



TRIAL OF ANWAR RASLAN
Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 43
Hearing Dates: August 18 &19, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 86—August 18, 2021

The Court first heard the testimony of Mr. Okotutsch, a 26-year-old police inspector at the Federal Criminal Police Office (BKA) who questioned P17 and P18. Mr. Okotutsch read the email he received from a family member of a missing doctor who was detained at Branch 251.

Next, the Court heard the testimony of P44, a Syrian man in his early thirties. He described how he was detained with his maternal uncle and cousin at a gas station along the Damascus-Homs Highway. He was taken to an unknown location for two days, then to Al-Khatib Branch for three days. On the bus at the gas station, P44 was able to use his hidden mobile phone to call his brother. As he ducked low to make the call without being seen, P44 glanced out the window and saw someone who he thought was Raslan. He never saw the man again.

Trial Day 87—August 19, 2021

P45 spoke to the Court in a face mask with his head partially covered out of fear for his family in Syria. He explained how he was awoken at 5:00AM in August 2012 by government forces. They rounded up around 100 members of his village who demonstrated against Al-Assad, and they sent the villagers to Al-Khatib Branch. Although P45 and the other villagers were beaten and insulted on their way to the Branch, they were spared from mistreatment upon their arrival to Al-Khatib, thanks to the intervention of two village dignitaries who had strong relationships with government officials and who secured their release after three days on the condition that the villagers support Al-Assad.

Day 86 of Trial—August 18, 2021

The proceedings began at 9:30AM. There were seven spectators and one member of the press in the audience, as well as a court illustrator. The prosecution was represented by Ritscher and Polz. Plaintiff counsels Bahns, Mohammad, and Reiger were not present.

Judge Kerber thanked the interpreter formerly working for Al-Gharib's defense team for substituting for one of the court interpreters.

The witness was informed of his rights and duties as a witness.

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



Testimony of Mr. Okotutsch

Judge Kerber stated that Mr. Okotutsch questioned [P17] and [P18] and that he received a message from P17's brother. She asked Mr. Okotutsch if they gave him documents during questioning. Mr. Okotutsch confirmed and said that he also received an email on September [information redacted].

Kerber held a printed copy of the email, then showed it to Mr. Okotutsch and asked if it was the email he received. Mr. Okotutsch confirmed and said that he received it on September [information redacted].

Judge Wiedner asked Mr. Okotutsch if P17's brother sent the email to him. Mr. Okotutsch confirmed.

Wiedner asked Mr. Okotutsch what he did with the email. Mr. Okotutsch said that he printed it and sent it to the translator.

Wiedner asked Mr. Okotutsch if the BKA translated the message into German. Mr. Okotutsch confirmed.

The witness was dismissed at 9:38AM.

Kerber stated that the court received a copy of the translated email from P17's brother dated [information redacted].

[The following is a recreation of the email based on what the Trial Monitor could hear in court.]

To Whom It May Concern:

I am [name redacted], born in [information redacted]. I want to share that my brother, [name redacted], born in [information redacted], worked as a doctor in Al-Mojtahed Hospital in Damascus. He was detained by Branch 251 from the hospital. Until now, we (his family) do not have any information about his whereabouts. We have not received his corpse, his personal belongings, or a death certificate.

[name redacted]

[date redacted]

P44, a civil engineering student at [information redacted] in his early thirties was accompanied by his counsel Dr. Oehmichen. P44 was informed of his rights and duties as a witness. P44 was not related to the defendant by blood or marriage, and provided the address of his attorney.

Testimony of P44

Judge Kerber noted that the court knew that P44 was connected to Al-Khatib Branch based on P44's answers during police questioning. Kerber asked P44 to explain what happened to him. P44 explained how he was on his way to his village, [information redacted], from Damascus via the Damascus-Homs Highway in July. He stopped at a gas station to refuel. A patrol from Al-Khatib Branch was there (P44 did not know who they were at the time, but he later learned that they were from Al-Khatib). They detained him in a small room. P44 did not know the location of the room. Then they put him on a bus and took him to Al-Khatib Branch. He was detained with his maternal uncle and his cousin from another maternal uncle.



P44 only stayed there for three or four days before he was released onto the street. His cousin was released two weeks later, then his uncle was released two weeks after his cousin. P44 detailed that he lived in [information redacted], which is not far from Al-Khatib.

Kerber asked P44 if he could specify what day he was detained. P44 said July 2012.

Kerber asked if P44 knew which day specifically. P44 said that he was detained in Syria during the revolution. That Friday was called the “Damascus Volcano” and it was when Damascus was ruined. Fridays were given names based on the political situation.

Kerber asked P44 to detail his detention inside Al-Khatib. P44 explained that he [and others] were taken in a [24-person bus](#) to the Branch. He was put in a cell that was 3x3m with a toilet and a place to shower. There were 20-24 people in the cell. On the second day, “they” knocked on the door and said that everybody should face the wall, then they provided food and left. No one interrogated P44. Eventually, his name was called and he was released.

Kerber asked P44 how long he was detained. P44 said a week.

Kerber recalled that P44 said that he was detained for three days. P44 said no. He stayed at Al-Khatib for three days and at another place whose location he did not know for two days.

Kerber asked P44 how he knew that he was at Al-Khatib Branch. P44 said that he knew he was at Al-Khatib when he saw the area after he was released. He lived nearby. He knew the street and walked through [the area] all the time when he was in college.

Kerber asked if P44 saw the accused in Syria. P44 said that he was not 100% sure. But when they put him on the bus, they told everybody to face the ground. The back part of the bus seats was high, so when he lowered his head, he could only see feet. [P44 demonstrated how he hid behind the high seats.] He had a mobile phone with him, called his brother, and told his brother that he was detained. [To make the call,] he lowered his head so no one could see him. [He sat near a window] and saw a person when he peeked out. When he was released, he was given a description of Raslan and he thought that the description matched the person he saw through the window.

Kerber asked P44 to repeat the situation and explain who described Raslan to him. P44 explained that he saw someone [when he looked out the window of the bus]. [P44’s cousin and uncle] described Raslan to P44 after they were released. P44 thought, “okay, then the person I saw through the window was Raslan.”

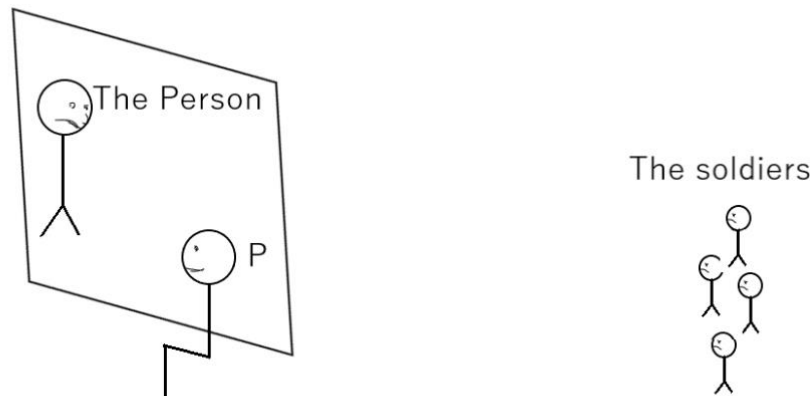
Kerber asked why P44 came to this conclusion. P44 said that [his cousin and uncle] described Raslan as being between the ages of 45 and 55 with little hair, no beard, and a mole on his cheek.

Kerber asked P44 [to describe the person he saw]. P44 said that [what he just described] was what he saw: a person with little hair, no beard, his face looked like he was between 45 and 55; and had a mole.

Kerber asked P44 which side of the person he saw. P44 said that he was sitting and the window was to his right.

Kerber asked which direction the person faced. [P44 demonstrated with his hands.] He said that the gas station was “here,” the bus station was “here,” and [the man] was talking with the soldiers at the back of the bus. “My right was to the man’s [right].”

[The sketch below was generated by the Trial Monitor to portray the scene P44 described.]



Kerber asked what the person wore. P44 said that the person wore civilian clothes.

Kerber asked if P44's brother answered when P44 called him. P44 said that his brother told him to speak with one of the people in the patrol. He told his brother that he tried, but was scolded. His brother told P44 that if he saw a person named Kifah (or Abu Kifah أبو كفاح), then P44 should tell the man that P44 is his brother. His brother knew someone at Al-Khatib, so he called the person. His brother was told that [P44 was detained by] a patrol that belonged to the State Security Branch and Kifah was part of the patrol. P44 did not see anyone and could not raise his head.

Kerber asked P44 if his brother knew where he was or just that the patrol belonged to State Security. P44 said that [his brother] knew that the patrol belonged to Al-Khatib, but did not know where P44 was taken, because P44 was not taken to Al-Khatib initially.

Judge Wiedner's Questioning

Judge Wiedner recalled that P44 saw a person who could have been Raslan at the gas station. He asked P44 whether he saw the person again inside the Branch. P44 said no.

Wiedner asked P44 if he saw the person again during his detention. P44 said no, only that glimpse. P44 went to his village [after his release] and then to Lebanon. He did not see the man again.

Wiedner pointed out that P44 was taken to Al-Khatib after he was detained. Wiedner asked if P44 knew that [he was at Al-Khatib] when he was on the phone with his brother. P44 said that his brother told him about Kifah but did not tell him about Al-Khatib. When P44 was released, he knew that he was at Al-Khatib.

Wiedner asked P44 how he knew that the person [out the window worked at] Al-Khatib. P44 said that, when he was released, his brother told him that he was at Al-Khatib, however, P44 was not there at first. When his brother was sure that P44 was at Al-Khatib, he spoke with [Kifah] who explained that [the patrol] belonged to the Branch.

Wiedner asked if it was correct that P44 was detained in one place for a couple of days before he was transferred to Al-Khatib. P44 confirmed.



Wiedner asked if that place was in Damascus. P44 did not know, but [if it was not in Damascus, then] it was not far away.

Wiedner asked P44 if he was mistreated or insulted during the time from when he was detained until he arrived at Al-Khatib. P44 said that he was insulted on the bus and at the gas station. He was beaten at the gas station, but not on the bus. P44 later learned why he was detained. There was “fighting” [said in English] between the regime and the FSA. The patrol thought that he was part of the [FSA], so they took him.

Wiedner asked P44 who said that this was the reason for his detention. P44 said that, after they left the gas station, it was apparent that a clash had ensued and the gas station was damaged.

Wiedner asked if P44 was assuming [that this was the reason for his detention]. P44 said yes. Then later, his cousin and uncle confirmed this conclusion.

Wiedner recalled that P44 was taken to Al-Khatib. He asked P44 to describe the situation there. P44 said that, upon entry, [detainees were instructed to strip down to their boxers], searched, blindfolded, then sent to the basement.

Wiedner asked P44 if his clothes were returned. P44 said no. He had been wearing his “pajamas,” including slippers and sweatpants.

Wiedner asked P44 if he was interrogated. P44 said no.

Wiedner asked P44 if he was mistreated or beaten. P44 said that no one talked with him at Al-Khatib until his name was called for release.

Wiedner asked P44 if he heard from other detainees that they were mistreated. P44 said of course. He not only heard, but also saw that [people were mistreated]. He also heard about [mistreatment] from his cousin and uncle.

Wiedner asked P44 if he was with mistreated detainees in the cell. P44 said that all the people who were detained at the gas station were in the same [cell].

Wiedner asked if P44 saw mistreatment in the cell. P44 said no, he did not see or hear [about mistreatment] while he was there.

Wiedner asked if there were signs of mistreatment in the cell when he arrived there. P44 asked how he would have seen the signs if the room was empty [prior to him and the other detainees entering].

Wiedner asked if other detainees were called for a reason other than interrogation, such as for release. P44 said that only he was released.

Wiedner asked how long P44 stayed there. P44 said 3 days.

Wiedner recalled P44’s statement during police questioning that his relatives were tortured. Wiedner asked if P44 meant that his relatives were tortured while P44 was detained or after he was released. P44 said that, as he previously mentioned, nothing happened to him. [P44 told the interpreter that Wiedner might be talking about later.]

Wiedner recalled that P44 was detained during the summer when it was hot. He asked P44 to describe the cell’s condition and if P44 could sleep. P44 said that the cell [had two parts:] one part was 3x3m and the second part was 50x60cm for the toilet and shower. The parts were divided by a quarter wall. P44 could lay down if there was no one across from him.



But because there were 20 – 24 detainees in the cell, no one was able to lay down, except if the person [across from him] stood. If they all wanted to lay down, then they slept on their sides next to each other.

Wiedner asked about the air quality in the cell. P44 said that they were in a basement and [the ceiling had leaks from] the floor above them, so there was moisture in the air. There was no window because they were underground. When P44, his uncle, and his cousin were released, they had skin problems. They had scabs [not necessarily scabies] and were itchy. P44’s cousin had lice.

Wiedner asked about light in the cell. P44 said that there was no electricity.

Wiedner asked if there was light in the cell or whether it was dark. P44 said that there was light in the corridor. The cell was dark. Its door had iron bars and a hatch that could be closed, though it was open most of the time. When the [detainees] talked to each other, someone yelled to “shut up.”

Wiedner asked if P44 sensed what was happening [on the other side of the cell door]. P44 said that he did not hear anyone downstairs except for soldiers.

Wiedner asked about food and water. P44 said it was not adequate, but there was [food and water].

Wiedner asked P44 to elaborate. P44 said that they brought three 1.5-liter bottles of water. Breakfast was three olives and sometimes Halawa. For lunch, sometimes they had bulgur or freekeh.

Wiedner asked P44 if he was given an explanation for his release. P44 said that [he, his uncle, and his cousin] were released through connections. P44’s brother called someone on P44’s behalf. Someone else was the connection for P44’s uncle and cousin. Another one of P44’s uncles paid for the detained uncle and cousin.

Wiedner asked P44 if he paid anything. P44 said that his brother paid for his release.

Wiedner asked if P44 talked with his brother later to find out how he was able to secure P44’s release. P44 said no. P44’s brother had a car dealership in Damascus and connections through his clients. But P44 did not know [if that was how his brother knew the connection at Al-Khatib].

Wiedner recalled that P44 mentioned the name Anwar Raslan during police questioning. Wiedner asked P44 what he said about Raslan. P44 said that the officers and interrogators in the Air Force Intelligence Services and at Al-Khatib Branch were well-known. Air Force Intelligence Services and Al-Khatib Branch are the [branches] that detain people. For example, if P44’s brother was detained and P44 wanted him released, then P44 would need to know officers through his connections. Also, former detainees knew the names of personnel, or at least their characteristics.

Wiedner asked P44 “and what about the name Anwar Raslan?” P44 did not understand.

Wiedner asked P44 if that name was known to him in Syria. P44 said that [Raslan’s name] was well-known, but P44 only knew about Raslan after he was released from detention, not before. The names of people who worked at branches [were circulated.] [This last sentence of P44’s answer was not completely translated.]

[15-minute break]

Prosecutors' Questioning

Polz recalled that P44 did not get his clothes back, but he had a pair of pants, slippers, etc. Polz asked P44 if he was wearing these items [while he was detained] or if he wore them before he was detained and did not get them back. P44 said that he was searched, then they took his clothes. He went downstairs without clothes. But of course, he got the clothes back when he [was released].

Polz asked P44 what he wore in the cell. P44 said boxers.

Polz asked whether the rest of the detainees wore boxers too. P44 said “yes and no.” It depended on the military person. If he liked the clothes, then he took them [P44 laughed slightly].

Polz recalled that P44 was detained in the basement and then was released. Polz asked P44 where he was taken and how he was released. P44 said that he was taken upstairs from the cell. He was told to sign (a document of which he did not know the contents) and to not look behind him. P44 was released and talked to his brother on the phone and told him that he was released. Then P44 took a taxi to his village.

Polz asked P44 if [he had to sign the document] in front of the cell. P44 said no. He went upstairs to someone who was similar to a secretary, then he signed. P44 did not know who the person was or if he was in an office because he was blindfolded.

Ritscher asked P44 how he was able to sign the document while blindfolded. P44 said that [a guard] grabbed his hand and told him “طج حافرك” [“slam your hoof”] [this colloquial Syrian phrase is a derogatory way to tell someone to sign].

Ritscher asked P44 if he knew what he signed. P44 said no.

Ritscher noted that P44 mentioned the term “Welcome Party” during police questioning. He asked what P44 meant by that. P44 said he talked with his attorney about this during the break. Whoever enters the Air Force Intelligence Services or Al-Khatib is beaten. That is the “Welcome [Party].”

Ritscher asked whether P44 was beaten. P44 said that he was insulted and beaten at the gas station, and was insulted on the bus.

Ritscher asked [if P44 was beaten at the unknown location to which he and the other detainees on the bus were taken before Al-Khatib.] P44 said that [they were beaten] as soon as they got off the bus.

Ritscher asked how [they were beaten]. P44 said that his uncle and cousin were not beaten. For every three people, one was [indiscriminately] beaten.

Ritscher asked if P44 was beaten when he went downstairs at Al-Khatib. P44 said no, only when he got off the bus. When he went downstairs to the basement, no one came close to them.

Ritscher noted that P44 mentioned food like olives and bulgur, and that P44 said during police questioning that the olives were spoiled. P44 did not remember if [the olives were preserved in water]. One would not eat [this food in another circumstance].

Ritscher said that P44 mentioned during police questioning that he was taken to the warden who was a Sergeant Major when he was released. Ritscher asked P44 how he knew that and whether that person told P44 [his rank]. P44 said that [the rank] was not mentioned. But it was known that a First-Class Warrant Officer *مساعد أول* or a Sergeant Major *رقيب أول* was in the warden's room. P44 did not know much about ranks or if he said “Sergeant Major” [during police questioning], but usually [the warden] was a First-Class Warrant Officer.

Ritscher asked P44 if [the person's rank as Warrant Officer or Sergeant Major] was an inference. P44 said 100%.

Ritscher said that when P44 described the cell during the police questioning, he mentioned that the toilet was at the back of the cell in a corner and that the wall by the toilet was low. P44 explained that he said [during police questioning] that the toilet was at the back corner [of the cell], and the wall [by the toilet] did not reach the ceiling. There was no door. The wall was 1.8 – 2m.

Wiedner asked P44 if he was beaten when he arrived to Al-Khatib. P44 said that he was just asked the same question. He asked whether he should answer again.

Kerber said that Wiedner was asking because he had a follow-up question. P44 asked if the question was whether they beat him at the gas station or on the bus.

Wiedner recalled that P44 was transferred from the gas station to Al-Khatib by bus. Wiedner wanted to know if P44 was beaten during the time between when he got off the bus and when he went to his cell. P44 said that everybody was beaten and insulted, including him. His uncle and cousin were not beaten [at the "welcome party"]. But they were beaten inside the cell, whereas P44 was not.

Wiedner asked P44 with what object he was beaten. P44 said he was beaten with a plastic water pipe that was filled with something. He did not know the object in the moment though (because he was blindfolded). He learned it later from YouTube.

Wiedner asked P44 to describe the situation and where he was hit. P44 said that his shoulder was hit. P44 did not know who hit him. The person was either from the Branch or was [one of the staff members who transferred the detainees by bus]. P44 could not speculate.

Wiedner asked if the beating resulted in injuries or wounds. P44 said not wounds, but bruises.

Defense Attorneys' Questioning

Fratzky recalled that P44 said that he was detained at the gas station. Fratzky asked if the gas station was known. P44 said yes. It is one of the most popular gas stations between Homs and Damascus.

Fratzky noted that P44 said that the station was damaged. Fratzky asked if P44 could explain what he meant. P44 said it was [damaged] on the side facing Homs. There was a supermarket that was almost razed to the ground.

Fratzky assumed that P44 went to that gas station because he knew that it was operating. P44 asked Fratzky [rhetorically], "do you think that I inspected it?"

Fratzky explained that he was asking because P44 said the station was totally damaged. He asked why P44 did not leave. P44 did not know, but when the bus came, [P44, his uncle, and his cousin] knew that they were entrapped.

Fratzky asked P44 why he went to the gas station if it was damaged and if he did not need to refuel. P44 asked [rhetorically] "who said that I did not want to refuel?" Oehmichen pointed out that P44 said that the supermarket was damaged. P44 explained [demonstrating with his hand] that (this is the supermarket, this is the gas station, and this is the highway). When they saw the buses coming to the gas station, P44's uncle said "خير" [may it be good].

Fratzky asked P44 if he went to the gas station to refuel. P44 confirmed.

Fratzky asked how many people [were in the patrol] at the gas station. P44 did not know because when [he, his uncle, and his cousin] entered the station, one person shouted and another person ran toward them and told them to face the wall. They were put in a hut-like structure nearby. He saw three or more people from the patrol.

Fratzky asked if the person P44 glimpsed was one of those three people. P44 did not know.

Fratzky said that if P44 “saw three people...” Kroker interjected and noted that P44 said “three or more people.” Scharmer pointed that the place where P44 saw the people was different from the place where the bus was.

Fratzky asked what these people wore. P44 said that the three people wore civilian clothes. One was wearing blue jeans. When his brother mentioned Kifah, he described Kifah’s physical appearance. That is why P44 thought that [the person in jeans] could have been Kifah.

Fratzky recalled that P44 said that he saw three people in civilian clothes, but that P44 also said that he saw soldiers. Fratzky asked P44 to explain. P44 said that members of the Intelligence Services do not wear uniforms. When P44 heard someone shouting, [he thought that the person] was either in the military or *Shabiha*, meaning that they worked for the state and wear civilian clothes.

Fratzky recalled that P44 said that someone talked to people behind the bus. P44 explained that the person who he glimpsed talked to people behind the bus.

Fratzky asked if the person was looking [at the soldiers behind the bus]. P44 demonstrated how he was talking on the phone with his head down. P44 raised his head every now and then, and looked to make sure that no one saw him. That was when the person turned.

Fratzky recalled that P44 said that the gas station was between Homs and Damascus. Fratzky asked P44 how far it was from Damascus. P44 asked why that was important to Fratzky.

Kerber said that P44 had to answer. P44 said that he does not know, but maybe 10 to 20 [km]. [Using his hands to demonstrate,] P44 said “this is Damascus. This is Harasta. This is Ad-Dahiya [Dahiyet Harasta], and after that comes the gas station.”

Fratzky noted that P44 said during police questioning that he was detained for a week, but in the hearing, he said that he was detained for three days. Oehmichen said that was incorrect. P44 explained that he said five days or a week. He was [held in one location for two days and detained at Al-Khatib] for three days.

Fratzky asked if it was correct that P44 was detained for two days at the unknown location and three days at Al-Khatib. P44 said yes, 100% correct.

Fratzky asked if P44 knew how much time it would take to drive from the gas station to the unknown location. P44 knew that it was not far because it did not take a long time [to reach it]. But he did not know exactly how long. He did not have a watch and could not look around.

Fratzky asked P44 to describe the first two days: whether he was beaten, put in a cell, offered food, etc. P44 said that when they took him to [the unknown location] and then to Al-Khatib, he assumed that [the people who detained him] were *Shabiha* because, if they were from Al-Khatib, they would have transported him directly to Al-Khatib. However, during the incidents, the Air Force Intelligence Services collaborated with the *Shabiha* to transport [detainees to their branches]. That is why P44 assumed that he went to the *Shabiha* headquarters first. P44 was beaten there, insulted, and was not given food. Then he was transferred to Al-Khatib.



Fratzky asked P44 when and where he first heard the name Anwar Raslan. P44 said that he heard the name at some point during the incidents, but he did not recall when exactly or by whom.

Fratzky asked if P44 talked with a third party about this hearing before coming to the session. P44 said no.

[The parties had no other questions. The witness was dismissed at 11:33AM.]

Dr. Oehmichen shared her mailing address with Kerber. Kerber informed P44 that the document says that he warrants Dr. Oehmichen to list her address as his official address. P44 agreed.

Kerber announced that the courtroom will be renovated, so it will be unavailable for the sessions on September 29 & 30, October 6 & 7, and October 13 & 14, which will instead be held at the big court room of the District Court.

Polz read aloud the prosecutors' statement regarding the motion filed by Bahns, Scharmer, and Kroker on July 22, 2021. The following is the Trial Monitor's summary of the statement:

The prosecutors detailed that they would not support the motion, arguing that §7(1) No. 7 VStGB would not be fulfilled. One of the reasons was that families of missing persons made sufficient enquiries about the whereabouts of their missing loved ones. Further, the prosecutors argued that none of the false information provided to the families could be attributed to the Accused or his direct subordinates. Most importantly, according to the prosecutors, there was no intention to remove these people from the protection of law, only to gain information about deserters.

The Proceedings were adjourned at 11:55AM.

The next session will be on August 19, 2021 at 9:30AM.

Day 87 of Trial—August 19, 2021

The proceedings began at 9:45AM. There were ten spectators and one member of the press in the audience, as well as a court illustrator. The prosecution was represented by Ritscher and Polz. Plaintiff counsels Mohammad and Reiger were not present.

Dr. Oehmichen, the witness's counsel said that the witness wanted to wear his face mask, partially cover his head, and did not want to give personal information because of his family in Syria. [Kroker gave Oehmichen his jacket for the witness to use the hood to pull it over his head.]

Judge Kerber said that there was a witness scheduled for September 1 and another one scheduled for September 2 and 3. But the second witness could only attend the September 2 session now, so the session on September 3 is canceled.

[The witness entered the courtroom at 9:57AM.]

P45 did not share his personal information, including his name or age. He was detained in Syria several times, including at Al-Khatib Branch.

Testimony of P45

Kerber asked P45 to tell the court why he was detained at Al-Khatib Branch. P45 said that in August 2012, Assad's forces stormed his town at 5:00AM. P45 was with his wife and children. (Around seven) forces broke down the door and knocked him to the ground on his back.

They kicked his head and hit him with weapons. They put a weapon to his head and asked him about his neighbors. They put him in a 24-passenger bus. On the bus, someone was behind him and held a weapon to his head. They covered his head with his undershirt so he could not see. He was taken to a place outside his village. Approximately 100 detainees were gathered, then taken to Al-Khatib.

[A note from the Trial Monitor: at this point, P45's voice was unclear. The mic was away from his mouth and he deliberately altered his voice. Bahns requested a headset.]

Kerber asked P45 what happened in Al-Khatib and how long he stayed there. P45 said that they arrived at Al-Khatib blindfolded. It took two hours to get to the Branch, during which time they were beaten and kicked. When they arrived at the Branch's yard, [the forces] took [the detainees] off the bus, made them strip, then put them in a cell. P45's detention lasted three days. There were [government loyalists] in his village who swiftly intervened. The detainees had to sign a pledge that they would not demonstrate again, then they were released. During his detention, P45 was not tortured and only a small number of detainees were interrogated. P45 was not one of them.

Kerber asked P45 how long he stayed in detention. P45 said three days.

Kerber noted that the transcript of his questioning by the police said that P45 was detained for 20 days. P45 clarified that he was detained for 20 days in Al-Mantiqa – Branch 227. P45 said that there could have been an [interpretation] error.

[A note from the Trial Monitor: throughout the session, there were discrepancies between what P45 said during the hearing and what he said according to the police transcript. It was the impression of the Trial Monitor that the transcript reflected interpretation issues, as P45 suggested. For example, "Al-Mantiqa" ("the area") was interpreted to "Al-Khatib" during the questioning. This may have happened because the interpreter perceived "Al-Mantiqa" to mean "the area around Al-Khatib."]

Judge Wiedner's Questioning

Judge Wiedner asked P45 if he was detained in August 2012. P45 confirmed.

Wiedner recalled P45's statement during police questioning that he was detained in Kafar Souseh in July or August. P45 said that [his detention at] Kafar Souseh happened in 2018. He was held at Al-Khatib in August 2012.

Wiedner asked if this happened in July or August 2012. P45 said August 2012.

Wiedner asked why his house was stormed and why he was detained. P45 said that he was detained because his town was among the first towns to demonstrate against Al-Assad.

Wiedner asked how P45 knew he was at Al-Khatib when he was blindfolded [on his way there]. P45 said that he was told by other detainees. Also, he recognized the area when he was released. He went to preparatory and secondary school in that area.

Wiedner asked if P45 recognized the building. P45 said exactly. He studied in that area for six years. The detainees told him that they were at Al-Khatib, and this was confirmed when he was released.

Wiedner recalled that P45 was mistreated on his way to the Branch. Wiedner asked P45 if he was also mistreated upon his arrival to the Branch. P45 said no. When they arrived to Al-Khatib, they got off [the bus], took off their clothes, and crouched down.

Wiedner asked if P45's clothes were returned. P45 said yes, after he crouched down and before he was taken to his cell.

Wiedner asked if all his clothes were returned to him. P45 said that he was detained in his undershirt, underpants, and pants with no shoes.

Wiedner asked if they were returned. P45 confirmed.

Wiedner asked P45 to describe what happened during detention. P45 said that they were blindfolded and taken downstairs (around 5 or 6 steps) to the basement. The cell was approximately 9m² or 3x3m. There were around 27 people in the cell. It had windows at the top of the wall which let in light. It was a dormitory [group cell] and had a toilet at the corner. They were offered one meal: boiled zucchini or potato.

Wiedner recalled P45's statement that 27 people were in a 3x3m cell, but noted that P45 said something else during police questioning. P45 said that the cell in Al-Mantiqa was 12x3m with 70 – 80 people. P45 assumed that there was confusion between Al-Khatib and Al-Mantiqa.

Wiedner asked [how Al-Mantiqa compared to Al-Khatib]. P45 said Al-Khatib was 3x3m for 27 people.

Wiedner asked how many detainees were from his village. P45 said around 100, more or less.

Wiedner recalled P45's statement during police questioning that 68 men [from his village] were detained. P45 said these 68 people were held in Al-Mantiqa Branch, approximately 100 or less. It was 10 years ago, so P45 did not remember much.

Wiedner asked P45 if the 27 people in the 3x3m cell were from his village. P45 said that everyone in the dormitory was from his village.

Wiedner asked how old they were. P45 thought their ages were probably between 16 and 45.

Wiedner recalled that P45 described how light came from outside. P45 said correct, there were windows at the top [of the wall]. In Syria, people call it "a basement with a mandaloun."

Wiedner asked if P45 could see outside. P45 said no, they could only hear sounds.

Wiedner quoted P45's statement from the transcript: "there was a lamp that was on 24-hours and we could not differentiate day from night." P45 noted that the interpreter considered "the area of Al-Khatib" instead of "Al-Mantiqa" during police questioning.

Wiedner asked if the information he quoted was from a different detention. P45 confirmed.

Wiedner asked how P45 slept and about the air quality inside the cell. P45 said that the cell had an iron door and the toilet was at the corner. It was impossible to lay down. The detainees stood or crouched most of the time. There was a person among them who had difficulty breathing. They called the prison guard and told him [about the person]. [The guard] came into the cell, kicked the person's chest, and said "is it better now?"

Wiedner asked P45 if he witnessed the incident. P45 said yes.

Wiedner asked P45 if he saw other detainees be mistreated inside Al-Khatib. P45 said that the guard hit [the person he just described] on the chest and asked him if it was better.

Wiedner asked if there were other cases. P45 said that was the only case during the three days. They were spoiled because of their village's connection to the regime.

Wiedner asked P45 if he could sleep, and if yes, then how. P45 slept in a crouching position. No one slept because they constantly thought about their fates. They stood most of the time.

Wiedner asked P45 if he was sleepless for three days or if he was in the crouching position. P45 said that sometimes five people were taken to interrogation. When they got out, they had [space] to extend their legs, but not to lay down.

Wiedner asked P45 if he was interrogated. P45 said no.

Wiedner asked if other detainees [told P45] what happened during interrogation. P45 said that people only told the highlights. They had to whisper to each other because [the guards] would bang at the door and say “no one speak.” Some of the questions that were asked to people were about their names, ages, participation in demonstrations, and acquaintances.

Wiedner asked if people mentioned that they were subjected to violence during interrogation. P45 said no [they were not subjected to violence] because high officials from their town would have a special [relationship] with the regime.

Oehmichen asked for a break.

[10-minute-break was announced, but it lasted 25-minutes.]

Wiedner asked P45 if he was asked about other detainees in Al-Mantiqa – Branch 227 during his questioning by BAMF. P45 confirmed.

Wiedner said that P45 was asked about detainees’ ages. P45 said their ages ranged from 16 to 70.

Wiedner asked if that was in Al-Mantiqa Branch. P45 said that was in Branch 227

Wiedner said that P45 was asked about meals. P45 said that detainees were given two meals in Al-Mantiqa, one in the morning and one in the evening. There was only one meal in Al-Khatib.

Wiedner recalled P45’s statement that the cell at Al-Khatib was dirty and he could not sleep. Wiedner asked P45 what else he could describe about Al-Khatib. P45 said that the cell was tight. The walls were dirty. There was only one meal and it was inadequate. The detainees did not eat because of the situation, the psychological pressure, and because they thought about their fates.

Wiedner asked if there was only psychological pressure, not physical harm. P45 said that there was no physical harm to detainees [from their village] during his detention period because of the village’s connection to the regime. They were “spoiled.”

Wiedner asked P45 how he was released. P45 said that two of his village’s dignitaries quickly intervened on behalf of the detained villagers. One of them was a Major General اللواء in the army and the other was a member of the People’s Council. The detained villagers had a meeting with the dignitaries who spoke to them about patriotism and asked the detainees to pledge not to demonstrate, and to support Al-Assad. Then the detainees signed blank papers.

Wiedner asked P45 how he went home. P45 said that the dignitaries brought special 14-passenger buses to transport everyone back to their village.

Wiedner asked if P45 saw the faces of Al-Khatib’s staff. P45 said no. The staff made sure that the [detainees] did not see. Detainees were blindfolded when they entered and left the Branch. No staff members were with them when they met with the dignitaries.



Wiedner asked if the meeting [with the dignitaries] took place inside the cell. P45 said no, the meeting took place outside the cell in a hall, which is where they were released.

Wiedner recalled that P45 was asked if he knew about Al-Khatib's responsibilities. P45 said that he did not know about the responsibilities.

Wiedner recalled P45's statement that Al-Khatib was responsible for state security. P45 said that was in general. But he did not know the dynamics of the Branch. Al-Khatib's name is known by people, though P45 did not know about it.

[The parties had no further questions.]

[The witness was dismissed at 11:15AM.]

Judge Kerber distributed copies of the prosecutors' statement from the previous day. Fratzky also read aloud a statement.

The defense filed a request to invite [name redacted], as a witness. He worked at Division 40 before he defected from the regime. According to the defense, he can elaborate on how the fourth Division and Division 40 and its director Hafez Makhoulf intervened with the tasks and work of Al-Khatib Branch, and how much power and authority they had over the Branch. The defense further argued that he can also explain the influence of the Alawites at the Branch and the authority they got over other Sunni personnel.

The Proceedings were adjourned at 11:24AM.

The next session will be on August 25, 2021 at 9:30AM.