



TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 52
Hearing Date: November 11, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 102 – November 11, 2021

Dr. Kamal Al-Labwani, a former Syrian doctor and a member of the opposition testified about his work with the opposition through which he met Raslan. He told the Court that he had no doubt that Raslan turned his back towards the Syrian government and sympathized with the opposition. Al-Labwani also extensively elaborated on his own views of the Syrian conflict and transitional justice.

Trial Day 102 – November 11, 2021

The proceedings began at 10:23AM with two spectators and three journalists in the audience. Four cameramen took videos and photos before the start of the session. P30 took a seat next to his Counsel, Mr. Bahns. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff Counsels Dr. Kroker and Mohammed were not present, and Plaintiff Counsel Schulz joined three minutes late.

Testimony of Dr. Kamal Al-Labwani

Dr. Kamal Labwani, a former Syrian doctor and a member of the opposition, now living in [REDACTED] was informed about his rights and duties as a witness.

When asked by Presiding Judge Kerber, to provide personal information, Al-Labwani detailed that he was born on October 1957, became a Swedish citizen in 2017, and would now live in [REDACTED], he further said that he was initially working as a doctor in Syria, and engaged with the opposition since he went to university. Since 1976 he had been a member of Riad Al-Turk's Syrian Democratic People's Party.

Judge Kerber said the court would be interested in Al-Labwani's current personal information, for example whether he currently had job. Al-Labwani said he would be unemployed and waiting for pension since he would already be sixty-five years old. He was working with the opposition and continued working with them after he stepped down.

Kerber asked if Al-Labwani was related to the defendant by blood or marriage. Al-Labwani denied, adding that he would be from Az-Zabadani while Raslan was from Al-Houla. The two only got to know each other after Raslan left Syria.

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.



Questioning by Judge Kerber

Presiding Judge Kerber first wanted to know how Al-Labwani and Raslan met, how they worked together and what the name [PW3_93](#) would have to do with that. Al-Labwani explained that he was engaged in the opposition coalition. His work was related to former, now defected, officers who went to Jordan. It was Al-Labwani's task to meet with them, get to know them, and determine "whether their defection was truthful or false." Al-Labwani added that the coalition wanted to make use of these officers for the benefit of the Syrian people.

Kerber asked if this was how Al-Labwani got to know Raslan as well. Al-Labwani affirmed, adding that Raslan together with twenty-five other higher-ranking officers, was waiting in Amman where they had difficulties with their flat and were threatened by Jordanian authorities. Al-Labwani said the work he and others were doing [in relation to defected Syrian officers] was not official.

Kerber said she would still not know how Al-Labwani met Raslan and how they had worked together. Al-Labwani said he worked with Raslan on a friendship-basis and they got to know each other in person. He added that they were part of a group and that in Syria, there was no opposition party and the room for maneuver was very limited for the opposition. The group that Al-Labwani was part of wanted to get rid of this chaos and create a situation where they would be recognized by the 'friends of the Syrian people.' The idea was to establish an institution for information, some kind of "Intelligencia". Al-Labwani said that "there, as part of this work," he met Raslan and three or four other officers from the security sector: State Security, Political Security, and Military Security. Al-Labwani said their groups did not receive financial support from Jordan, and when they went to Turkey they did not receive support there either. Al-Labwani told the court that in his opinion, these countries wanted the chaos to stay "with the aim that it would end in a fiasco." Al-Labwani concluded that this was how he knew Raslan and why he chose to step down from his opposition work in 2013.

Kerber explained that from what Al-Labwani just said, she understood that Al-Labwani's and Raslan's group wanted to establish some kind of counter-espionage. Al-Labwani said they wanted information.

Kerber concluded that it would be a counter-intelligence service then. Al-Labwani confirmed. He said that the group knew the situation in Syria and the threats coming from the Islamists, the regime, and from everywhere. It was their task to secure security and weapons. Al-Labwani was part of the political body who had meetings with ambassadors from friendly states, such as the US and Germany. These embassies required that [the opposition group] must form organizations in order to be supported.

Kerber asked Al-Labwani about the name [PW3_93](#) and whether he worked with the opposition as well. Al-Labwani confirmed that he knew the name.

Kerber recalled that a conference on Syria took place in Geneva and asked Al-Labwani if he participated in this conference as well. Al-Labwani explained that he retired because he was against negotiations "with the criminal regime." Al-Labwani said he assumes that the Syrian issue would be of criminalistic nature and not political. If someone cares about society, he should take care of it. If someone instead kills them, it would be a crime and not politics.

Kerber wanted to know whether [PW3_93](#) and Anwar Raslan knew each other. Al-Labwani said they both worked for State Security. [PW3_93](#) was an academic and teacher while [Raslan] was at the interrogation division.



Before [Raslan] started at Al-Khatib Branch, he was working at State Security, as far as Al-Labwani was concerned. He added that Raslan was a Sergeant, then attended university and became an Officer. He was reliable and a technocrat, and people had great trust in him. According to Al-Labwani, Raslan was tasked whenever there were “grave issues” because he drafted good things and was familiar with the law.

Kerber asked Al-Labwani to provide an example. Al-Labwani said he met Raslan after the questioning [it did not become clear who questioned whom and who was interrogated] with Ahmad Al-Jarba the president of the National Coalition. Al-Labwani said he suspected Al-Jarba of lying, Al-Jarba said that he was a political prisoner. But Anwar was able to remember details very well. He remembered the interrogation and precisely recalled it for Al-Labwani who was then able to publish everything.

Kerber concluded that Al-Labwani had great trust in Raslan and once asked him about Al-Jarba. Al-Labwani told the Court that to be precise, he did not trust anyone. He was very careful and wanted to make sure that none of the defected officers was cooperating with the regime. He therefore examined them to see if there were any tendencies. Al-Labwani said he did not have suspicions in Raslan’s case, which had different reasons: before Raslan defected, many people in Az-Zabadani and from Duma were arrested and eventually released. When they were released, they said there was a Colonel at Al-Khatib Branch, at State Security, who they felt had a strong affinity towards them and towards their people and helped to get some of them released. According to Al-Labwani, these people were again arrested by the Air Force or Military Intelligence. Al-Labwani concluded that there were first signs that at the beginning of the revolution, at the time when the security forces and the regime were split into for and against, some of them were eager to find a political solution but others were very strict. Officers therefore only had a very limited scope to act how they wanted to. Al-Labwani went on to explain that from April or May on, the strict and loyal group had support from Iran. The ones loyal to the regime regained strength while the ones who wanted a political solution were endangered.

Kerber wanted to know if Al-Labwani was talking about 2011 or 2012. Al-Labwani explained that it was March 2011 when the regime was still split in two groups. In July or August [2011], the ones loyal to the regime regained strength and the first crimes started. They started “detaining and liquidating” people in November or December [2011]. Al-Labwani said amongst these people [victims of the regime crimes] was his brother-in-law [note for the translator: his wife’s brother] and two of his cousins from his father’s side of the family. Just because they were related to him, they were killed in detention. Al-Labwani went on to explain that the crimes mainly happened in 2012 and 2013.

Al-Labwani said the third reason [why he trusted Raslan] was that Anwar [Raslan] would be Sunni. Al-Labwani said, if the Court would like to hear, he could report many things to illustrate how Sunni officers were treated. The fourth reason would be that Raslan is from Al-Houla where the massacre happened. According to Al-Labwani no “human conscience” could accept what happened there. Al-Labwani explained he wanted to know from Raslan about his intentions and ambitions. Had he been a spy, he would have wanted information about [the opposition’s] information and activities and would have asked questions. However, Raslan only wanted two things: he had health issues (urology) and was eager to protect his family because he was afraid of the regime. Al-Labwani told the Court that Raslan avoided to engage with the opposition because he knew himself how many people in the opposition would cooperate with the regime.

Kerber wanted to know if Raslan told Al-Labwani about Branch 251. Al-Labwani denied.



Kerber asked what Al-Labwani would know about Branch 251 from his work. Al-Labwani said he would know that Branch 251 would be the State Security itself. It would be the directory of State Security, however, that would only be pro-forma. It [Branch 251] would “be the actual kitchen” that is in charge of filling posts. According to Al-Labwani, Branch 251’s president would be Alawite with a direct connection to the president [Bashar Al-Assad]. Al-Labwani added that these structures were not in place before, but only established under Hafez Al-Assad. The directory of the State Security would normally be a constitutional authority to collect information just like in any other country, such as the US for example. However, Hafez Al-Assad turned it into a criminal authority, according to Al-Labwani. Al-Labwani further elaborated that the head [of the State Security Directory] would be Sunni but the actual acting head would be the Head of the Inner Branch, an Alawite. This person would do everything: appoint Ministers and Ambassadors.

Al-Labwani added that Anwar [Raslan] was not working at Al-Khatib Branch when [Tawfiq] Younes started working there. However, Younes did not have much experience and therefore hired technocrats to help him. Al-Labwani said that this happened at the time of the revolution and this person [the technocrat] was in charge of arrests and detentions.

Kerber asked if Raslan was one of these technocrats. Al-Labwani explained that he meant that Younes took him [Raslan] to the Investigation Division as a technocrat. According to Al-Labwani, Younes was a chaotic person and idiot and therefore needed people around him who were able to write. Al-Labwani said if the Court would allow him to add one thing, he must say that Anwar [Raslan] had no competencies and could not make any orders. He only wrote reports to the Head of the Branch, who then in turn made suggestions and the directorate would make a final decision.

Kerber concluded that Raslan consequently had no competence to release people. Al-Labwani said this would be correct, unless [Raslan] was able to guide the people in a certain direction during the interrogation. Al-Labwani added that he himself was detained for ten years and he would know all Branches and had been at every court. The problem was that the employees, and particularly the head of his office, were tasked to spy on Raslan. Even other branches were ordered to spy on this Branch [Branch 251], for example branches at the Air Force Intelligence, State Security, and Military Intelligence. All of them were spying and reporting information to the President [Bashar Al-Assad]. Al-Labwani said that the Branch [Branch 251] was not allowed to communicate with others. The President got information from his spies and compared the information to ensure that everyone was loyal. Al-Labwani concluded that the possibility that an officer was able to release someone would practically be zero.

Kerber asked Al-Labwani how he would know all that. Al-Labwani explained that he served his military service in Hama in 1982. He would still have his military booklet to prove that [he opened his bag pack to show the booklet to the Court]. He was a doctor with the 99th Legion in Hama in 1982. As a doctor doing his military service, he was called to go to Hama immediately after the incidents. There he saw detained and injured people. The military took Al-Labwani to a school which was filled with injured people, but he was only allowed to treat one of them. Al-Labwani recalled that there were fifty people in the room, all of them were injured and needed help, however, “he” [the person whom he was allowed to treat] apparently paid bribes to get medical treatment and Al-Labwani was only allowed to have a look at him. Al-Labwani said that all other detainees were watching him, and he could see from the look on their faces that they all needed help. Because it was his job as a doctor, Al-Labwani turned to the Head of the Legion Brigadier General at the Air Force to explain to him that there would be hundreds of injured detainees who needed Al-Labwani’s help but he was only allowed to see one of them. As the Brigadier General was the Head of Hama, Al-Labwani asked him to be allowed to treat all patients and they argued back and forth about it.



The Brigadier General then told Al-Labwani that if he wanted to live, he would be welcome to stay with the army. Al-Labwani said he had to make a decision and was not able to leave. He could have either died or waited for an opportunity when the situation in the country would be better. Al-Labwani told the Court that until this very day, his conscience would not be at ease because he did not treat even half of the patients.

Judge Kerber said she wanted to come back to Anwar Raslan. She asked Al-Labwani if Raslan told him during one of their conversations about his margin of action at Branch 251, or how Al-Labwani would know about that. Al-Labwani denied that he and Raslan spoke about this issue. He told the Court that he compared Raslan's situation with his own situation at the Political Security. If for example Brigadier General Abdel Mahmoud would come and exercise pressure as an Alawite, to force "us" to do something, this would be what happened on September 9, 2001. Al-Labwani said this was when he and others were arrested. He himself did not provide any testimony and requested a lawyer. However, "they" wanted to beat him instead. Al-Labwani therefore requested to see the Director who asked him what his problem would be. Al-Labwani told him that his people would not know any laws and asked him what the allegations against him would be. The Director told Al-Labwani: "Listen, it was not our Branch who arrested you, but Political Security who brought you here. We are convinced that you are innocent but the leadership, the president, gave us orders that we cannot abandon." Al-Labwani further described that the people at the branch had a transcript with questions and he was told to write down his answers to these questions. He was transferred to the State Security Court which found that he was a criminal and sentenced him to three years imprisonment, which he completely spent in a solitary cell. Al-Labwani said all this happened because he was Riad Seif's deputy in an association of the National Body [Forum for National Dialogue]. Al-Labwani told the Court that all he wanted to say is that the Head of the Investigation Division could not change much. If he was to compare a Sunni and an Alawite, the Alawite would be like the Head of the Branch although he was only the Head of a Sub-Division. Al-Labwani added that he said he could provide further illustration.

Kerber said further illustration would not be necessary at this point. She asked Al-Labwani if he was detained at Branch 251 or where the story that he just told took place. Al-Labwani said he was not detained at State Security but at Political Security for his first detention. His file was then forwarded to State Security. Al-Labwani explained that he was detained twice: once due to the Damascene Spring in 2011 and once in 2005 due to a trip to the US, the EU, and Germany. His overall sentence was eighteen years. However, he only spent ten years in prison because the United Nations Human Rights Council issued a resolution that condemned his detention as arbitrary and found that he was an unlawful political prisoner.

Kerber concluded that Al-Labwani had never been detained at Branch 251. Al-Labwani said he directly came from State Security and was never detained at Branch 251.

Kerber recalled that Al-Labwani previously mentioned he would know all Branches. Al-Labwani confirmed, saying he would know State Security, Political Security and Military Security.

Kerber said she again would like to know if Al-Labwani was ever detained at Branch 251, also known as Al-Khatib Branch, located close to Baghdad Street in Damascus. Al-Labwani denied.

Defense Counsel Fratzky intervened, saying that Al-Labwani merely said he would know all Branches, not that he was detained there himself. Kerber said that Al-Labwani just confirmed that.

Judge Wiedner and Kerber had a short discussion after which the court interpreter who was in charge of translating Al-Labwani's testimony from Arabic to German, requested a short break.



[15-minute break]

Questioning by Judge Wiedner

Judge Wiedner first wanted to know when Al-Labwani was arrested for the second time and when he was released. Al-Labwani detailed that he was first arrested in 2001 and released in 2004. He was released by the State Security Court and it was a Branch of State Security that arrested him. His second detention was after he travelled to the US and the EU. One could see his visas and corresponding dates of issuance in his passport. Al-Labwani said he visited Great Britain and the EU where he visited the European Parliament, the German Foreign Office in Berlin, and the CDU [Christian Democratic Party] who just won the elections in 2005. After that, he went to Washington DC where he met with the US government for fifteen days. Al-Labwani added that he already told people back then that Syria would be on its way to a civil war if no reforms were implemented.

Wiedner apologized for interrupting Al-Labwani and told him that he just wanted to know the dates of his second detention. Al-Labwani explained that he arrived at Damascus Airport on November 8, 2011. That was where he was arrested. Al-Labwani said that he was stopped by the General Security who then called the Air Force Intelligence Service in front of Al-Labwani. However, the Military Intelligence Services did not want Al-Labwani, neither did the State Security. Al-Labwani said no branch wanted him and there was no arrest warrant against him. Someone therefore called Bashar Al-Assad and Al-Labwani was taken to the Political Security for interrogation. Al-Labwani told the Court that he would need to provide some details here: At the Political Security, Ali Makhoulf [Al-Labwani kept saying Ali Makhoulf although it became apparent that he was referring to Ali Mamlouk] called President Bashar Al-Assad's advisor via loudspeaker. Al-Labwani told the Court that when he heard that, he told Ali [Mamlouk] to go to Bashar Al-Assad and tell him that Al-Labwani wanted to be seen for three hours, in case Al-Assad would want to know what was going on. Ali Mamlouk indeed went to Bashar Al-Assad and on the next day, Al-Labwani was taken from his room, blindfolded and with his hands tied in front of his body. He was taken to Ali Mamlouk's office who told him that he should talk. However, Al-Labwani told him that he would only talk in the presence of his lawyer and if there were any concrete accusations against him. Al-Labwani was then slapped in his face four times. Al-Labwani then took off his blindfolds and saw that an officer who was working with Bashar Al-Assad, and [REDACTED] were present. Al-Labwani therefore asked Ali Mamlouk whether this would be Bashar Al-Assad's response. Mamlouk in turn told Al-Labwani that this would be a message for Al-Labwani's friends. Al-Labwani was then taken to another room "where they wanted to be friendly." Al-Labwani there told [the officer working with Al-Assad] that he would make sure that they were one day to be held accountable for what they were doing. [The officer working with Al-Assad] laughed at Al-Labwani and told him that only God would be their witness.

Wiedner asked when Al-Labwani was arrested. Al-Labwani said the court in Damascus sentenced him to twelve years and three additional years. He was supposed to stay in prison for fifteen years. He would actually have to stay in prison until this very day. However, at the beginning of the revolution amnesties were issued and Al-Labwani only had to serve half his sentence. He added that he served his first prison term on November 15.

Wiedner wanted to know if Al-Labwani was talking about 2001 or 2011. Al-Labwani said he was talking about 2011 when he was at the State Security Directorate and detained by Ali Mamlouk for five days.



Al-Labwani went on to describe that he had to go downstairs where there were several solitary cells on the right-hand side and ten solitary cells on the left. His cell was the last one on the left side. Al-Labwani said he started a hunger strike and said he would only want to be released “when things were resolved.”

Wiedner wanted to know where Al-Labwani was last detained before he was released. Al-Labwani said it was Adra Prison and that he was released due to the US government interfering with Bashar Al-Assad. Al-Labwani was then transferred to a civilian court and a civilian prison. Al-Labwani went on to say that “he armed his henchmen...”

Judge Wiedner interrupted Al-Labwani to ask when this happened. Al-Labwani said this was in 2007. [He again opened his backpack and showed a document to the Court.] Al-Labwani went on to say that there would be pictures of Assad’s henchmen. Al-Labwani pointed at the document he was holding up and explained that “this one” was sentenced to two times life imprisonment but he was released before Al-Labwani. He was then ordered as a henchman to kill the population. Al-Labwani said these people were armed with knives and attacked him. According to Al-Labwani, Hafez Makhoulf who was the Head of Al-Khatib, ordered that and was a witness.

Wiedner wanted to know when Al-Labwani left Syria. Al-Labwani said he left five days after he served his sentence. Ali Mamlouk, the head of State Security called Al-Labwani to see him, after Al-Labwani was with another officer called Abdul Dani Taleb before that. Al-Labwani said that there were many TV screens in the [Mamlouk’s] office on which one could see the community cells.

Wiedner asked Al-Labwani to only provide the date of when he left Syria, since the Court would only be interested in the temporal processes. Al-Labwani explained that it was November 15, 2011, when he was at Mamlouk’s office and saw the pictures on the screens. [Mamlouk] told Al-Labwani that he would release him and that he should participate in the national dialogue. Al-Labwani told the court that he replied to Mamlouk that he would not want to participate in this and rather go back to his cell instead. However, Mamlouk told Al-Labwani that he wanted to release him. According to Al-Labwani, observers were ordered to follow him and even snipers were positioned in front of his home. On December 30, 2011, his children took a plane to Jordan and at the same time, he crossed the border [to Jordan] on a motorcycle [Al-Labwani started giggling.]

Wiedner wanted to know when Al-Labwani met Anwar Raslan for the first time. Al-Labwani said it was at the beginning of 2013. [Ahmad Al-Jarba](#) was newly elected and Al-Labwani was also part of the political body and Al-Jarba tasked him to meet and talk to defected officers in Jordan. These officers were afraid that they would “be kicked out of their flat.” Al-Labwani met these around twenty officers and Brigadier Generals. The second and third time they met in the second district in Amman and once Raslan was not able to attend because he was sick. Six months later, they met in Istanbul. Al-Labwani said they met four times in total, once in Istanbul and thrice in Amman.

Wiedner asked if Al-Labwani was familiar with the name Anwar Raslan while he was still in Syria. Al-Labwani denied, adding that he did not know Anwar Raslan at all.

Wiedner asked Al-Labwani whether he would know where Raslan was working at what time. Al-Labwani explained that after he met some people, he drafted a document and understood that Anwar Raslan was first working with State Security and at last at Al-Khatib Branch. He defected when he was working at the Branch.



Wiedner wanted to know where Al-Labwani had this document from. Al-Labwani said he drafted it himself. He drafted these documents for every officer. “We” as politicians should assess these documents.

Wiedner asked how Al-Labwani knew about [Raslan working at] Al-Khatib Branch. Al-Labwani said he learned about that from former detainees who were released [from this Branch]. These released detainees said that there was an officer from Al-Houla who helped them. Al-Labwani did not know his rank. That was the first time he heard his [Anwar Raslan’s] name. That was months before Raslan defected.

Wiedner wanted to know if Raslan spoke about his work in Syria. Al-Labwani said that Raslan “was very conservative.” He said that he would talk about it when there would be time for that. Al-Labwani said he assumed that Raslan was “not able to open the files of the Syrian Security because otherwise he would have suffered a horrific revenge from the Syrian regime.” Al-Labwani went on to tell the Court that both he and Raslan would know that there is a connection between international Intelligence Services and the Syrian Intelligence Services. Every officer in the Arab world who would defect and then speak, would be chased everywhere in the world. According to Al-Labwani, this would show that the Syrian Intelligence apparatus would not be independent of the US, European, and Russian Intelligence Services. Al-Labwani added that as a European citizen himself, he would find it awful that there is a “common file of the European and Syrian Intelligence Services.” [...]

Wiedner concluded that Raslan said he would talk at a certain time but that never happened, and that Al-Labwani had an assumption why Raslan never spoke. Wiedner asked Al-Labwani if this would be the correct summary. Al-Labwani said he would repeat that when Raslan would feel safe, he will talk. Al-Labwani further said he could imagine that Raslan’s verdict would be seen as a warning to other defected officers to “shut their mouths.” Al-Labwani said he wants that defected officers to feel safe so that they could together unveil the “joint files of the French and Syrian Intelligence, the GDR and Syrian Intelligence, and the Syrian and Russian Intelligence.”

Wiedner asked Al-Labwani if Raslan ever spoke about all this at all. Al-Labwani said he told Raslan that “he should open these files.” All Al-Labwani wanted to know was whether Syria would be an independent or “staged” country. However, Anwar Raslan said that the situation in Jordan would not permit that and when the revolution would be successful then...

Wiedner interrupted, asking Al-Labwani if Raslan said that. Al-Labwani affirmed.

Wiedner wanted to know if Al-Labwani would know anything about PW3_93’s detention. Al-Labwani denied, adding that PW3_93 would, however, have told him something. He told him that...

Judge Wiedner intervened, asking what PW3_93 told him. According to Al-Labwani, PW3_93 told him that there were suspicions against him and that he was arrested because every Sunni officer was suspected of something. Al-Labwani added that the crimes in Syria would have “adopted a religious couleur.” Certain religious communities would be the targets. Al-Labwani said if one would take into account the number of cities and the arrests, one would see that 95% are Sunnis and that all militias who would fight the war for the regime would be “on the President’s religious side.”

Wiedner wanted to know when PW3_93 was detained. Al-Labwani said it was after the revolution, in 2011 or 2012 but he would not know exactly. When PW3_93 told Al-Labwani about it, he had already defected and left Syria in 2013.

Wiedner asked if Al-Labwani knew where PW3_93 had been detained. Al-Labwani denied.

Wiedner wanted to know if Anwar Raslan had something to do with PW3_93 detention. Al-Labwani said he heard from PW3_93 that Anwar [Raslan] helped him with his release and during the interrogation but one should ask PW3_93 about that.

Wiedner asked how Raslan helped. Al-Labwani said there were exaggerated allegations, which was always the case. Normally, someone would be tortured until he confessed everything. If an interrogation officer wanted to help, it would be sufficient to simply investigate the truth and not search for anything else. According to Al-Labwani, the mere application of the laws would already qualify as help in Syria.

The Prosecutors did not have any questions.

Questioning by the Defense Counsels

Defense Counsel Fratzky recalled that Al-Labwani already spoke about the role of Sunnis within the “Syrian power apparatus,” and asked him to clarify what he wanted to say. Fratzky said he understood from Al-Labwani that the power structures were related to and dependent on religion. He asked Al-Labwani what he could say in this regard. Al-Labwani said he would not condemn the Alawites belonging to the regime. However, if one was to define the crimes one should have this [religious dependance] in mind. According to Al-Labwani, the crimes turned political and there had been a change with regard to the crimes. He said that crimes against humanity turned into regular crimes, and that he could provide two examples to illustrate his point:

When Brigadier [REDACTED] issued criticism in relation to the prisons, he knew that if his deputy would hear that, he would be dead. Al-Labwani said the Brigadier General would be Sunni and was the one who hit Al-Labwani. However, because he would be Sunni, his phone was monitored. Al-Labwani said he once noticed that an officer from the [REDACTED] family lowered his voice. He realized that the head [of his Branch] was monitoring him and that his deputy officer was listening to his conversations. According to Al-Labwani, the officer therefore sent (i.e. deployed) his deputy to another workplace. The Ministry of Defense then issued an order which said that Hassan Mohammad, the previous deputy-officer would become the head. Al-Labwani said this means that the deputy officer was a person of trust because he was Alawite and therefore got promoted. The Brigadier General was, however, not trusted.

Al-Labwani further described that in the same year, there were military celebrations on August 2 and Al-Labwani participated in them with his former Brigade. At this time, [REDACTED] was the head of the Military in Hama. Al-Labwani sat next to him during the celebrations, and they drank anise liqueur together. Al-Labwani filled [the head of the military in Hama’s] glass and when he was tipsy, Al-Labwani asked him how he would interrogate criminals. [The head of the military in Hama] told him that there was a small joinery next to his office. The joinery had a vice in which [the head of the military in Hama] put the criminals’ heads for five minutes. Al-Labwani replied to him that the people then might confess although they were innocent. [The head of the military in Hama] denied and said he would recognize from their family names if they were criminals. Al-Labwani explained to the Court that there was a list with the names of families who were supposed to be killed. Al-Labwani concluded that these would be crimes against humanity.

Al-Labwani further told the Court that the same thing happened to him when his relatives were killed. Al-Labwani therefore insisted that these crimes against humanity would be religiously motivated. Al-Labwani said that when he sees that a defected Sunni officer is to be sentenced by this Court while other officers request reconciliation as Pederson told the UNSCR, he does not think that this is fair. Al-Labwani therefore thinks that this idea and understanding has a negative impact on all Arab Sunnis, especially because so many of them are living in Germany.



Al-Labwani said it is selective justice if defected Sunnis are sentenced while Rifaat Al-Assad was allowed to return from Syria to France where he now lives freely. According to Al-Labwani, “we” understand this as hatred and racism which will lead to extremism.

Al-Labwani turned to the Court, saying he had one request: that it will not spread this message. He added that “we as opposition” were trained, amongst others by Germany, and that they learned that there has to be transitional justice because it would be impossible “to put all criminals in front of a court.” Al-Labwani said justice would be a global designation. He requested the Court to consider the crime of torture, because he would know that this happens in all areas in Syria and that torture was applied at all Branches and the Police. Al-Labwani said this would be a fact and no one could deny that. However, the problem of who would be responsible would remain.

Al-Labwani further recalled that he already mentioned before that as a doctor he was subordinate to someone from the regime who gave and received orders. Everyone who is a friend would make money and a fortune. Everyone else would defect and escape as quickly as possible. Al-Labwani added that this was not to say that Anwar Raslan] was not responsible, but he should have defected earlier. However, other people would think just like Al-Labwani himself and could not imagine that a security employee would ever be taken to court. Al-Labwani said it was heroic [to defect] but according to the law it was high treason. He said he would not know anything about the judiciary in the GDR and after WWII, but the Syrian judiciary would be much worse. Since the 20th century there would be no sense of the law. Officers are not supposed to respect the law but to follow orders that were given orally via telephone and not on documents. Al-Labwani said there would be no documents at all, and he could tell the Court what happened to him at the criminal court [in Syria]:

[REDACTED] was the judge and he had one person sitting to his left and right each. The prosecutor was from the [REDACTED] family. Al-Labwani said he asked the judge why the Quran was lying in front of him at the judges’ bench. The judge replied that witnesses have to take an oath on the Quran. Al-Labwani then asked the judge whether he did not take an oath on the Quran. The judge replied that he did. Al-Labwani then told the judge that if he would get a call the next day to sentence Al-Labwani he would have to do so. The judge denied and told Al-Labwani that if he would get such a call, he would resign. Al-Labwani told the other judges who were present to witness what the judge just said. According to Al-Labwani, on the day of his judgment, the judges’ bench was staffed differently and Al-Labwani was sentenced for many things that he did not commit. Al-Labwani concluded that everyone at the Syrian judiciary, the security, politics, and army would receive oral orders that they had to follow. Whoever would disobey orders, would have the same fate as the prison guard who hit detainees [during Al-Labwani’s detention]. Al-Labwani said he knocked on the door of his cell and told the guard to either stop beating the detainee or beat him as well. The guard replied that he would beat his own father if he was at the prison. According to Al-Labwani, this means that the guard had to either follow orders or die.

Al-Labwani went on to say that he appeared before the Court to speak. He said he would not want to lower the crimes and the torture that the victims suffered, but as [Syrian] people, “we” need a “feeling of security in terms of how the German judiciary would address the Syrian issue.” He would therefore be very precise in his testimony and tell the Court all the details. Al-Labwani said there would be a feeling of injustice if justice was coming from Bashar Al-Assad. Instead, justice starts if it would come from the victims. Al-Labwani added that there would be several more security officers who were under immense pressure: [REDACTED], who worked at a Police Branch in Damascus, [REDACTED], [REDACTED] who was an Alawite as well, [REDACTED], and General Major Ali Mamlouk who is a Sunni. Al-Labwani said that all of these people told him that they would not be responsible for interrogations and would only serve their country.



Al-Labwani added that in his opinion, “Bashar Al-Assad is mentally retarded” and that as a doctor, Al-Labwani considers him to only be “half-responsible for his acts.” The problem in Syria would be very complicated and much more complicated than to address it “here” in parts. Al-Labwani therefore insisted on transitional justice to do justice to the victims and the people. [The Syrian people] should decide on the instances that it wants justice for. Al-Labwani said this would be the right of the people and which would apply to everyone. Al-Labwani added that if “you [the Court in Koblenz] would like to help us, then what you are doing is not right.”

Defense Counsel Fratzky intervened, asking if Al-Labwani and Raslan were in contact when Raslan was in Geneva and Al-Labwani in Jordan. Al-Labwani explained that Anwar Raslan went to Geneva upon demand of the opposition to make sure that they would not be spied on. As a former Intelligence officer, Raslan had “experience with meetings in hotels and such things.” Al-Labwani said Riad Seif was the one in charge and tasked Raslan to go to Geneva. Al-Labwani was against that.

Fratzky recalled that Al-Labwani previously mentioned that Branch 251 was a Branch of the State Security but that its Head was only pro-forma and that it was an Alawite who was actually in charge. Fratzky wanted to know who it was. Al-Labwani said [REDACTED] was the Head and he was factually the president’s deputy. He was the one who should help Bashar Al-Assad to be President.

Fratzky asked about Younes and wanted to know from Al-Labwani whether Tawfiq Younes was the pro-forma Head. Al-Labwani explained that before Younes came, Hafez Makhlof was there for a long time “until the last epoch” when there were changes. Al-Labwani said Tawfiq Younes was the last one. He was the Head of State Security when Raslan went from State Security to Al-Khatib Branch, which was actually a downgrade for Raslan. Al-Labwani said it would make a difference if one was the Head of the Investigation Division at the Directorate or the Investigation Division at a Branch.

Fratzky wanted to know more about the role of Hafez Makhlof at Al-Khatib Branch. Al-Labwani said he [Makhlof] is the maternal cousin of Bashar Al-Assad and practically his deputy due to this position [family connection]. According to Al-Labwani, there were two persons in Syria who “had something to say”: Assef Shawkat and Hafez Makhlof.

Fratzky said he was referring to Al-Khatib Branch and asked what influence and position Hafez Makhlof had at the Branch. Al-Labwani described that “every Ambassador who is appointed, comes through Al-Khatib Branch.” He further said that every Minister, or Governor, or head of something, everything related to inner matters would be decided at Al-Khatib Branch, which would be “the kitchen” leading the state. Al-Labwani said it would be Al-Khatib Branch who puts the names on a list [suggests appointments] that is sent to the president, “the main kitchen.” According to Al-Labwani, “there” [Al-Khatib Branch] must be someone “who has a word” and is cooperating with the state leadership. He added that everyone who had something to say in Syria is a criminal. “They” [criminals] would have all institutions in their hands and turned the republic into an “inheritance matter.” Al-Labwani concluded that there is no law and no institutions.

Al-Labwani was dismissed as a witness. He thanked the Court and said he would not need to fill the travel reimbursement form.

Presiding Judge Kerber said the interpreters would certainly need a break and that the Court had nothing else on its schedule for the day. She asked all parties to stay for a non-public discussion and closed the session for the day.

The proceedings were adjourned at 12:35AM.

The trial will resume on November 17, at 9:30AM.