jazeera. P34 concluded that the interrogations had various aspects and varied from one detainee to another. Some were tortured more than others.

Wiedner recalled P34 telling the German police that information about detainees was written somewhere. P34 said he remembered that one detainee had been detained for nine years, another one for twelve years.

Wiedner said P34 told the police that some detainees had information written on their arms. P34 said that some people told him about this.

Wiedner wanted to know if fellow detainees told P34 about specific torture methods. P34 asked if Wiedner was referring to Al-Khatib Branch. Wiedner affirmed. P34 described that most people were tortured with electric shocks and massively beaten. He also heard people saying that they were hanged at a wall upside-down.

Wiedner asked if there were elderly people or children at the Branch and if P34 saw them himself. P34 said on one day he saw a child and elderly people.

Wiedner wanted to know where he saw them and how long they were at the Branch. P34 explained that when he was taken to the big cell in the morning, there was a child as well. He could not remember exactly but assumed that the child was taken from the cell the same day.

Wiedner asked if it was a teenager or rather a child, recalling that P34 once mentioned the child was around eight or nine-years-old. P34 affirmed the latter. He explained that if a house was stormed, security forces simply took everyone with them. This was particularly the case with families living in Douma and also depended on the family: if several people from one family were wanted, they took everyone from the family to create pressure.

Wiedner wanted to know if P34 saw women being detained in Al-Khatib Branch. P34 denied.

Wiedner asked how many times P34 was interrogated. P34 said he was interrogated once in Al-Khatib Branch and once at the State Security Branch.

Wiedner wanted to know where the interrogation room in Al-Khatib Branch was located: if it was within the cell area or somewhere else. P34 said he could not remember very well but thinks that the room was located in the cell area, maybe upstairs. He added that it was close to the cells. P34 explained that if he remembered correctly, the interrogation rooms were on the same floor as the cells; starting from his cell, he had to go left. P34 added that he was able to see the ceiling through his blindfold and that the ceiling was low.

Wiedner asked if the ceiling was as low as it was in the basement where P34 usually was. P34 affirmed, saying it was the same height as the ceiling in his cell.

Wiedner further wanted to know where the screams that P34 heard came from: the prison area or somewhere else. P34 said they came from the prison. In his first cell, there was some kind of window, a bricked window in the wall. One could hear screams coming from this direction. The screams were very close. They were screams from electric shocks and he was able to hear the sound of the electric shocks.

Wiedner asked how many people were present during P34's interrogation based on the voices he could hear considering that he was blindfolded. P34 said one person was standing behind him and another person was behind the desk. He added that the person behind him was a guard and carried a baton. P34 assumed that the person behind the desk was an officer, he asked the questions.

Wiedner wanted to know if the guard received orders to beat P34. P34 said he could not remember very well but he thinks that they communicated with their eyes.

Wiedner asked where P34 was beaten. P34 explained that he had to kneel and remembered being beaten on his back.

Wiedner asked how long the interrogation lasted. P34 said it lasted around ten minutes.

Wiedner recalled P34 telling the German police about the faith of his brother-in-law and wanted to know what he could tell the court about that. P34 explained that the area where his family lived was firmly controlled by revolutionaries. The air force carried out airstrikes on the area and it was bombed. P34 said the gunfire came from a military area close by. Many people who lived in the area decided to leave their homes. P34's sister and her husband lived close by but P34's brother-in-law did not want to leave. The area was eventually surrounded and targeted by airstrikes.



Wiedner asked when this happened. P34 said it was in early 2012. He explained that his brother-in-law lived in a house where he also had his own lock smithery. He was still working at the time and had to deliver things, so he was driving around a lot. P34 added that due to the situation his brother-in-law was of course not working as he did before. Although P34 was at home at the time, he did not have much contact with his brother-in-law. However, one day his brother-in-law did not return home with his business van. His sister was then alone with their two toddlers. P34 said his brother-in-law stayed away for one to four months. Everyone knew that he was arrested because there was a checkpoint outside the area they lived. Everyone was arrested at this checkpoint. The family therefore assumed that he was arrested there as well. P34 explained that his brother-in-law did not participate in demonstrations, but members of his family who had the same last name demonstrated. P34 told the court that if one who has the same last name as a wanted person gets checked at one of the check points, he gets arrested.

P34's family then arranged for his sister and their daughters (two and six years old) to leave their home. P34's parents already lived somewhere else as did his entire family. P34's father was killed in Darayya when the fourth Division invaded. His sister moved to his family who lived in a suburb of Aleppo shortly after their father died. Two or three years later, the Caesar Files were published, and the family found a picture of P34's brother-in-law amongst the Caesar Files.

Presiding Judge Kerber said the court would now visually inspect the picture that P34's counsel Bahns recently sent the court.

[A picture was shown in court showing the head of an apparently dead person, similar to the pictures from the Caesar Files that were previously shown in court.(see [TR#36, day 40](#) and [TR#17, day 41](#))]

P34 said the picture shows his brother-in-law.

Judge Wiedner wanted to know where P34's family found the picture. P34 said that relatives of his found it on the internet. He explained that there was a website for people demonstrating in Syria. This website published things like the Caesar Files. Amongst the pictures from the Caesar Files that were published by this website was the picture of P34's brother-in-law that relatives spotted.

Wiedner asked if P34's relatives were informed when he was arrested and informed about his place of detention. P34 denied, adding that no one was allowed to ask about it. P34 explained that 'not being allowed' means that people were afraid to ask because they feared that they would be arrested themselves. P34 recalled that one of his brothers was detained for one month. His mother decided to go to the Palestine Branch and asked about her son. She thought that no one would harm an elderly lady. However, she was sent away at the entrance and told that if she would not go away, she would be taken inside. P34 concluded that no one could ask about their whereabouts.

Wiedner wanted to know what the worst thing for P34 about his detention was. P34 said it was simply being there. The cell was tiny, there was no food, air, or sun. P34 said his detention at the State Security Branch was very hard because the cell felt like a grave. The cell was so tiny, one could not even lie down as he was able to do in Al-Khatib Branch.

Presiding Judge Kerber asked whether P34 needed a break or if the prosecutors could ask their questions. P34 said he was good to continue.



### Prosecutors' Questioning

Prosecutor Klinge recalled that P34 was transferred to another cell during his detention in Al-Khatib Branch. He wanted to know more about the cell regarding size, number of detainees, windows, and heat. P34 said one could say that it was hot everywhere. It was unbearable. P34 said the cell was tiny but around 36 people were detained there. There was a toilet inside the cell, but it was merely a hole in the floor. There was no water. P34 said he was not sure but there might have been a tap or a tube and a can. The cell as well as the toilet was very dirty. There was no window, just a small hatch above the toilet. If one looked through this hatch, one could see big buildings. P34 therefore assumed that the Branch was located in the middle of Damascus.

Klinge asked about the air inside the cell. P34 said there was no air. There was only a small hatch but a lot of people.

Klinge wanted to know about skin rashes, scabies, and lice. P34 said he assumes there were lice and people suffering scabies. He added that many people were suffering from skin conditions because they were detained in such a cell.

Klinge asked if P34 saw corpses at Al-Khatib Branch. P34 denied.

Klinge recalled P34 telling the court that his brother and an acquaintance were interrogated and asked P34 what he knew about these interrogations. P34 said the person with whom he spoke about this would currently live in Turkey. P34 did not know this person, he only got to know him after he was arrested together with P34's brother in March [2011]. This person was arrested together with P34's brother and P34's uncle. The person said that he saw Anwar Raslan and was interrogated by him. When P34 spoke with this person about the interrogation, P34 realized that the interrogation room which the person described was the same room where P34 was interrogated as well. The person further told P34 that P34's brother was also interrogated by Anwar Raslan. P34 asked Klinge what else he wanted to know.

Klinge asked how the interrogation was, what happened, and how the treatment was. P34 asked if Klinge was referring to P34's interrogation. Klinge said he was talking about P34's brother's and the other person's interrogation by Anwar Raslan. P34 said he first did not know that his brother was at Al-Khatib. This person told him and P34's sister confirmed. She told the family that the interrogator was very strict and that their brother and uncle were tortured and had to sign something before they were released. [P34 consulted his counsel. He continued his testimony in German but immediately switched back to Arabic]. P34 explained that he got this information from his sisters, not from his relatives. After his questioning with the German police in Bonn, his sister told him that their brother had to sign something. He first refused to sign but Raslan threatened to arrest and rape his sister. His brother then signed and was released together with [name redacted] who was arrested together with P34's brother in March.

Defense counsel Fratzky intervened, saying he did not understand the last part of P34's answer. P34 said that his brother signed something that could be considered a confession and was released afterwards. Defense counsel Böcker intervened, saying he did not get the part where P34 was talking about a third person. Plaintiff counsel Bahns intervened, saying Böcker should use headphones like everyone else. He would constantly ask for clarification because he never uses headphones.



Böcker replied that no one could force him to wear earphones, he just wants clarification regarding what P34 just said. Presiding Judge Kerber said everyone should calm down and repeated what P34 just told the court. P34 nodded.

Klinge wanted to know how P34's sister knew about the threats. P34 said his brother told his sister and their relatives about it. P34 was working a lot at that time and only returned home at night, so he did not know everything that was going on at home.

Klinge asked when the interrogation by Anwar Raslan took place. P34 said his brother was arrested in March 2011.

Klinge asked when P34's brother was released. P34 said he was released around one month later. He added that the demonstration where his brother was arrested happened in mid-March and his brother was released around mid-April.

Klinge wanted to know if P34 was a victim or witness of sexual violence at Al-Khatib Branch. P34 denied.

### **Defense's Questioning**

Defense counsel Böcker recalled P34 mentioning that he heard from his sister after his questioning with the German police in Bonn. Böcker asked if P34 was questioned by the German Federal Criminal Police Office (BKA). P34 affirmed.

Böcker asked if this happened in Bonn or Meckenheim. P34 said it was in Bonn.

Böcker wanted to know if the questioning took place in Winter 2020. P34 said it might have been in Meckenheim, but he arrived at the main station in Bonn.

Böcker asked if the questioning took place in December 2020. P34 said he thinks so, adding that it was cold and the questioning lasted from morning until evening.

Presiding Judge Kerber asked the plaintiff counsels if anyone had questions. Plaintiff counsel Scharmer nodded, saying that he would however prefer to have a break before.

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[15-minute break]

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### **Plaintiff Counsels' Questioning**

Plaintiff counsel Scharmer recalled P34 telling the court that right at the beginning of his detention at Al-Khatib Branch, he had to undress, lie on the floor, and his anus was searched. Scharmer apologized for the question, adding that it would, however, be important, and asked P34 if he was touched in this situation. P34 said he can remember this instance very well. After they had to undress, they had to lie down on the floor. They also had to squat and were insulted by the guards at the same time. P34 added that no acts of a sexual nature were performed on him, the situation was rather humiliating.

Scharmer wanted to know more about the physical and psychological condition of the children that P34 saw during his detention. P34 explained that he could not talk to them. It was his first day at the Branch and everyone was shocked and in fear. There were so many people in the cell and P34 did not talk to many of them.

Scharmer recalled P34 mentioning that his brother-in-law might have been arrested at a checkpoint. Scharmer asked P34 where this checkpoint was. P34 said he cannot say which checkpoint it was because there were checkpoints on all sides [of the area where P34's sister and brother-in-law lived]. Coming from the city, there were two ways leading to P34's brother-in-law's home from al-Qadam and two ways from Sbeneh. One was the "Street of the Adara Factory" or "Factory Street" but P34 did not remember the official name of the street. He added that he did not know where his brother-in-law was and what exactly he did, so he could not say at which checkpoint he was arrested.

Scharmer asked who was in charge of the checkpoints. P34 said he did not know, but he was told by others that Al-Khatib Branch was in charge of the area where P34 and his family lived. But other intelligence services were involved as well. According to P34, the air force intelligence had its own checkpoints as well because people were also arrested by the air force.

Scharmer wanted to know if P34 later heard where his brother-in-law was detained or where he died. P34 said he and his family would not know for sure. They only saw the picture.

Scharmer asked if P34 and his family were informed about the whereabouts and death of his brother-in-law. P34 denied, adding that if someone was arrested, he disappeared.

P34 was dismissed as a witness.

Presiding Judge Kerber said the prosecutors were able to secure another witness and organized his questioning. This witness was summoned for June 23. Copies of the transcript of the witness's questioning were handed over to the parties. Kerber explained that the summons for June 23 would provide enough time for everyone to prepare. She added that the court had difficulties arranging the appearance of the witness who was scheduled for the following day, however, they were able to solve these difficulties and the witness will testify in court as scheduled. Kerber further explained that the court summoned a witness from abroad for July 1 and 2, however, the witness did not yet react to Judge Wiedner's attempts to contact him. The court therefore also summoned the relevant BKA officer in case the witness cannot come. Kerber added that there would be more witnesses who prefer not to testify in court, but the judges would try their best to arrange for them to testify in court.

Defense counsel Böcker said he just scanned through the transcript that was handed out and realized that there are many redactions. To ease preparation, he wanted to know why there were redactions. Prosecutor Klinge explained that the witness was forwarded to the Prosecutor General by the German Migration and Refugee Authority (BAMF). The witness mentioned names of other people who could be in danger. He was also questioned about other possible suspects. Therefore, parts of his testimony had to be redacted for the purpose of this trial. Klinge said that the reasons for redactions would also become apparent from the transcript.

The proceedings were adjourned at 12:05PM.

**Day 76 of Trial – June 17, 2021**

The hearing began at 9:40 am with seven spectators and two members of the press in the audience. A three-person camera team was allowed to film inside the court room before the start of the trial day. The team also filmed outside the court room when people were leaving and returning to the courtroom during breaks. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsel Khubaib Ali Mohammed was not present.

Presiding Judge Kerber asked Plaintiff Counsel Kroker to explain the events leading up to the witness's testimony in court this day. Dr. Kroker explained that the witness's initial counsel was attorney von der Behrens, however, she unexpectedly fell sick. Kroker therefore substitutes von der Behrens and acts as witness counsel for this witness.

Plaintiff Counsel Böcker mentioned that the names of different attorneys appear on the case file in relation to this witness: Kaleck, von der Behrens, Hackmack. He asked on what basis Kroker would now act as witness counsel. Judge Kerber explained that von der Behrens was admitted as witness counsel but fell unexpectedly sick, and Kroker now had the power of attorney.

[The witness was called and entered through a side door]

**Testimony of P35**

Before Presiding Judge Kerber asked the P35 about his personal details and informed him about his rights and duties as a witness, P35 started sobbing. Kerber said that the witness can ask for a break at any time and can always consult his counsel Kroker in case he has any questions. P35, a 40-year-old Syrian now living in [information redacted] where he [information redacted], was informed about his rights and denied being related to the Accused by blood or marriage. Judge Kerber explained that the court needs to hear the information which P35 already provided the German police during his questioning. She handed over to Judge Wiedner. The witness was emotional throughout his testimony and had difficulty composing himself.

**Judge Wiedner's Questioning**

Judge Wiedner first asked P35 to provide an overview of his background, how he got in conflict with the regime, and when and where his several detentions happened. P35 said he was a [information redacted] and was part of the Syrian national team. His family worked as merchants and was well-known in Syria, as was P35. He explained that starting in 2001, he and his family voiced their political opinion. They were very surprised the regime was passed on from father to son. P35 therefore had a certain political opinion and was eventually excluded from the national team, although he was the Arab champion. He explained that he was relatively young at the time and the regime started persecuting him due to his political opinion. He was detained in Branch 251 in 2007 and met Anwar Raslan on his first day at the Branch in Raslan's office.

[P35 asked for a one-minute break]

Wiedner said this would be a good opportunity to ask a small question. He wanted to know if P35 was detained before his detention in 2007. P35 said before 2007, he was detained by the Military Security.

Wiedner wanted to know when this happened, if P35 was still part of the national team at that time. P35 explained that he was excluded from the team in 2011 and had to endure massive torture in 2011 and 2012. He therefore had gaps in his memory and had been receiving medical care for this reason.

Wiedner said it would be OK and asked P35 to continue with the events that happened in 2007. P35 said there [Branch 251] were two people who supervised torture. Anwar Raslan was the head of investigations at the Branch. P35 said he received electric shocks. One could still see the scars; he showed them to the German police. He was tortured with *Shabeh* as well. P35 described that his hands were tied and he was hanged. He added that he has to take medicine because of these experiences.

Wiedner wanted to know if that happened in Branch 251. P35 affirmed, saying it happened in Al-Khatib, also known as Branch 251.

Wiedner asked about the year. P35 said it was in 2007 if he remembered correctly.

Wiedner wanted to know why P35 was arrested. P35 explained that he was accused of being an oppositionist and spying for foreign countries.

Wiedner asked how P35's was arrested: if he was summoned or taken from somewhere. P35 said that patrolling security forces came to his place. They blindfolded him, put him in a car and took him with them. P35 added that he was arrested 13 times, so he might get confused a bit.

Wiedner asked P35 to try and remember. He wanted to know how P35 knew that he was in Al-Khatib Branch. P35 said there was a gathering place where other detainees told him that it was Branch 251.

Wiedner wanted to know what the place looked like. P35 described that the situation there was very bad. There were screams, torture, and humiliation.

Wiedner asked where P35 was taken after he was arrested. He asked if he was taken to a prison. P35 said he was taken to the place he just described. Wiedner asked what the building and the detention rooms looked like. P35 explained that the cell had an iron door with a small hatch. He asked if he should describe the prison as well. Wiedner affirmed. P35 said this happened 14 years ago and he forgot many things.

Wiedner wanted to know whether the prison was upstairs or downstairs. P35 said it was downstairs. His [Raslan's] office was upstairs, but the cells were downstairs.

Wiedner asked about the size of the cells. P35 explained that he was first detained in a bigger collective cell and then transferred to a solitary cell.

Wiedner wanted to know if there were other detainees as well. P35 affirmed, adding that there were many.

Wiedner wanted to know what P35 was able to remember from his interrogation. P35 said he remembered that he met him [Raslan] at the Branch. P35 was asked why he was trying to ruin the country and what side he belonged to.



P35 said he was told to confess, if not, it would be clear what treatment he received. P35 said he denied everything, and the guards took him away and tortured him.

Wiedner asked where the office was and where P35 was taken after the interrogation. P35 explained that he was blindfolded. He was taken upstairs, and his hands were tied behind his back. P35 concluded that his [Raslan's] office was upstairs.

Wiedner wanted to know which floor it was on. P35 said it was above the prison. He did not know which level exactly but said that it was upstairs and big.

Wiedner asked what P35 was able to see of the office through his blindfold. P35 explained that the blindfold slightly got out of place, and he was later asked to remove it. He could see a phone and walkie talkies on the desk.

Wiedner wanted to know more about the furniture and items in the office. P35 said the office was big, long, and wide. There was furniture, but he could not remember.

Wiedner asked if he saw chairs or a sofa. P35 said he forgot.

Wiedner wanted to know if P35 was standing, sitting, or kneeling. P35 said he was standing, adding that his hands were tied at first, but then removed.

Wiedner asked how many people were in the room. P35 said one person took him to the room, however, he did not know whether this person stayed.

Wiedner recalled P35 saying that Anwar Raslan was in the office and asked P35 how he identified Raslan and knew it was him. P35 explained that he did not know Raslan personally. However, when P35 worked as a merchant, he learned that Raslan was the head of an investigation office. P35 added that there was one guard who helped him and told him that the interrogation Officer was Raslan.

Wiedner asked if P35 recognized someone in the courtroom as the person who interrogated him. P35 affirmed.

Wiedner wanted to know whom P35 recognizes. P35 said he recognizes Anwar Raslan from his birthmark, adding that Raslan, however, looked a bit differently back then.

Wiedner asked P35 to describe the meeting: how it went, what he was asked, and how Raslan acted. P35 said he got nervous, the guards told him they would take him with them.

Wiedner asked what the interrogation officer wanted to know. P35 said he was asked why he was in the opposition, on which side he was on, and with whom he was collaborating in foreign countries.

Wiedner wanted to know what P35 answered. P35 told the court that he replied that he had no reason to destroy the fatherland, it would nevertheless be his home country.

Wiedner asked if P35 confessed. P35 said one is forced to confess.

Wiedner wanted to know if this happened to P35 during the interrogation as well. P35 said he did not do anything wrong, so he saw no reason to confess. He [Raslan] said the guards knew how to treat P35. According to P35, Raslan rang a bell, and the guards came. Raslan told them to treat P35. He was then taken to be tortured.

Wiedner asked about the atmosphere during the conversation and wanted to know whether Raslan was friendly or threatening. P35 explained that the regime would act according to the motto “carrot and stick”, the end of the conversation was the stick.

Wiedner wanted to know what the carrot would be then. P35 said Raslan smiled, he had a yellow smile. P35 added that he was told to stand.

Wiedner recalled P35 telling the German police how the interrogation went. Wiedner cited from the transcript of the police questioning: ‘Around 7PM I was taken upstairs with my eyes blindfolded. There I met Anwar Raslan. He told me he wanted to help, but I would have to tell everything I did. We then discussed.’ P35 affirmed, adding that the smile he just mentioned meant that he could only get help if he confessed.

Wiedner recalled that P35 was asked during the interrogation if he collaborated with European or American agencies. According to Wiedner, P35 denied and said he was only fighting for his rights. Wiedner asked P35 if he remembers the situation, particularly in context of “travel ban.” P35 said he was under travel ban and only allowed to leave the country with the permission of a branch.

Wiedner further recalled P35 telling the German police that he told Raslan that he thinks the travel ban by the intelligence services was unjust and that he had to make an application every time he wanted to leave the country. Raslan then asked P35 if he wanted to confess but P35 denied. Raslan then rang a bell and Abu Muhammed came and took P35 to the basement. P35 confirmed, saying that Raslan rang a bell and he was then taken to the basement.

Wiedner again cited from the transcript of P35’s police questioning: “He [Anwar Raslan] asked me to whom I want to sell the country. I said I am fighting for my rights and reforms. Raslan asked me who I am to request such things. My hands were untied, and we started discussing. However, I was still blindfolded. He took off my blindfold and we discussed eye to eye.” P35 explained that his blindfold first slightly moved and was then taken off.

Wiedner continued citing from the police transcript: “In 2006 and 2007 many people requested reforms. I told him [Raslan] that I do, too. We started discussing. He then asked me if I wanted to confess. I denied. He rang a bell and called Abu Muhammed. He [Raslan] told him to do whatever he [Abu Muhammed] thinks is right. The latter confirmed with a salute and knew what he had to do”. P35 explained to the court that it was a code to order torture. Because he [Raslan] was the head of investigations no one could do anything without his approval. It was known/set that he gave the orders.

Wiedner wanted to know how long P35 was at Al-Khatib Branch before he was interrogated. P35 said he does not know.

Wiedner asked if it happened rather immediately or if some time passed. P35 said he thinks that he was there for a couple days already.

Wiedner wanted to know if P35 was beaten or tortured before the interrogation. P35 affirmed, saying he was beaten several times before.

Wiedner asked if he was beaten before the interrogation. P35 said he was beaten before the interrogation but the actual torture started afterwards.

Wiedner wanted to know what happened after the interrogation. P35 said he was massively tortured. This scene repeated every day.

Wiedner asked what exactly happened to P35. P35 said he had to endure everything: *Shabeh*, electric shocks at his feet, the chair. [P35 showed signs of torture at his wrists]

Wiedner asked if P35 was hanged. P35 confirmed.

Wiedner wanted to know where that happened. P35 said it happened in the basement.

Wiedner asked if P35 was beaten while he was hanged. P35 affirmed, adding that he was constantly beaten. The guards said “take that, you [information redacted].”

Wiedner wanted to know where P35 was beaten. P35 said he was beaten on his stomach, back, and everywhere else.

Wiedner asked if P35 was beaten on his feet. P35 said he had to undergo surgery in [information redacted] for that reason. The signs would still be visible, and he had medical certificates.

Wiedner recalled P35 telling the police that he was in solitary confinement for nine days. His feet were bleeding for eight days. He therefore needed a new blanket every day. P35 said he cannot remember. He remembered that there was blood, but not details.

Wiedner wanted to know if P35 was tortured in Branch 251 with other methods as well. P35 said he was tortured with *Doulab*, beatings, and many other things.

Wiedner asked P35 to describe *Doulab*. P35 explained it means tire. Wiedner asked how P35 was tortured with this. P35 said he was squeezed inside the tire and then beaten.

Wiedner recalled P35 telling the police that he was tortured with a chair. He asked P35 to describe this method. P35 explained that the chair has a hole where one would usually sit. One is squeezed in this one. P35 added it was called *German Chair*.

Wiedner wanted to know how long P35 was detained at the Branch and how many times he was mistreated. P35 said he was there for eight months and tortured many times, he could not remember the exact number.

Wiedner asked if P35 was tortured immediately after the interrogation with Raslan. P35 confirmed.

Wiedner wanted to know if other detainees were tortured as well and in what condition they were. P35 said it is impossible that someone would be detained in this Branch without being tortured. Others were tortured even more, they were destroyed. P35 added that one person died from torture.

Wiedner asked what happened to this person. P35 said this person was tortured. P35 was then told that he had blood in his brain and died of a brain attack.

Wiedner asked if P35 saw that. P35 said he saw the person lying on the floor.

Wiedner asked if the person was dead. P35 confirmed, saying he was taken away by the guards.

Wiedner wanted to know more about the general detention conditions relating to food and hygiene. P35 said the food was not clean and not good. It was full of lice and due to the amount of people, one was always sweating. It was dirty.

Wiedner cited from the police transcript saying that P35 said they got seven olives and something else for breakfast, bulgur and soup for lunch and some bread and egg for dinner and sometimes a bit of rice. However, the food was never enough, and most people were severely underweight. P35 confirmed.

Wiedner asked P35 about the size of the cell he was detained in. P35 said he forgot. The solitary cell was very small, but he did not know how big the collective cell was.

Wiedner wanted to know how small the cell was and if he was the only detainee there. P35 said he was alone in the solitary cell. There were many detainees in the collective cell.

Wiedner cited from the transcript of P35's police questioning during which he said that the solitary cell was 1x1.5 meters big and 2 meters high. One could not lie down. It was always dark and there was only a small hatch that was only opened when the guards called him. P35 confirmed the statement, saying that the cell was that tiny.

Wiedner wanted to know if P35 ever fell unconscious due to torture. P35 affirmed, saying he was then wrapped in a blanket.

Wiedner asked how he was tortured when he fell unconscious. P35 said he received electric shocks and a lot of beating.

Wiedner again cited from P35's police questioning during which he said that that four or five people in the torture room tortured and kicked him. Abu Muhammed and Ali beat him and tortured him with electric shocks until he could not feel his leg anymore. P35 then fell unconscious and was wrapped inside the blanket and taken back to his cell. He was tortured again the next day. P35 confirmed, adding that he was tortured every day.

Wiedner further cited P35 telling the police that he had to sit on a chair and was beaten. They wanted him to confess, and he was beaten on his legs, feet, and back, using cables. When he fell unconscious, they poured water over him and hanged him at an iron stick for five or six hours. He was tortured with

electric shocks for seven or eight days. Ali then increased the power, but Abu Muhammed told him to slow down to not kill P35. P35 confirmed, adding that Ali was the one who tortured the most.

Wiedner wanted to know if P35 was blindfolded during the mistreatment. P35 explained that he usually had to wear a blindfold. However, due to the beating the blindfold moved and he was able to see people. This was why he saw Ali and Abu Muhammed. [P35 showed the court how the blindfold moved].

Wiedner asked if P35 met Raslan again at the Branch. P35 said he met him before he was released.

Wiedner wanted to know how the meeting was. P35 said he forgot. He had to wear the blindfold and sign a paper and leave his fingerprint.

Wiedner asked if one could see at this meeting that P35 had been tortured. P35 confirmed, saying that one could see the signs all over his body.

Wiedner wanted to know what P35 was wearing. P35 said he does not know, he was wearing the shirt he wore when he was arrested.

Wiedner wanted to know the reason for P35's release. P35 said he was released due to bribery.

Wiedner asked how exactly the bribery took place. P35 said he does not know because his relatives arranged everything.

Wiedner asked if someone told P35 about it. P35 said he was told that everyone was asking for him and trying to get information. P35 added he does not know any details as it happened 14 years ago.

Wiedner mentioned P35's brother and asked what his job was. P35 said his brother was the general director of [information redacted] that also delivered to the palace.

Wiedner asked if P35 was told that money was paid. P35 explained that he was told that money was paid. He then received better treatment and was even able to shower.

Wiedner cited from P35's police questioning during which he said that his family did not know where he was. They were searching for five or six months. His brother was a merchant and had contacts with the [name redacted] family who was in contact with Anwar Raslan. P35's brother paid 15,000 Syrian Lira for P35's release and P35 was tortured significantly less. The investigator told P35 that he was very lucky. He had to sign a paper. He was then told that his documents were with the court and that he would be released soon. P35 confirmed, adding that he could remember some things, others not.

Wiedner wanted to know what P35 could remember from this instance. P35 said he knows that his brother intervened, he was treated better and signed something. That was what he could remember.

Wiedner asked how long after his arrest P35 met Raslan for the second time. P35 said he does not know.

Wiedner asked if it was five months. P35 said he does not know.

Wiedner wanted to know if the second meeting was different, if it was an interrogation, and how the atmosphere was. P35 said it was better.

Wiedner asked if he was interrogated. P35 said he does not know. He would only know that the circumstances were better.

Wiedner wanted to know if P35 could remember anything about the medical treatment of his feet. P35 said he needed medical care for his feet. They were then treated in a hospital.

Wiedner cited from P35's police questioning: When P35 was asked whether he met Raslan again at the Branch, he explained that when the merchants intervened, he met Raslan again in his office after around five months. Raslan offered him tea. The meeting was different than the first one. Raslan said he wanted to help P35 who told Raslan that his feet were inflamed. Raslan said he would receive treatment the following day. Before P35's feet were treated, he was told that his papers were sent away and with the court. P35 explained to the court that this treatment was not sufficient. He only received Aspirin and tranquilizers. The actual medical treatment did not happen at this occasion. He only received painkillers because he could not sleep.

Wiedner wanted to know what happened after that, how P35 was released. P35 said he went to the court where he was released.

Wiedner asked if P35 was able to remember how Raslan was dressed. P35 said he once knew but could not remember in this moment.

Wiedner asked if he wore a uniform. P35 said he could not remember, adding that it happened 14 years ago.

Wiedner recalled P35 telling the German police that Raslan had a high position at the Branch, which one could also see from his clothes. Wiedner asked if P35 was able to better remember things when he was questioned by the police in 2019. P35 affirmed, explaining that he is being treated. He added that he was detained in 2012 and the torture left its scars. He forgot a lot of things within two years. P35 added that he was telling the truth.

Presiding Judge Kerber said that after one hour of testimony, the first chapter of P35's testimony would be over and the judges would continue with their questions after a short break.

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[15-minute-break]

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Judge Kerber said she hopes that P35 was able to recover a bit during the break.

Judge Wiedner continued his questioning by recalling that P35 told the German police that he was detained in Branch 251 a second time. Wiedner asked when this happened. P35 explained that he was detained thirteen times. This would be a problem because he sometimes gets confused with the different detentions. P35 said he tried hard to remember, but it would not always be easy. He said that when Wiedner cited from the transcript, he could remember certain things, while he forgot others.



All of this happened thirteen times: the torture, beatings, and detentions. According to P35, the doctors in [information redacted] told him that due to the torture he would have normally “lost his brain” and not only have gaps in his memory. P35 said he receives medical treatment for 6.5 years. It would be some kind of rehabilitation so he could live a normal life. P35 said he tries everything to move on. When he saw that Germany arrested Anwar Raslan, P35 thought he had to come to court because Raslan was the supervising person at the time P35 was detained. P35 added that he would be honest by saying that he forgot certain things.

Judge Wiedner said it would be OK, the judges would be the last to criticize him for that. Wiedner said P35 should just try to remember. He went on to ask P35 when he was arrested at Branch 251 for the second time, whether it was before the inner Syrian conflict. P35 said it was before that. He owned stocks of an opposition newspaper [the translator did not mention the Arabic name of the newspaper but translated it to German].

Wiedner asked if P35 wrote articles for the newspaper as well. P35 explained he was arrested because he wrote an article titled “[information redacted]” and Ali Mamlouk therefore detained him at Kafar Souseh.

Wiedner recalled P35 telling the police that he was arrested in 2010 and asked P35 if that was correct. P35 confirmed.

Wiedner asked if his arrest was related to the newspaper. P35 affirmed.

Wiedner wanted to know whether P35 was arrested or summoned. P35 said he remembered being summoned to come to a branch.

Wiedner wanted to know which branch it was. P35 said he remembers it was Branch 251.

Wiedner asked if P35 went there voluntarily. P35 said he went there because he did not do anything wrong. He did not see any reason to not go there.

Wiedner asked how long he was detained. P35 said it was days.

Wiedner recalled P35 telling the police that he was detained for eight days. P35 confirmed, saying it was around eight or nine days.

Wiedner asked if P35 could remember how this detention was compared to 2007. P35 said one could not compare them. The torture in 2007 was massive.

Wiedner asked how it was in 2010. P35 repeated that it was not comparable.

Wiedner wanted to know if 2010 was better or worse. P35 said 2007 was a lot worse.

Wiedner asked if P35 was detained in a solitary or collective cell in 2010. P35 said he forgot.

Wiedner cited from the transcript of P35’s police questioning during which P35 said that he was again detained in a collective cell. However, it was a lot better this time: the cell was 40m<sup>2</sup> big with 20 detainees inside. There was a toilet in the corner of the cell. The food was the same as in 2007 and the hygienic condition was as bad as in 2007. P35 told the court he could not remember exactly but the second time was better.

Wiedner further recalled P35 telling the police that the guards were better the second time as well. P35 confirmed.

Wiedner wanted to know if P35 also met Raslan during his second detention at Branch 251. P35 could not remember, Wiedner asked if he remembered anything. P35 said he tries to remember but could not.

Wiedner said he can provide P35 more context by recalling that P35 told the police that he met Raslan again and told him that the country developed in a bad way. P35 confirmed that he asked Raslan if he remembered their meeting in 2007 and told him that the country would now [2010] be in a worse shape. P35 added that he was able to remember now.

Wiedner asked if Raslan interrogated or questioned P35. P35 recalled Raslan telling him that 'they' would be under a lot of pressure from the US and internationally. They would try to reform the country. P35 said that is all he remembered.

Wiedner asked if P35 was blindfolded when he met Raslan, adding that P35 can let the court know if he cannot remember. P35 said he thinks he was blindfolded but would not be sure.

Wiedner asked if P35 heard Raslan's voice. P35 said he was not sure but thinks that he heard him talking on the telephone or walkie talkie.

Wiedner cited from P35's police questioning. When asked if he was tortured while Raslan was present, P35 affirmed to the police. He explained that he heard his voice while he was tortured. According to P35 he was blindfolded and beaten with cables in 2010. Raslan twice said "more". P35 heard his voice twice in 15 to 20 minutes. Raslan once asked him if he wanted to confess. P35 said he did not hear him after one hour of torture when he was taken back to his cell. P35 told the court that this did not happen in Raslan's office but downstairs.

Wiedner concluded that P35 would now be able to remember. P35 said he could remember parts. He was blindfolded and could hear voices. He could also remember that Ali was the one torturing him again.

Wiedner wanted to know if P35 was somehow able to see Raslan. P35 said he heard his voice. He could not remember if he saw him but usually the guards only tortured someone when Raslan ordered it.

Wiedner asked if P35 heard orders. P35 denied.

Wiedner asked if there were other people present who were tortured as well or whether P35 was alone with the people/voices he described. P35 said people were being tortured next to him. He heard their screams.

Wiedner wanted to know whether they were in the same room or somewhere else. P35 said they were not far away, very close to him.

Wiedner asked what happened to P35 and the others. P35 said he does not know how the others were beaten but he could hear them screaming.

Wiedner asked about the beatings. P35 said there were beatings with cables.

Wiedner wanted to know how P35 was released. P35 said he forgot and could not remember.

Wiedner asked if bribery again played a role. P35 did not know.

Wiedner again cited from P35's police questioning: When asked about how he was released, P35 told the police that a colleague from the newspaper knew a former employee of Branch 251. This person was bribed and P35 released. There was an order from Anwar Raslan. According to P35 nothing happened without Raslan ordering it. Raslan would order arrests and releases. P35 did not meet Raslan

again. He was released and took a taxi home. P35 told the court he knows that someone intervened, and he was only detained for a short time.

Wiedner wanted to know what physically happened to P35 during the detention, how he was tortured and mistreated. P35 explained that he had 21 surgeries in [information redacted]. He was tortured often and 11 surgeries were because of the torture. P35 added that he is receiving medical and psychosocial treatment for 6.5 years. He was tortured with horrible methods at every branch. According to P35 an officer gets promoted the more he tortures. P35 explained that this branch [Branch 251] was founded by Hafez Al-Assad and later led by his nephew Bashar Suleiman. The latter brought Anwar Raslan to the Branch. P35 said that Raslan was “artistic” in torturing people. He smiled and ordered torture at the same time. P35 said one might not make this comparison, but without the Presiding Judge, nothing can happen. This might be an inappropriate comparison, but Raslan was the head of the Branch, he was in control.

Wiedner asked how P35 knew that Raslan was creative in torturing people. P35 explained that one of his friends worked for Ali Mamlouk. This friend told him that without Anwar Raslan, no one could even touch him. He also told P35 that no one could make a decision without Raslan’s approval.

Wiedner asked about Ali Mamlouk’s position. P35 said he was the head of the General Intelligence Directorate.

Wiedner wanted to know if P35 remembers any reactions regarding his detention in Branch 251 and other detainees who felt particularly bad. P35 said that many detainees were in a bad condition. He heard that people died.

Wiedner asked if P35 saw dead people. P35 denied, adding it would only be hearsay.

Wiedner recalled P35 telling the police about dead people during his detention in Branch 251 in 2010. P35 said he saw one person lying on the floor but was not sure whether it was 2007 or 2010.

Wiedner asked whether P35 remembers a resuscitation attempt. P35 denied.

Wiedner recalled P35 telling the German police that he did not see dead people in 2007. However, in 2010 three people died in the collective cell. One was hit on his head and taken back to the cell where he died. P35 performed CPR. P35 confirmed to the court that he tried CPR. The person was hit on his head and had internal bleeding. The CPR was unsuccessful and he died. According to P35 the person was taken away. P35 added he would not know more details.

Wiedner asked about the person’s name. P35 said his name was [name redacted] but he would not be sure and did not want to say anything wrong.

Wiedner recalled P35 telling the police that the detainees called for a doctor who arrived after two hours. They took the corpse outside the cell. His name was [name redacted]. P35 said he could not remember.

Wiedner asked if more people died from mistreatment. P35 said he only saw this one person but heard about others.

Wiedner wanted to know what he heard. P35 said he heard that people died because the color of the prison was red. It was covered with bloodstains because of the torture.

Wiedner asked if P35 was talking about specific rooms. P35 said it was mainly in the corridor. This was where people were tortured with *Shabeh*. Therefore, there were many bloodstains.



Wiedner concluded that people were hanged there and asked P35 what exactly happened there. P35 described that there was an iron stick at the wall. People were hanged there with handcuffs. They were hanged 20cm above the floor for four or five hours.

Wiedner asked if they were beaten while hanged. P35 confirmed, explaining that they were beaten with cables all over their bodies.

Wiedner asked if P35 saw this happening to others. P35 said it happened to him and he saw others when his blindfold slightly moved, and he was able to hear voices.

Regarding dead people, Wiedner recalled P35 telling the police that when the detainees got food, P35 heard Ali telling Abu Muhammed to get the boss because two people died. P35 said he could not remember, but he heard it.

Wiedner recalled P35 suffering consequences from his first detention at Branch 251 in 2007 regarding his feet. P35 said one could still see the scars, he could show the court.

Wiedner asked P35 to describe it instead. P35 said he received electric shocks at his feet and was beaten on his feet. He therefore had three surgeries in [information redacted]. P35 added that at the time blood accumulated in his feet.

Wiedner recalled P35 telling the police that immediately after his release in 2007 he needed medical treatment because his feet were inflamed. He received a skin transplant and the treatment lasted until 2010. P35 confirmed, explaining that he constantly had to be treated and one could still see the signs.

Wiedner asked P35 about his experiences at the beginning of the internal conflict in Syria in 2011. P35 did not know what Wiedner was referring to. Wiedner asked P35 to describe how he experienced the conflict and his arrests. P35 explained that he participated in demonstrations and had certain influence. He was arrested in 2011 and 2012: Amongst others he was detained at the Palestine Branch for one month. Once he was released after a couple of days. P35 said he was arrested three times and Kofi Annan from the UN delegation intervened and arranged for him to be released. P35 said he met the UN delegation on their visit to Syria. They told him to leave the country otherwise he would be arrested again.

Wiedner wanted to know if P35 was also tortured at the Palestine Branch. P35 said the worst torture he experienced was at Palestine Branch.

Wiedner asked whether it was in 2012. P35 said most of it.

Wiedner asked what exactly P35 had to endure. P35 described he received electric shocks every day. He was mentally and physically exhausted.

Wiedner asked if all detainees were treated like that at this Branch [Palestine]. P35 said everyone was tortured but he and others were the leaders of the revolution.

Wiedner concluded that he was treated particularly bad. P35 confirmed.

Wiedner recalled P35 mentioning that he was a leader of the revolution. He asked P35 if he had particular tasks within the opposition. P35 said he was an activist. He led demonstrations, printed and wrote flyers, and coordinated demonstrations. P35 said that "they" were therefore angry with him. Every time "they" [security forces] did anything against the activists, P35 and others had to adapt.

Wiedner asked about the time when these demonstrations happened. P35 said it was from 2011 to 2012.

Wiedner asked when the demonstration started. P35 said they started on March 15 [2011].

Wiedner asked about the regime's reaction: P35 explained that the reaction was hysteric as they did not expect people to demonstrate, it was a dictatorship, nevertheless. P35 said the demonstrations were a shock for the regime.

Wiedner asked for concrete examples. P35 said they started shooting at protesters.

Wiedner wanted to know when exactly the shootings started. P35 said they started shooting from March 18 [2011] on.

Wiedner asked where the shootings happened. P35 said it was in Al-Midan, Darayya, Damascus, and Damascus suburbs. P35 was also present at such demonstrations.

Wiedner asked if P35 – as an activist – knew about the founding of a focal coordination point to deal with demonstrations. P35 affirmed, explaining that Ali Mamlouk, and Ministers Turkmani and Assef Shawkat formed a council. P35 said he does not know what happened behind the scenes because he was not there, but they gave orders.

Wiedner asked when this council was formed. P35 said it was immediately after the first demonstrations. It then gave orders regarding arrests and shootings.

Wiedner wanted to know the name of the council/focal point. P35 said it was called "cell". Wiedner asked if it was the CCMC, the Central Crisis Management Cell. P35 said it was the Crisis Cell. [One of the court interpreters intervened, saying that the abbreviation "crisis cell" that P35 just used was the common abbreviation for CCMC]

Wiedner recalled that P35 was a professional athlete and asked him about the physical consequences of his detentions. P35 said his body transformed drastically. He initially weighed 140kgs but lost a lot of weight.

Wiedner recalled P34 mentioning to the police that he weighed 66kg after his last detention. P35 said he weighed 140kgs due to the cortisone he had to take for his surgeries. He had to undergo a stomach stapling surgery.

The prosecutors had no questions for P35.

### **Defense's Questioning**

Defense counsel Böcker said the defense had only a few questions. He started by recalling that P35 told the BKA about his detention in Al-Khatib in 2010. Böcker wanted to know if P35 also told the BKA who ordered his release. P35 could not remember.

Böcker wanted to cite from the BKA's transcript but Presiding Judge Kerber intervened that this passage was already cited by Judge Wiedner. Böcker said he might have missed that because he left the court room for some time during the session. He added that he still wanted to ask P35 how he knew who ordered his release. Böcker asked if P35 remembered his police questioning at all. Judge Kerber nodded. Böcker asked P35 how he knew that Raslan ordered his release. P35 said he could not remember.

Böcker cited from the transcript of P35's police questioning: When P35 was asked about his encounter with Raslan, P35 explained that he did not know his name at the time. He was the head of the Branch and had a lot of influence in the country. He was very important in the country. P35 did not understand. Böcker explained that he cited from the BKA's transcript of P35's police questioning and wanted to know whether it was correct that P35 said that or whether he could not remember.

Böcker repeated the citation, telling P35 that he wanted to know if P35 remembered saying that. P35 said he did not remember.

Böcker recalled P35 further telling the BKA that even ministers could not defy Raslan. P35 explained that in Syria, the security forces controlled the country.

Böcker asked if P35 said this striking sentence. P35 said he did not remember, but the security forces controlled Syria.

Böcker repeated the sentence and asked P35 if he could say something about the content of the sentence and if he knew about that [ministers not being able to defy Raslan]. P35 said he knew that security forces were in control of entire Syria. Raslan was stronger than the Prime Minister because the intelligence services were in control.

Böcker referred to the medical certificates that P35 mentioned earlier, saying that he would like to have a look at them, particularly in relation to P35's gaps in memory. Böcker asked witness counsel Kroker if the court could have a look at the certificates. P35 said he can hand them over to the court.

Defense counsel Fratzky recalled P35 mentioning Ali Mamlouk as the head of the General Intelligence Directorate and that one of P35's friend worked for him. P35 confirmed.

Fratzky wanted to know more about P35's friend. P35 explained that his friend was killed because he warned P35 of an arrest after 'he' [P35 pointed at Anwar Raslan] and Hafez Makhoulf ordered P35's liquidation.

Böcker wanted to know how P35 knew that. P35 said he was called by a friend who told him that Anwar Raslan and Hafez Makhoulf arrested his friend [name redacted].

Fratzky asked since when P35 knew. P35 said he knows since 2012.

Fratzky asked where he got the information from. P35 said his friend called him to warn him. His friend's brother told him about the arrest and was murdered.

Fratzky asked P35 if he forgot about that because he did not tell the BKA. P35 said he did tell the BKA; it should be in the transcript.

Fratzky wanted to know when P35 learned about the order to liquidate him. P35 said it was in June [information redacted] 2012. He was released from Palestine Branch and his home was stormed two hours later. P35 added he told the police about that.

Judge Kerber said the court would now take P35's medical certificates and read them out. Defense counsel Böcker asked which language they would be in. Witness counsel Kroker explained the certificates were written by hand and in French. He and his client would have a look at them first to make a selection before handing them over.

Judge Kerber said that in this case, P35's questions in court would be over. Defense counsel Böcker intervened saying he would be fine with a pre-selection of the certificates. However, he would like this to happen in quiet moment and would like written translation of the documents.

P35 was dismissed as a witness.

Judge Kerber acknowledged that the court saw that P35 was having a hard time testifying in court. She appreciates that he came, nevertheless. Kerber thanked the witness in Arabic.





The proceedings were adjourned at 11:50 AM.

The next session will be on June 23, 2021.