

TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 17

Hearing Dates: November 3 & 4, 2020

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 41 – November 3, 2020

Prof. Dr. Rothschild, a 58-year old forensics expert from the University of Cologne, testified on the forensic analysis of the Caesar files which he and his colleagues conducted on behalf of the German Federal Criminal Police (BKA). He provided detailed explanations on the various injuries, possible signs of torture, and starvation, one of which he and his colleagues identified on almost every corpse in the Caesar files. His testimony paid special attention to Branch 251 and provided detailed insights into torture, as well as the devastating sanitary and overall detention conditions in Syrian detention facilities. Comparing other witness' testimonies, Dr. Rothschild shared the evidence of certain torture mechanisms based on the medical examinations he and his team could conduct through the photos.

Trial Day 42 – November 4, 2020

Mr. Hörl, a 22-year old criminal inspector for the German Federal Criminal Police (BKA), provided a short testimony on an electronic copy of a CV, which was found during the search of Raslan's flat in Germany. He identified the name and experiences listed on the CV, which was verified by the court translators. The judges also read out a report by the German Intelligence Service (BND) on the structure, tasks and hierarchy of the Syrian intelligence services. The next day's witness was summoned but chose not to testify, due to their relation to one of the defendants.

Day 41 of Trial – November 3, 2020

The hearing began 15 minutes late at 9:45 am with 8 spectators and 3 members of the press in the audience. None of the accredited journalists required access to the Arabic translation. There was no camera man recording before the beginning of the hearing, as usual. Attorney Arne Bodenstern was present as a replacement for Raslan's second Defense Counsel Fratzky. The prosecution was represented by Prosecutors Ritscher and Klinge. Attorney Foerster-Baldenius appeared as replacement for Plaintiff Counsel Mohammed.

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 Prof. Dr. Rothschild

Admonitions were read out to Professor Dr. Markus Rothschild, even though he already addressed all aspects in his introduction. Rothschild is a 58 years-old German forensics professor, specialized in forensic morphology. He is the head of the forensics department of the University of Cologne. On behalf of the German Federal Criminal Police (BKA), he and his colleagues analyzed [26,938 files] the Caesar files and put them in the context of witness testimonies describing torture, sanitary conditions, food and water supplies, and the overall situation in detention facilities of the Syrian Intelligence Services.

Judge Kerber's Questioning

Judge Kerber asked Rothschild why he and his colleagues analyzed the Caesar files, what makes him competent to do so, and why they wrote a report on the analysis. Rothschild said he studied medicine in Berlin and pursued his doctoral degree in internal medicine. He specialized in ballistics and weapons and started as an assistant professor at the University of Frankfurt before becoming a full professor of morphology, toxicology, and DNA with a focus in forensic morphology at the University of Cologne.

Kerber asked what forensic morphology means. Rothschild said it includes "everything that you can touch. It is the classic forensics that you know from TV series."

Kerber said Rothschild's presentation will be printed out and attached to the case file. She went on to ask him how he received the mandate to analyze the Caesar files and how he got certain information and documents. Rothschild explained that he structured his presentation in three parts:

1. How he and his colleagues got the mandate to analyze the Caesar files and provided a report on it;
2. The plausibility-report regarding torture and detention conditions as well as combat actions (refers to a report by the BKA from November 22, 2017); and
3. Indicators for illness-related deaths and detention conditions at Branch 251 (refers to a report by the BKA from September 11, 2019)

1. Mandate and analysis of the Caesar files

Rothschild said Prosecutor Klinge ordered him and his colleagues to conduct a forensic analysis of the Caesar files. When Rothschild asked Klinge why he chose him, Klinge said he knows from the BKA that Rothschild provided forensic analyses and reports for them on several occasions. Rothschild explained that he and his colleagues were mandated on May 3, 2017. They received the files on May 22, 2017. On March 22, 2018, they received additional files and were asked to provide a short casuistic [analysis] for each person in the files. He said he and his team received sample files beforehand which were handed over by chief criminal inspector Kröger. Rothschild said he and his team created a report on every folder of the files as well as a single casuistic for each person. Their mandate included collecting:

- Short description for each person;
- General condition of the body;
- Indicators for mistreatment, torture and violence;
- Probable cause of death;
- Creation of a database;
- Allocation of certain results for specific branches of the Syrian intelligence services;

- Translation [of the numbers and writings on the corpses and cards on the picture] (Rothschild said they had no issues with translating at the beginning thanks to an Arabic-speaking colleague, however once she left, they had to reduce translations); and
- Document metadata as far as visible (Rothschild said it was clear that his institute did not have the technical capacities and knowledge to complete this task, as the files have been copied so many times).

Rothschild went on to describe that they used the following material:

- External hard drive
- Computer (stand-alone with only two people having access to it)
- LCD screen for text
- LCD screen for pictures
- Microsoft word and excel
- SPSS statistics (Support from the forensic statistics department of the University of Cologne)

Rothschild went on to describe the parameters which they used to label and categorize their findings:

- Case number
- Number of pictures per case
- Position of the body
- Surrounding on which the body was placed
- Clothes
- Signs of medical treatment
- Indicators for identification (tattoos etc.)
- Definite signs of death
- General condition of the body
- Type of injury
- Signs of fixation
- Indicators for external influence
- Special features

Rothschild added that he and his team faced certain limitations in conducting their analysis, including:

- Only one perspective (all pictures showed the front side of the bodies)
- Partially dressed (they could not see all parts of the body)
- Dust and sand on the bodies (covered certain parts/injuries on some bodies)
- Light and shadow (causing blind spots)
- Plastic bags and sheets (covered the bodies partially or even completely)
- Bad quality of the pictures
- Only one picture (in 40 cases there was only one picture per person)
- Turning around of the bodies wasn't possible (they had to rely solely on the pictures without any further inspection of the bodies)
- No internal or external examination possible

Rothschild said he and his team produced a total of 23 written reports: One for every folder of the files they received, one on the "Caesar files in total," and a plausibility analysis of a BKA report on detention conditions in facilities of the Syrian intelligence services.

He went on to explain that he and his team analyzed a total of 26,938 pictures which showed 6,812 different people, maybe less.² He provided a chart including the number of pictures and persons per Branch [the following is only an excerpt of this list].

Folder [Branch]	# pictures	# people
251	446	110
"air"	1,515	352
215	13,801	3,551

Rothschild said that some of the pictures show a panoramic view or overview of the yard in which the corpses were photographed. He said that they did not analyze these pictures as they don't show individuals. The name of such files would usually end with a series of zeros. He went on to explain the typical naming scheme of the files using an example: 251-120-3-2013(3)

The first number would be the number of the branch, the second would be the number given by the forensics expert [Rothschild later mentioned a different number as the number from the forensics expert which is also in line with what previous witnesses said. These witnesses identified the second number as the detainee's number]. Rothschild said the third number is either a date or as in this case, a year. The last number in brackets is a chronological number if there is more than one picture per person.

Judge Kerber wanted to know whether there was a relation between the number of the files and the numbers on the card in the pictures. Rothschild said he can only say that for pictures from the "air" [Air Force Intelligence] folder as it was obvious in these cases that the number from the card was also included in the file name.

Kerber further wanted to know whether there was a relation between the date and the numbers on the card. Rothschild said this was not the case for files from the "air" folder.

Kerber asked the translators about the relation between the numbers on the card in the picture shown in court and the name of the relevant file. The translator said that the card says: 120 "Ang" 694/b. Kerber concluded that the number 120 would also be in the file name.

Rothschild went on to explain that he and his team noticed inconsistencies in the numbering on the corpses. He said the numbers were written with markers either directly on the skin or on tape which was put on the corpses, usually, the numbers were found on the forehead. However, there was always a card which was either put on the corpse or held by someone [He showed a picture on which one could see the thumb of a person holding the card].

² Note from the Trial Monitor: As known from the testimony of the BKA inspector, this is not the total number of the Caesar files. All charts and statistics provided during this testimony consequently only refer to this particular part of the Caesar files.



Pictures per Person

Rothschild further provided a diagram which indicated how many pictures were available per person:

# of cases	# Pictures per Person
40	1
60	2
2,913	3
Most times	4

Kerber said that all of Rothschild’s presentation is [visually inspected](#).

Regarding the number of pictures per person, Rothschild explained that usually there were 3 to 4 pictures per person, in some cases even 5 pictures. However, 6 pictures or more would be the exception. Usually, the pictures showed a “quartet”: face, upper part of the body until hip, entire body, and (if there were 4 or more pictures) lower half of the body. He said that 6,820 people were male and only one was female. The female corpse was found in the folder [Branch] “215” and fully dressed - even her throat was covered.

Age

Rothschild then went on to explain their findings regarding the age of the corpses in the pictures. He provided a chart on different age-ranges and percentage distribution among the persons from folder [Branch] “251”.

percentage	age	definition
0	<18	no beard growth – very young
18.2	20-30	young
36.3	30-45	middle-age
19.1	45-60	old
9.1	>60	very old
17.3	undefinable	-

He explained that for some people he and his colleagues could not estimate an age as there was blood, dirt, vomit, or decay on their face. He further added that for all the pictures, 4.5% (ca. 300 people) were 18 years or younger while most were young or middle-aged. Regarding folder [Branch] “251” people were typically middle-aged or old (compared to the totality of pictures). Rothschild also provided age-related tendencies for the other folders [Branches]:

215, 216, MP [military police], diverse: rather young

248, 251, air: middle-age

220, 227, 235: middle-age and mostly old



People per Folder [Branch]

Rothschild went on to provide another chart, this time detailing the distribution of people per folder [Branch]. He added, however, that one can only compare the findings on the different folders [Branches] to a limited extent, as some folders included many thousands of pictures, while others only included dozens.

folder [Branch]	# people
251	110
“air”	352
215	3,551
227	2,049
216	292
235	127
‘unknown’	116
‘diverse’	74
248	54
220	50
MP [military police]	46

Judge Wiedner wanted to clarify whether, regarding 110 persons for Branch 251, 446 pictures included the number 251 in the file name. Rothschild affirmed.

Clothing

Rothschild explained the clothing of the people in the pictures by providing more charts.

clothing	percent total	Percent for 251
underwear only	57	ca. 33
Undressed	ca. 20	13.6
partially/entirely civilian clothing	ca. 20	ca. 50

He said the rest of them, a very small percentage, were wearing military clothes or hospital gowns. A third of the people were wearing inconspicuous clothes, a fourth of the clothes were dirty and in a fourth of the cases, the clothes were off-center. In the latter case, trousers were often pulled down, revealing the genitals. Rothschild further explained that the clothes were often slightly changed so they could be worn longer, such pieces that might not have belonged to the respective person in the picture. He showed two pictures, one from Branch 251 and one from Branch 215 in which jackets were worn as trousers. He added that many times ribbons were used instead of belts. He further provided a list with particular characteristics (accumulation of a certain type of clothing) of clothing among the different folders [Branches].



folder [Branch]	clothing
220, 235, "air"	civil
227	underwear
215	undressed
227, 248	very dirty
235	inconspicuous

Judge Wiedner wanted to know whether there were any accumulations of specifics for Branch 251. Rothschild denied, adding that however, about 50% of the clothes were normal and relatively clean with rough repairs.

Signs of Medical Treatment

Rothschild explained that most of the people did not show signs of medical treatment but if they did, they usually had bandages indicating that they were done by people with a medical background. He added that people from Branch 251 notably often showed signs of medical treatment. He further provided a picture from "air" which showed a person with a vessel catheter and said that people from 215 showed the least number of signs of medical treatment.

Definite Signs of Death

Rothschild went on to explain that certain signs provide a definite indication that a person is dead. These are: lividity, rigor mortis, transformations due to decay [he provided a picture from the Caesar files to demonstrate], and so-called injuries that are incompatible with life (such as decapitation [beheading]). Rothschild went on to explain the above-mentioned terms to the court, using pictures from forensics textbooks as well as from the Caesar files.

- **Lividity**

Rothschild explained that lividity appears when gravity pulls the blood to the bottom, usually to the ears when one lies on their back. The blood then stays there once it thickens. He provided three pictures from the Caesar files for further explanation.

284: Lividity was present on the front, which indicates that a person was lying on his stomach for hours after he died.

251: "Regular" lividity which, if not faked, is a definite sign of death.

215: Lividity that usually occurs after someone died of a heart attack or suffocated. However, one can only determine the exact cause of death with an autopsy, which was not possible for the Caesar files.

- **Rigor Mortis**

Rothschild used diagrams and sketches to explain to the court how rigor mortis works. He said that once a person died, all metabolic functions stop working. ATP (adenosine triphosphate), which is needed to relax the muscles is consequently no longer produced. Right after death, the body gets sluggy, as all available ATP is used. Once there is no ATP left, muscles start getting hard. He added that rigor mortis is dissolving, once the corpse "is not so fresh anymore."

Rothschild further explained that the facial expressions of a dead person are consequently incidental, so one cannot see what a person might have felt when he died. Rigor mortis can also be dissolved if a body is moved/stretched. To illustrate, Rothschild showed a textbook picture which showed “regular” appearances of rigor mortis. He then showed a picture from the Caesar files, to explain that there were many such pictures which indicated that a corpse had been moved after rigor mortis occurred.

- **Decay**

Rothschild explained that there are two different types of decay:

Autolysis: so-called self-dissolution which occurs when there is no more oxygen as the body stopped breathing; and

Heterolysis: so-called foreign dissolution due to bacteria.

Rothschild showed a textbook picture to explain that decay usually can be seen first in the right lower stomach, as the colon is closest to the abdominal wall. Decay starts there and then continues to the bloodstream. He also showed some pictures from the Caesar files. One was from folder 220 where one could see the typical green stain in the lower right stomach. Another one was from the “air” folderBranch [Air Force Intelligence] where the entire body was green, so one could see that the decay had already significantly spread. Further pictures from “diverse” and the Military Police folder also showed bodies with signs of decay.

- **Injuries incompatible with life**

Rothschild explained that a typical injury of this category is a craniocerebral trauma. He showed an uncensored picture from “air” showing a person with an open brain and chest. He said that an explosion or a person being hit by a truck or vehicle could be a possible explanation for these kinds of injuries.

Rothschild further said that, overall, about 2/3 of the corpses showed lividity, while he and his colleagues were not able to identify definite signs of death for 11.4% of the cases.

Referring to Rothschild’s diagram on the signs of death, Judge Wiedner wanted to clarify whether they were able to identify definite signs of death in 90% of the cases regarding Branch 251. Rothschild affirmed.

Rothschild added that deadly injuries were particularly frequent in the “diverse” folder. He concluded that overall, 88.6% (6,42 people) showed definite signs of death, while 11.4% (779 people) did not show such signs. There would consequently be two different hypotheses for these numbers:

H1: These 779 people are dead as well.

H2: These 779 people were alive at the time they were photographed.

Rothschild explained that a person from the Caesar files is not automatically alive if the body does not show definite signs of death. For instance, the body can be partially covered, so it is not clear whether there are signs of death. The picture might be bad quality or heavy bleeding make it impossible to identify signs of death. The picture might also have been made close to the time of death, so signs of death would not yet be developed.



Rothschild concluded that he and his colleagues had a strong tendency towards the first hypothesis based on the way the bodies were presented in the pictures, the fact that the people on the pictures did neither show interaction with their environment nor vital signs, as well as based on the overall context of the pictures.

Regarding signs of medical treatment, Judge Kerber wanted to know whether ECG electrodes shown on some pictures are actual signs of medical intervention or might have been used to “tease” someone with electric shocks. Rothschild said that the electrodes were located at the right places to be used for medical treatment.

General Appearance of Bodies

Rothschild went on to talk about the general appearance of the bodies by using pictures from the Caesar files to illustrate certain appearances. [The below chart was amended by the trial monitor to structure Rothschild’s presentation]

appearance	description/signs	Shares of total files analyzed	Shares of 251	Folder [Branch] of the picture used for illustration purposes
inconspicuous	[Rothschild said that relatively many corpses fell within that category]	1/3	1/3	215
reduced condition	different proportions, bandages with blood	¼	1/5	[...]
reduced nutritional condition	sunken cheeks, sunken abdominal wall, salient ribs	1/5	10%	251
severely reduced nutritional condition	entire skeleton visible	15%	1/5	215
injuries	scratches, bloodshot eyes	10%	1/5	215
reduced sanitary condition	no hygiene, dehydration, scales, scars, keratosis, dark colored skin	5%	5%	215
partially covered	covered with plastic bags	0.8%	1.8%	-

Rothschild went on to list folders [Branches] in which a particular event occurred very often:

235, military police, 248: severely reduced nutritional condition

248, military police: reduced sanitary condition

Diverse, unknown: injuries



Enthrallment/Signs of Fixation

According to Rothschild, signs of fixation were often not openly visible. He showed three different pictures for illustration purposes: One from Branch 215, where one could see cables on the floor next to the corpse whose arms were tied behind the back; one from Branch 248 showing handcuffs; another one from Branch 215 where the corpse had bruises and scrapes on the on the wrist. These would only be indicators for fixation and no opens signs, according to Rothschild. A fourth picture from Branch 220 showed a corpse with swollen wrists which would also be an indicator for some kind of fixation. Rothschild went on to show more pictures from almost all of the branches with open signs or indicators of fixation. He summarized that no pictures from the MP [military police] and the 220 folders showed open signs of fixation, however, both folders would be relatively small. Rothschild provided another chart to summarize the findings:

Body parts tied together	Share in 251	Total Share
wrists	9.8%	1.8%
feet	0.1%	-
both	0.1%	-
neither (even when partially covered in plastic bags)	90%	98,2%

Blindfolds

According to Rothschild, 0.8% in total, and 1.8% of the corpses from Branch 251, were either blindfolded or showed signs of previous blindfolding. He said that the blindfolds were mostly dark grey and made from a rather rough textile. Some were camouflage. He and his colleagues assume that on some occasions, corpses were only blindfolded for the picture (those with camouflage blindfolds). He added that in general, the faces were always unveiled on the photos and showed three pictures, one from Branch 251 with covered eyes, one from “air” with a totally covered face, and the only picture from “diverse” with a covered face.

Judge Kerber asked whether Rothschild wanted to have a break. Rothschild said he did not need one. Kerber ordered a break so the translators could rest.

[20 minutes break in proceedings]

Injuries

Rothschild went on to explain [if not self-explanatory] different kinds of injuries that could be found on the Caesar files:

blunt violence: hit, kick, downfall

sharp violence: stab, cut

ballistic exposure: shooting- or explosion- related (fragments)

soft part compression

electric or thermic exposure

He said that 90% of all injuries shown on the Caesar files were blunt violence, 47.8% of all files showed blunt violence. In total 3,509 out of 6,821 corpses were injured, for Branch 251 55 of 110 corpses were injured. In total 151 corpses showed ballistic trauma, 58 showed soft part compressions and 6 corpses showed unidentifiable injuries.

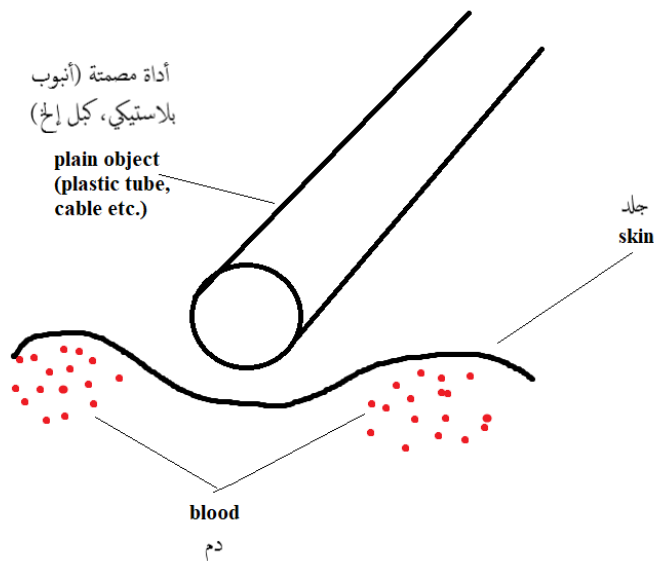
Judge Wiedner wanted to know whether this consequently means that 50% of the corpses from folder [Branch] 251 did not show signs of violence-related injuries. Rothschild affirmed.

Plaintiff Counsel Scharmer asked whether this statistic consequently does not include nutrition-related findings. Rothschild affirmed.

He went on to name different signs of injuries: hematoma; double-weal injuries which occurred relatively often and require high impulsive powers; scrapes; lacerations; stab wounds; cuts; electric marks; burns.

- **Double-weal injuries**

Rothschild said that this was one of the most common signs of injuries from the Caesar files. It occurs when a person is beaten with a longish object. It requires much power and one has to strike out, “flail” like one plays tennis or golf. He says that through this high impulse, a lot of energy is set free which creates some kind of “imprint” of the object that was used to beat the person. Usually a slim, even object is used. He also showed a sketch to illustrate the “negative-picture”:



Judge Kerber wanted to know whether this might be done by using a cable. Rothschild affirmed, adding that this would be logical in many cases from the Caesar file where one could see that the injury follows the convexity of the body.

- **Formed injuries**

Rothschild said these injuries are not random but show certain patterns. etc. For example from a pipe, the end of a belt or if one was beaten with a tire or run over by a vehicle.

- **Grazes**

Before Rothschild went on to explain grazes, Judge Wiedner wanted to know whether any of these injuries were found on the soles of people's feet on the Caesar files. Rothschild said he will elaborate on this later.

- **Dried-out skin**

According to Rothschild, the skin of dead bodies dries out if the upper skin layer "gets lost". This occurs some time close to death, either shortly before, at the same time, or postmortem. He added that the cause of such dry-outs is not identifiable and a rather unspecific finding.

- **Stab injuries**

Rothschild said that this was a rather rare finding regarding the Caesar files.

- **Bullet wound**

According to Rothschild, such injuries are usually characterized by an entry and exit wound, or, if the bullets stay inside the body, only an entry wound.

- **Splinter injuries**

Rothschild said that for some pictures from the Caesar files, he and his colleagues could not identify whether it was a bullet wound or splinter injury.

- **Electric marks**

According to Rothschild, this kind of injury was relatively rare for the Caesar files as it is generally difficult to identify on a picture.

- **Burns**

Rothschild concluded that a total of 3,506 corpses showed one or more of the above-mentioned injuries. He said that hematomas were most common, followed by dried skin, other soft part injuries such as an open abscess, then grazes, and double weal injuries. He added that cuts and stab wounds occurred relatively rarely.

Judge Wiedner wanted to know whether 100% percent of the people showing hematomas for Branch 251 would be correct. Rothschild affirmed.

Rothschild went on to explain that it was remarkable that injuries in the majority of cases occurred on the legs, followed by arms and feet, and more generally on the torso. He added that the genitals were rarely hurt, though it seemed as if the genitals were exposed on purpose for the pictures. He added that in some exceptional cases, 20 in total, injuries of the back were documented.

Judge Kerber said she "is curious to know" where [in which folders] the cases with back injuries were saved. Rothschild said mainly "air", 215 and 227.

Prosecutor Klinge also had a question regarding diagnosed injuries and wanted to know whether the small number of back and bottom injuries was due to the way the corpses were documented, namely lying on the back. Rothschild affirmed, explaining that he and his colleagues assume that the corpses were not moved much, just put there so the photographer could take some pictures.



In some pictures you could see a helping hand or people in camouflage standing in the background, however, it did not seem as if the bodies were significantly moved into position.

Rothschild went on to summarize the findings of different injuries, providing a chart with the most frequent findings for different folders [Branches]:

Folder [Branch]	Most Frequent Injuries
220, 227, "diverse"	multiple injuries
235, 248 "MP" [military police]	least injuries
"diverse"	severe bullet wounds
215, 216	compression of the soft parts
248, 251	thermic and electro-thermic injuries

Judge Wiedner asked whether "electro-thermic" injuries mean burns due to electric energy. Rothschild affirmed, adding that he would shortly explain a bit more about the limitations of this finding.

Causes of Death

- **Starvation**

Rothschild showed a picture from Branch [folder] 215 to illustrate the "bird-like" face that is typical for deaths due to starvation.

- **Suffocation due to throat compression**

He showed more pictures to explain that the mark on the throat of most corpses indicates suffocation due to strangulation rather than hanging as there is no highest point of the mark. Rothschild added that considering the pattern of the stamp and the fact that a v-belt lied next to one of the bodies, he and his colleagues assume that in many cases, a v-belt was used to strangle people. He showed another picture to explain that in cases in which the entire throat is dark violet or black something was pressed against the front throat or it was beaten with an object like a stick. Another picture showed a corpse with blood running from the nose and mouth. Rothschild said this is a typical sign for an injury of the larynx, caused by someone standing on the throat or even jumping on it.

- **Bleed to death**

Rothschild said that due to the position of the bodies, he and his colleagues could not identify entry points of bullets at the back, however, if a person [like the one shown in the picture in court] is very pale, one can assume that they bleed to death.

- **Pulmonary fat embolism**

He showed another picture from the Caesar files to illustrate typical signs of pulmonary fat embolism. The front of the corpse was completely blue and the eyes were swollen. Rothschild explained that this is caused by opened blood vessels and squeezed fat cells. This causes drops of fat to move into the capillaries of the lung, so the blood can no longer be infused with gas [oxygen]. Eventually, the person suffocates. Rothschild said in light of the extent of blue color, it seems as if the corpses were "rather fresh". He added that one can therefore diagnose pulmonary fat embolism as the cause of death.



- **Traumatic brain injury**

Rothschild said that regarding the Caesar files, almost every traumatic brain injury was of a ballistic nature.

- **Polytrauma**

He further explained that polytraumas include open fractures, weals, open injuries, and massive blunt violence. According to Rothschild this can be caused by a fall from a certain height or jumping on someone. However, he and his colleagues cannot say with certainty what has caused the polytraumas they diagnosed in the Caesar files.

Rothschild summarized that from all the cases they examined from the Caesar files, they could identify a certain cause of death in 954 cases. Most of the people died from starvation (8.2% in total and 7.3% in 251).

Judge Wiedner wanted to know whether it is correct that, according to Rothschild’s diagram, a certain cause of death was only identifiable in 15 of the 110 cases in Branch 251. Rothschild affirmed, adding that suffocation due to compression of the soft parts did not play a role regarding the cases in Branch 251 and most of them died from starvation. He went on to provide another chart with the most frequent findings per folder [Branch] regarding causes of death:

Folder [Branch]	Cause of Death
216, 235, 248, “MP” [military police]	starvation
215, 216	suffocation due to compression of the soft parts
220, “air”, “diverse”	Bleeding to death/bullet wounds

Rothschild summarized that for all the cases they examined from the Caesar files [6,812], he and his colleagues were able to diagnose a certain cause of death in 14% of the cases. In 86% percent of the cases, they were not able to identify a cause of death with certainty. He showed a picture from folder [Branch] 251 to explain possible causes of death in cases in which they were not able to identify one with certainty. Explanations in cases with unobtrusive corpses include:

External causes of death:

- poisoning
- electric marks (when electric energy is conducted through water, one cannot see electric marks on the body of the person [this answers Wiedner’s previous question])
- inner bleeding
- suffocation due to drowning
- suffocation caused by a lack of oxygen
- suffocation due to covering respiratory tracks with a soft object (e.g. pillow)
- “positional suffocation” caused by a forced position of the body (hanging with arms above the head, crucifixion, hyperextension)

Health-related causes of death (acute):

- heart attack
- pericardial tamponade (blood inside the heart sac)
- ruptured main artery

- cerebral infarction
- ruptured aneurysm
- status epilepticus
- status asthmaticus
- pulmonary embolism

Health-related causes of death (symptoms for weeks):

- pneumonia
- intestinal blockage
- blood poisoning
- pleurisy
- liver cirrhosis

[Rothschild showed different pictures from the Caesar files to illustrate possible liver cirrhosis or malnutrition and jaundice due to blood or liver issues.] He added that these exaptational circumstances occurred rather often.

Plaintiff Counsel Dr. Oehmichen wanted to know whether jaundice would exclude death from starvation. Rothschild said it is not excluded, often a combination of different factors is possible.³

2. Plausibility-report regarding torture and detention conditions

Rothschild went on to explain the findings of their plausibility report regarding torture and detention conditions as well as combat actions (refers to a report by the BKA from November 22, 2017). He said that his presentation includes examples of typical witness statements from the BKA report [he also showed a few pictures from the Caesar files for every description to explain his findings].

“welcome parties”

Description : Detainees were beaten on arrival at the detention facilities.

Forensic Analysis: Plausible: signs of random beatings all over the body identified on the files, signs of kicks (pattern of shoe soles) also found, these findings were in general very similar to each other.

Judge Kerber intervened, saying that Rothschild’s entire second presentation is visually inspected by the court.

“Sexualized violence”

Description : Tied up penises, people were forced to bite each other’s penises.

Forensic Analysis: Incomprehensible as injuries of the genitals rarely occurred on the Caesar files, no indication for targeted violations of the genitals found

Plaintiff Counsel Dr. Kroker intervened, asking whether the bodies from the Caesar files were naked or dressed. Rothschild said they were mostly naked or barely dressed. He added that in some cases one can see blood in the genital area, however, the genitals would not be hurt.

³ Note from the Trial Monitor: After reassuring, Judge Kerber said Rothschild shall provide the first of his two pending presentations before a lunch break.



This indicates that the blood might come from the anus. Rothschild concluded that “sexualized violence”⁴ would not be entirely exclusionary, however, there are no concrete findings.

“beatings without tools”

Description : People were beaten by the guards using their bare hands or walls/floor etc.

Forensic Analysis: Plausible, injuries often indicated that people were beaten with fists, heads were hit against a wall, etc.

“beatings with tools”

Description : People were beaten with sticks, belts, billets and green plastic tubes.

Forensic Analysis: Plausible: injuries like the double weals indicate that people were beaten with plastic tubes (though he cannot say anything about their color), hoses, police batons or broomsticks.

Judge Kerber intervened saying that many times signs of such beatings would be horizontal on the body and asked whether this indicates that the victims were laying down. Rothschild explained that this indicates that the bodies either lay on a table and the person beating moved downwards or that the victims hung from the ceiling and the people beating stood next to them.

“stabbing”

Description : People were beaten and stabbed in the stomach five times.

Forensic Analysis: Such cases were amongst the Caesar files (stab wounds), Rothschild added that when he read such witness’ statements he immediately had pictures from the Caesar files in mind.

“Falaga”

Description : People were beaten on their feet [a sketch illustrating this practice was shown in court].

Forensic Analysis: Bodies on the Caesar files were photographed while lying on the back, so foot soles are in most cases not visible. There were many pictures with severe blunt violence centered at the legs. In general, the legs were hurt most frequently.

“Doulab (tire)”

Description : People were put in a tire and then beaten [a sketch illustrating this practice was shown in court]⁵.

Forensic Analysis: Not really assessable, however sometimes it seemed as if people were “folded” as if they were forced to sit in a tire. Descriptions of “tire” are generally not precisely assessable

⁴ Note from the Trial Monitor: For a discussion between Dr. Kroker and Rothschild about the meaning of “sexualized violence”, see below at “Plaintiff Counsels’ Questioning”.

⁵ For sketches, see [SJAC’s eleventh Trial Report](#).

“torture using electroshocks”

Description : People were tortured receiving electric shocks.

Forensic Analysis: No indications (neither excludable nor certainly identifiable). Thermic or electric impacts possible

Judge Kerber intervened, asking whether the electric medical patches can be used to torture people with electric shocks. Rothschild said it is generally possible to create electric shocks with such patches as electric energy enters and leaves the body.

Judge Kerber asked if such shocks were “worth it” (a sufficient torture method). Rothschild explained that such shocks cause pain and muscle contractions.

“standing for hours”

Description : Detainees had to stand for hours due to overcrowded cells.

Forensic Analysis: Plausible: corpses from Branch [folder] 251 often showed extremely thick lower legs, which indicates venous insufficiency. The blood stays in the leg and stops circulating, most times only one leg was affected, as described by witnesses.

Rothschild added that they also found indicators for forced kneeling (hematomas and grazes of knees), however, that did not occur often.

“Shabeh (hanging)”

Description : People had to hang from the ceiling with their arms above the head for hours [a sketch illustrating this practice was shown in court].

Forensic Analysis: No direct findings, however conceivable considering signs of fixation at the wrists of many corpses, hematomas oftentimes in combination with random signs of beatings across the entire torso as well as dislocated shoulders as found in some of the pictures could have been caused by “Shabeh”.

Rothschild further explained that it is conceivable that people had to hang upside down or freely with arms above the head, as this severely hinders breathing. Diaphragmatic breathing is especially hindered by long-lasting hanging as the stomach is stretched and the position of the shoulders makes it hard to inflate the breast. He added that this causes a lack of oxygen and constitutes lengthy suffocation.

“German chair”

Description : People were tied to a chair so that their back was overstretched and their spine consequently broke [a sketch illustrating this practice was shown in court].

Forensic Analysis: No concrete indications found in the Caesar files.

“flying carpet”

Description : People were fixated to a board/gadget with hinges and then beaten.

Forensic Analysis: No direct indications, however many times particularly parallel weals were found, indicating that the victim had to be somehow fixated and beaten with a stiff object.

“use of chemicals”

Description : Use of certain acids to burn the skin.

Forensic Analysis: Not exclusionary in light of burns found on corpses from the Caesar files.

“burning”

Description : Use of gasoline and cigarettes to burn the skin of detainees.

Forensic Analysis: There were cases amongst the Caesar files in which one can assume that gasoline was used to cause burns, maybe poured on clothes and then inflamed (some pictures showed pieces of burned textile). Some pictures also indicate that gasoline was poured over the persons' lap and inflamed. Some people seem to have inhaled smoke before their death.

Plaintiff counsel Scharmer wanted to know whether people were dressed or naked when gasoline was poured in their lap and inflamed. Rothschild said that in these instances, there were no burnt textiles on top or next to the corpses. It is possible they were either naked or covered with very thin cotton, which completely burnt.

“dragging finger and toe nails”

Description : Witnesses said that fingers and toenails were dragged as means of torture.

Forensic Analysis: Only one instance from the Caesar file where toenails were dragged; seemed relatively fresh and indicates that the nails were dragged violently.

“torture in context of medical treatment”

Description : Piece for piece amputations and targeted beatings on injuries.

Forensic Analysis: Piece for piece amputations cannot be assessed from the Caesar files. In general, partial amputations are not necessarily medically condemnable.

Signs of mistreatment and medical treatment were found on the same individuals (chicken or egg dilemma). One cannot say from the pictures whether these people were first mistreated and received medical treatment afterward or if they received medical treatment and were beaten afterward. However, some signs of beatings are “relatively fresh” while the surgical wounds of the same individual are older. Generally, there were some “strange combinations” of signs of medical treatment and signs of beating.

“psychological torture”

Description : Wooden stick was pressed against people's throats and then released. This procedure was repeated several times.

Forensic Analysis: One cannot see from the pictures whether the stick was pressed and released repeatedly. However, there are pictures in the Caesar file which indicate that peoples' throat was beaten with a stick or a stick was pressed against the throat. Releasing and pressing the stick repeatedly would also be a possible explanation for these signs. It is also possible that a bicycle chain was used to strangle people, in light of certain patterns on the throats

“inedible food and drinks”

Description : Food at the detention facilities was often rotten and drinking water was dirty as detainees had to get it from the toilet.

Forensic Analysis: The quality of food is not assessable from the pictures. Maybe one loses weight due to inedible food and drinks, however not every underweighted person indicates that the food was inedible.

“executions and leaving people to die”

Description : Guards left detainees in the cells or on the hallways to die. Some detainees were executed.

Forensic Analysis: It is conceivable that people were left to die considering the state in which several of the corpses were in. It seems as if they were “left adrift”.

Regarding executions, Rothschild explained that from the witness’ statements he imagined that people were detained and then an order was given to execute certain people. Generally, the pictures show indications of killings such as cuts on the throat or fixations and stabs on the same individual, however, this would be the exception. Rothschild said that the bullet wounds found on corpses from the Caesar files are rather atypical for military combats, as those are usually found in the breast area. One individual showed a gunshot in the mouth, in light of the many other injuries of that individual, it seems as if the person was hurt in military combat and then received the finishing shot from someone else, rather than killing himself. Nonetheless, one cannot say that with certainty, execution and a finishing shot are both plausible explanations. Rothschild further added many corpses indicate extreme violence targeted at the throat. However, if this impact was made to kill someone, it would be an unusually intense form of execution. He added that the effect of this impact was obvious during the act and one was aware that what he was doing “cannot go well”.

“indicators for military combat”

Description : The BKA wanted to know whether injuries shown in the Caesar files could be a result of military combat.

Forensic Analysis: In general, one can see corpses with military clothing, bullet wounds, and fixations on the Caesar files. One picture [Rothschild showed it as part of his presentation] shows splitter injuries which might be caused by a grenade during military fighting, other explanations would be that someone threw a grenade into a prison cell or the victim stepped on a mine which caused an explosion and buried the person.

Judge Wiedner wanted to know whether Rothschild can say anything about the consequences of overcrowded cells with no oxygen. Rothschild said he will talk about that in more detail later.

Plaintiff Counsel Dr. Kroker asked about the number of possible victims of military combat. Rothschild said that 53 individuals showed the consequences of an explosion, which could have occurred during military actions. Around 100 people had bullet wounds, which could be caused by military actions or executions.

Al-Gharib’s defense counsel Schuster intervened, saying that according to BKA Inspector Deußing, the three folders of the Caesar files were labeled martyrs, terrorists, and detainees.

Prosecutor Klinge intervened, adding that the partition they got from Sami [which was analyzed by Rothschild] also included the folder “diverse”. Schuster concluded that this would consequently only include detainees. Klinge affirmed.

[65 minute break]

3. Indicators for illness-related deaths and detention conditions at Branch 251

Rothschild explained that the BKA report on which the following forensic analyses are based mainly deals with general detention conditions at Branch 251. He said he will present short summaries of the main aspects of the report and then provide his and his colleagues’ forensic analysis of these issues using pictures from the Caesar files as explanations.

“size of the detention rooms”

Description : Overcrowded cells: either two people in tiny rooms or 160 people in 4x5m cells, people had to stand (on one foot) for days, “elephant legs” were the result.

Forensic Analysis: Pictures from Branch [folder] 251 clearly indicate that the different thickness of legs was caused by standing on one foot for a long period. However, this is not the so-called elephant-syndrome (Elephantiasis), as the latter is related to the lymphatic system.

“cell of the dead”

Description : Many detainees died within a short period in their cells as there was not enough oxygen.

Forensic Analysis: One cannot affirm this with certainty from analyzing the pictures, however, it is generally possible. Rothschild and his colleagues first thought that the mushroom of foam, which could be seen around the mouths and noses of bodies from all Branches [folders], was caused by waterboarding. However, the bodies were dry. According to the BKA report, it is plausible that water entered the lungs after suffocation due to a lack of oxygen in cells. Nonetheless, this is only an indicator and not proof.

“general hygiene”

Description : Blankets provided in the cells smelled of urine and were contaminated with fleas; people had to wear the same clothes for years.

Forensic Analysis: There are indirect indicators regarding the clothes, as many trousers, etc. in the pictures showed rough fixes, many pieces were worn inside out and pullovers and jackets were used as trousers. However, these are only speculations and indications but there was no proof.

“toilet situation”

Description : People were not allowed to use the toilet or they only could at certain times of the day.

Forensic Analysis: No differentiated assessment possible. However, some corpses from Branch [folder] 251 seem to be daubed with excrement.

“parasites and hygienic circumstances”

Description : No access to hygiene, cells, blankets, etc. contaminated with parasites.

Forensic Analysis: Pictures from Branch [folder] 251 as well as from other folders show so-called vagabond’s disease, which is dark and thickened skin due to lice and fleas’ wounds. These pictures also indicate that people scratched these wounds with dirty fingers, which causes scabbed skin.

Prosecutor Klinge wanted to know how long it takes for the vagabond’s disease to develop. Rothschild said it usually takes weeks, approximately 9 weeks. This would be something that does not develop within only a couple of days. He added that, as can be seen in the pictures, it typically starts at the feet and legs as fleas and lice reach these body parts first. Such wounds which were opened with shards or fingernails by the detainees themselves were categorized as “diverse injuries of the soft parts” in the forensic report.

“body hygiene”

Description : Heterogeneous witness statements: some said they were allowed to take showers, some said they were allowed but did not want to, others said there were no showers at all.

Forensic Analysis: Hygienic condition of bodies from Branch [folder] 251 was “rather OK”; however, in general corpses were often in a bad hygienic condition.

“nutrition”

Description : Heterogeneous witness statements: some “complained on a high level” as they simply said that the food did not taste good; however, others said that they only got food twice a day or even only once a day, some said they got food regularly but not a sufficient amount, e.g. one potato for 20 people and one bottle of water to share.

Forensic Analysis: The latter would definitely not be enough to survive. Some corpses from Branch [folder] 251 “look good from a nutritional perspective.” This might, however, be due to the fact that they did not stay at the Branch for long. Others from Branch [folder] 251 are emaciated.

Judge Kerber asked how long it takes to get in such a shape [referring to the picture of an emaciated body from Branch 251]. Rothschild said it depends on how much food one gets aside from the main meals (bread, olives, potatoes). Generally speaking, he added, it takes 4-6 weeks. Rothschild further explained that the heterogeneous witness statements fit with the heterogeneous forensic findings from Branch [folder] 251. He also said that there are pictures of malnourished bodies from every Branch that indicates that these people died from starvation. It would seem somehow “systematic”.

“hyperkeratosis”

Description : Referring to statements on malnutrition from above.

Forensic Analysis: Rothschild said he did not learn about hyperkeratosis in his 45 years of experience until he worked on the Caesar files. He explained that hyperkeratosis describes an extremely long-lasting vitamin deficiency. He added that as a European doctor one would only know this from past wartimes. However, there were no findings on hyperkeratosis in Branch [folder] 251.

“drinking supplies”

Description : Heterogeneous witness statements including dirty water from the toilet, one bottle per 10 detainees, irregular drinking supplies, etc.

Forensic Analysis: No findings regarding the lack of drinking supplies in Branch [folder] 251. However, pictures from other Branches [folders] show characteristic crinkles in skin that indicate exsiccosis (dry out).

“medical treatment”

Description : Heterogeneous witness statements: no doctor at all, military doctor was called and provided some basic treatment, detainees were transferred to military hospitals or public hospitals, some medication was provided, no access to medication at all.

Forensic Analysis: As a fact, pictures from Branch [folder] 251 particularly show many signs of medical treatment.

Judge Kerber wanted to know whether electrodes were consequently used as medical treatment or to cause electric shocks. Rothschild said that in these cases [Branch 251] electrodes were placed correctly to provide medical treatment. He added that to cause electric shocks, they need to be placed differently.

Rothschild further explained that regarding Branch [folder] 251, as in other folders, one could also identify bandages as signs of medical treatment. However, these bandages were not changed or taken care of in any way after they were first applied. Rothschild further explained that some bandages were rather “primitive self-made” ones. Rothschild also showed a picture from Branch [folder] 251 which showed an external fixator with dirty splints, indicating that some medical treatment was provided, however, no follow-up care was evident.

Rothschild provided the following concluding assessment of his and his colleagues’ forensic findings regarding the Caesar files:

- all pictures show corpses
- many bodies show signs of mistreatment
- many bodies show signs of neglect
- many of the people died from mistreatment and neglect
- some few injuries can be explained by military fighting
- many pictures do not show conclusive findings
- witness statements from the BKA report are plausible from a forensic perspective



- certain difference in quantity and quality between different Branches
 - there are tendencies and trends, nonetheless, apparently similar things are often actually different
 - predominant similarities: blue legs, malnourishment, and beatings with sticks
 - seems as if all Branches have the same “basic equipment of sticks and plastic tubes” (same toolkit) which runs like a golden thread through all Branches
- similarities between most common findings
- seems as if things were conducted in a systematic manner

Judge Kerber asked whether there were many corpses without eyeballs. Rothschild responded that indeed eyeballs were often loose or missing. However, there was almost no blood. He explained that there is a lot of blood if someone removes the eyeballs of a person that’s still alive. He concluded that one has to assume that the eyeballs (he showed one of 200 pictures with missing eyeballs) were either removed postmortem or the pictures were manipulated. He said that he and his colleagues assume that the eyeballs were solely removed postmortem as there were often traces from seagulls next to the corpses or wasp-like insects surrounding the eyes and nose.

Judge Kerber said that according to witness Deußing, there was only one file with the number “2012” in folder 251 [the picture was shown in court]. Raslan’s defense counsel intervened, asking about the proposed procedure regarding questions, etc. Judge Kerber said that Rothschild shall explain the cause of death regarding this particular file before he can be questioned by the parties. She asked Rothschild to elaborate a bit more on this file or to refer to the short report if he remembers. Rothschild said he cannot remember exactly considering the number of files in total. He said if he remembers correctly, the cause of death was a ballistic trauma-series followed by blood loss.

Judge Wiedner cited from the short forensic report saying that “the corpse shows gun wounds on the torso and arms, the person is rather old, there are no signs of medical treatment, there are injuries incompatible with life, the cause of death is blood loss, a non-natural cause of death”. Judge Kerber added that the numbers [2012] were also included in the file name. Rothschild said that they only had the file names, but no metadata.

The prosecutors had no further questions for Rothschild.

Defense Counsels’ Questioning

Raslan’s defense counsel Böcker recalled that after an individual examination, and with the highest diligence possible, the forensic expert diagnosed a bullet wound. He then asked Rothschild whether he can also say something about the bullet. Rothschild said that he already mentioned different firearms earlier. He added that in this case, he cannot define the firearm with certainty, as this depends on many parameters. Further, the injuries on the lower arm of the corpse cannot be explained with certainty.

Böcker asked about the possible shooting distance and kind of firearm. Rothschild said it can either be a 9x19mm Luger or a long arm, shot from a certain distance. Böcker asked whether both would be possible. Rothschild affirmed.

Böcker said that in general, gun wounds and blood loss could be explained by military fighting and asked whether this would also be the case for this picture. Rothschild said that it would be possible in general, however, signs of enthrallment would argue against that. He further added that there were no signs of enthrallment in this case.

Böcker recalled the short forensic report which found an “unobtrusive bodily condition” and asked whether the corpse showed signs of torture. Rothschild denied, adding that he also assumes that the body was not enthralled.

Plaintiff Counsels’ Questioning

Plaintiff Counsel Dr. Kroker asked Rothschild to explain the different colors of the corpse’s upper body [still relating to the picture indicating the year 2012 from folder 251]. Rothschild said it hints at the corpse lying on its stomach. A head-down position could also be a possible explanation.

Judge Wiedner intervened, asking whether it is correct that with relation to people showing signs of medical treatment, one cannot determine a timely order for medical treatment and injuries. Rothschild affirmed, saying that it would be a “chicken or the egg question”.

Plaintiff Counsel Dr. Kroker referred to the clothing on corpses and asked about the number of cases in which the genital area was uncovered. Rothschild said that it was remarkable that most corpses were undressed and in cases in which the upper body was dressed, the underpants were pulled down on purpose. He added that there was only one case where this did not happen and another one where one could even see someone’s hand pulling the underpants. Rothschild said he and his colleagues found this practice useless.

Dr. Kroker wanted to know why these instances were not quantified. Rothschild said that from a forensic perspective, these instances were irrelevant. Once he and his colleagues realized that this was a common practice, they did not want to go back through all the files to reassess them as it has no forensic value. He added that there are several pictures in which the card with the different numbers was put on the genitals as if the photographer wanted to cover the bareness.

Dr. Kroker concluded that the latter was however only speculation about reasons that Rothschild does not know. Rothschild affirmed.

Dr. Kroker asked Rothschild about typical signs of sexualized violence. Rothschild said that would be injuries of the primary and secondary private parts such as penis, testicles, nipples, and anus. However, the latter was not visible on the Caesar files. He added that there were only 30 pictures of rumps showing “only” beatings from sticks which were also found across the entire back. This was why they were not categorized as sexual violence.

Dr. Kroker cited from the forensic report saying that “genitals were not hurt primarily, when they were hurt, it was to inflict pain”. Rothschild affirmed, saying this is the only reason why he earlier showed the picture of the corpse with beatings across the entire back and sensitive areas. These beatings were targeted at all sensitive body parts, not only the genitals.

Kroker asked Rothschild whether he thinks that sexual violence only covers violence targeted at sexual organs directly, rather than more general violence. Rothschild said that for him, violence is considered sexualized if it is directed at the genital area or caused to humiliate someone. Kicking someone between one’s legs, from his understanding, does not count as sexual violence, whereas biting someone’s penis does. Nonetheless, regarding the Caesar files, violence affecting genitals and private parts would be of a more general nature.

Dr. Kroker recalled that Rothschild and his team received a second batch of Caesar files and asked whether there were any differences. Rothschild said this was in 2017 when they got around 400 additional pictures, but he cannot remember any more details. He said that he and his team were not surprised when they got these “Sami” files.

Dr. Koker referred to “signs of death” and wanted to know at which point after someone’s death these signs would be visible. Rothschild said that livor mortis starts after 15-20 min and after 2.3 hours the corpse is stiff, they are clearly visible on the torso. He added that, at room temperature, decay usually starts 24 hours after the death.

Dr. Kroker wanted to know whether Rothschild can provide any conclusions regarding actions against females. Rothschild denied, adding that amongst the files he and his colleagues analyzed, there was only one female corpse, which was mostly covered.

Plaintiff Counsel Scharmer asked Rothschild, if possible, to estimate, based on his experience, when the photographic documentation of the corpses took place. Rothschild said that he cannot estimate. He and his colleagues always asked themselves whether there were certain cooling facilities. He said that corpses from all Branches [folders] “looked rather fresh”. They were either photographed in the afternoon or the following day or stored in a refrigerator in-between. He concluded that an estimation of the timeframe between death and the picture depends on the cooling of the bodies.

Plaintiff Counsel Reiger recalled that Rothschild mentioned that one can suffocate from hanging due to the position in which he is forced to stay. Rothschild affirmed. Reiger asked whether there are more ways of suffocating. Rothschild said one can also suffocate from the “flying carpets” and “German chair” when forced to stay in that position for hours.

Reiger asked about any other “possibilities leading to suffocation”. Rothschild said it depends on the body and how exactly it is positioned. He added that, in general, these [referring to the methods described in the BKA reports and assessed earlier] are all “treatments” that can lead to a lack of oxygen.

Presiding Judge Kerber thanked Rothschild for his “impressive expert report”.

Prof. Dr. Rothchild was dismissed as witness and expert witness.

Proceedings adjourned at 3:05 pm.

Day 42 of Trial – November 4, 2020

The hearing began at 9:35am with 6 spectators and 2 members of the press in the audience. The prosecution was represented by Prosecutor Klinge. Attorney Foerster-Baldenius appeared as a replacement for Plaintiff Counsel Mohammed.

Testimony of criminal inspector Hörl

Admonitions were read out to Mr. Hörl, a 22-year old criminal inspector from the German Federal Criminal Police (BKA), who testified on the content and discovery of an exhibit.

Judge Kerber asked Hörl to explain how he and his colleagues discovered and analyzed the exhibit. Hörl said he was assigned by criminal Chief Inspector Deußing to evaluate the exhibit, a CD, and accompanying handwritten note, which was found during the search of Raslan’s flat in Germany. He said he examined it together with a translator, who confirmed that the file name of the only file on the CD was identical to the handwritten note. It said [REDACTED].



Hörl said that according to the translator, it was probably a CV. However, it was written in single, disconnected letters, written from left to right. Once the translator got a right-aligned version, she confirmed that the document was indeed a CV. [Copies of the original file, the right-aligned version, and the German translation were shown in court]. Hörl said it first mentioned personal information: [REDACTED], date of birth, mother's name, and place of birth. He further explained that the CV was written from a first-person perspective. The career-path was described as follows: middle-school, university, military service, General Intelligence Directorate, political science studies, dissertation in Tehran, lecturer at the General Intelligence Directorate, and office for public service. Hörl went on to explain that according to the CV, the person was in contact with the opposition, was detained in Branch 285 in July 2012, and deserted after his release. Hörl said if he remembers correctly, it said that the person fled to Jordan and made his desertion public via two Arabic TV channels. The CV further said that he is seeking asylum and he and his family would be in danger as the refugee community would be infiltrated. According to Hörl, the CV also mentioned personal data of the alleged wife and dates of birth of the alleged children, as well as contact details such as the Skype name of the author of the CV. Hörl explained that he checked the information about this person and heard a witness in March, after the search [of Raslan's flat]. This witness said that he was in contact with [REDACTED] and a similar person in Jordan in 2013/14. According to Hörl, the witness further said that he put this similar person and Raslan in contact and organized a phone call between the two of them. Hörl said he found out that two short term visas were issued for this similar person in 2016 with the destination listed as Switzerland. He added that the CV is similar to Raslan's vitae, which was also confirmed by the German Intelligence Service.

Judge Kerber asked about the name of the witness. Hörl said he is called [REDACTED]

Judge Kerber said copies of the original CV, the right-adjusted version, and the German translation were visually inspected. She asked one of the court translators to confirm Hörl's statements on the content of the document. The translator said it says [REDACTED]: overview, and career confirm what Hörl just said.

Hörl was dismissed as a witness.

Raslan's Defense Counsel Böcker had a question regarding the picture dated 2012 from Branch 251, which was amongst the Caesar-files. He asked the court to have a look at it again and asked the translators to explain what exactly is written on the paper shown in the picture. The translators said it says 428 [one number could also read 421, When Judge Kerber asked the translators to clarify, both of them agreed that it reads 428] in all 5 lines.

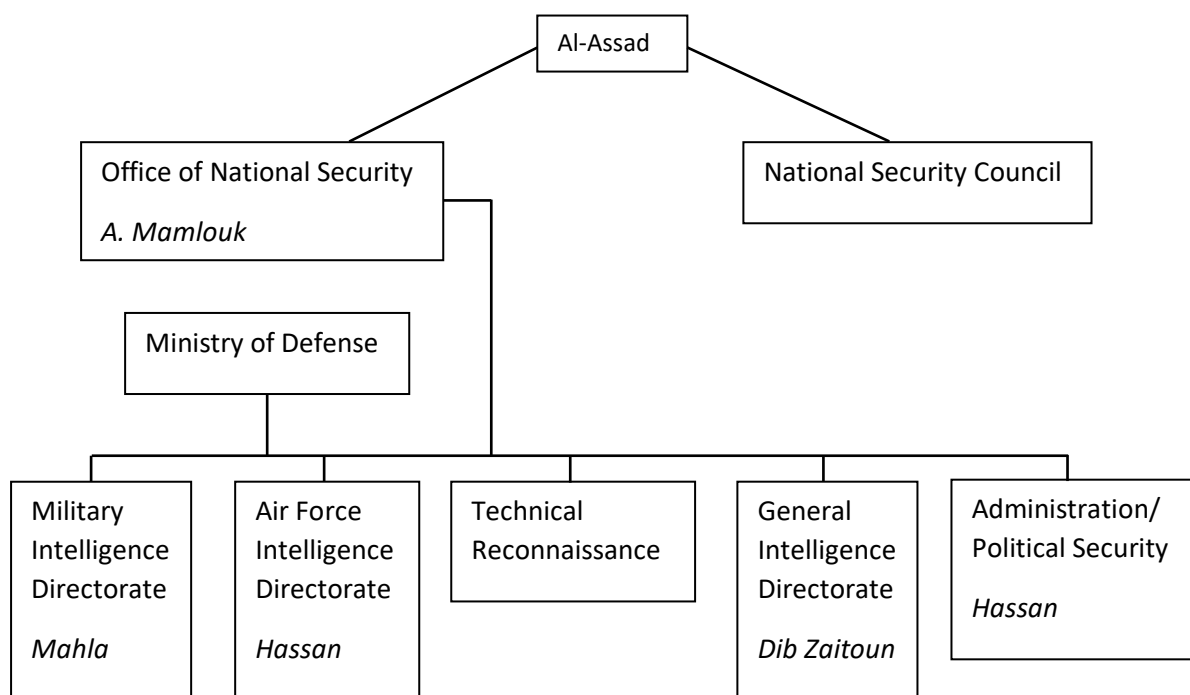
Judge Kerber continued to read out a report from the German Intelligence Service (BND) from June 2016 which is in the case file. The report referred to the investigations of the German Federal Criminal Police (BKA) regarding the Syrian civil war. It contains findings from the BND and BKA about the structure of the Syrian Intelligence Services and militias. The first part of the reports includes correspondence between the BND and BKA while the second part, in form of annexes, includes eight diagrams of the Syrian Intelligence Services and 15 diagrams of militias. The preface of the report explained that there were changes of personnel in leadership positions to explain why some names of leading figures are unknown.



Judges Kerber and Wiedner began to read out the report while the respective diagrams were shown in court [please note that the following diagrams and descriptions are not an exact replication of the BND report, but based on what the Trial Monitor was able to note while the report was read out in court; all information as of 2016 if not otherwise indicated]:

As of February 2016: Structure of the Syrian Intelligence Service and its tasks in Germany and the EU:

- 1) Military Intelligence Directorate
- 2) General Intelligence Directorate
- 3) Administration/Political Security
- 4) Air Force Intelligence Directorate
- 5) Technical Reconnaissance



Relationship of positions:

Two Intelligence Directorates and the Technical Reconnaissance are subordinate to the Ministry of Defense, while the General Intelligence Directorate is subordinate to the President and one of the Intelligence Directorates is subordinate to the Ministry of Interior. The Office of National Security and the National Security Council are the control mechanisms for all Intelligence Services.

Mandate:

All Syrian Intelligence Services are tasked to fight activists who are ‘hostile’ towards the regime, terrorism, and extremism. There are consequently overlapping competencies, however, certain areas of focus are visible. Main targets abroad are the Muslim Brotherhood and the Kurdish community. Since the start of the revolution, Syrian Intelligence Forces are increasingly targeting regional and domestic aims. Since the beginning of refugee movements from Syria, Syrian Intelligence Services are also increasing their spying activities in Germany. The concept of ‘terrorists’ especially in a domestic context, has a very broad definition.

1) General Intelligence Directorate

Subordinate to and controlled by: President directly

Control Mechanisms : Office of National Security and National Security Council

Head : Mohammed Dib Zaitoun since July 24, 2012

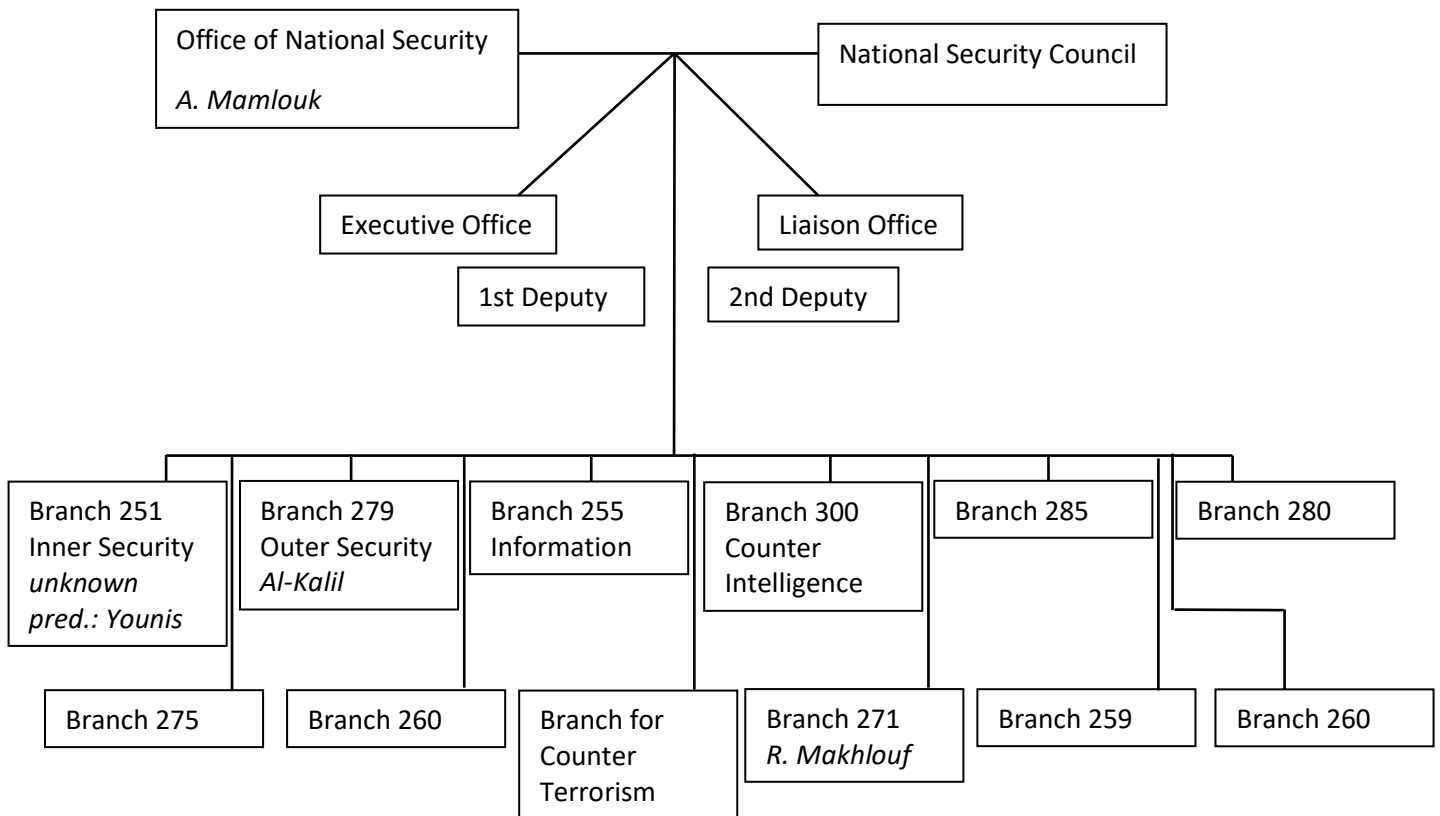
Predecessor : Ali Mamlouk from 2005 – 2012

Mandate : focus: general espionage and counter-espionage, domestically and abroad; fight against terrorism; executive powers

Capacity : ca. 8,00 – 10,000 people

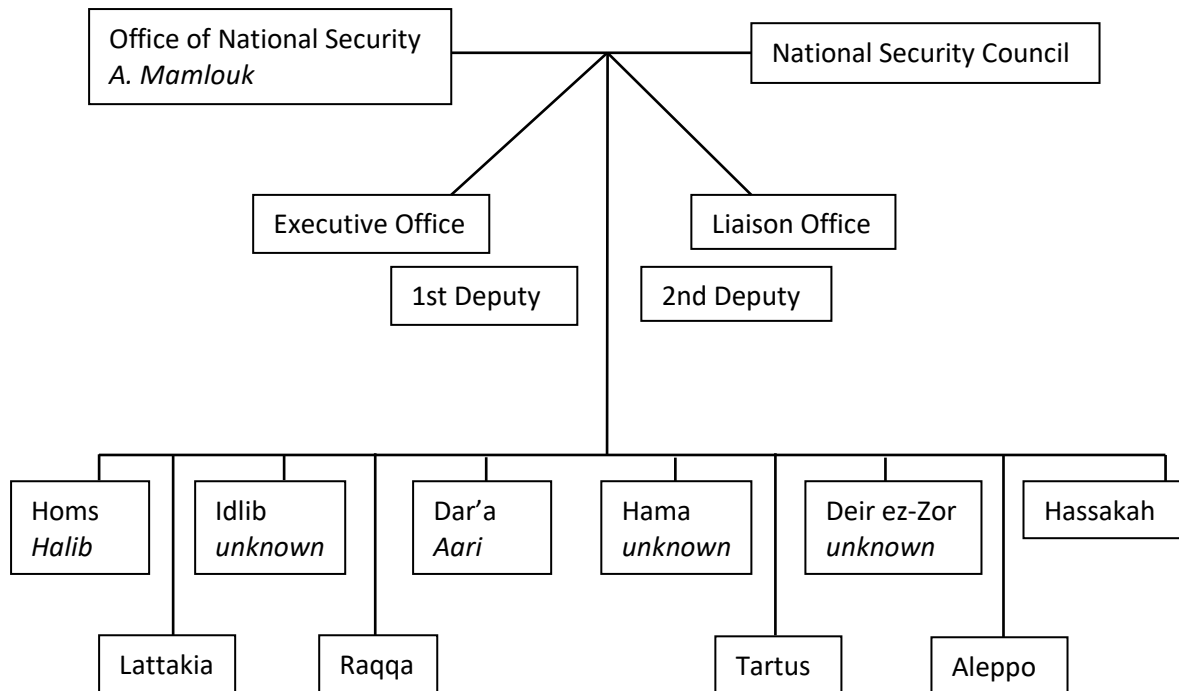
Structure : central organizational division, followed by regional organization structure with field offices in different governates

Structure of the General Intelligence Directorate:





Regional Structure as of November 2015:



2) Military Intelligence Directorate (“Al-Askari”)

Subordinate to and controlled by: General Staff of the Ministry of Defense

Control Mechanisms : Office of National Security and National Security Council

Head : Mohammed Mahalla since March 2015

Predecessors : Rafiq Shahadah from July 2012 – March 2015;
Shafiq Masa from July 2009 – July 2012

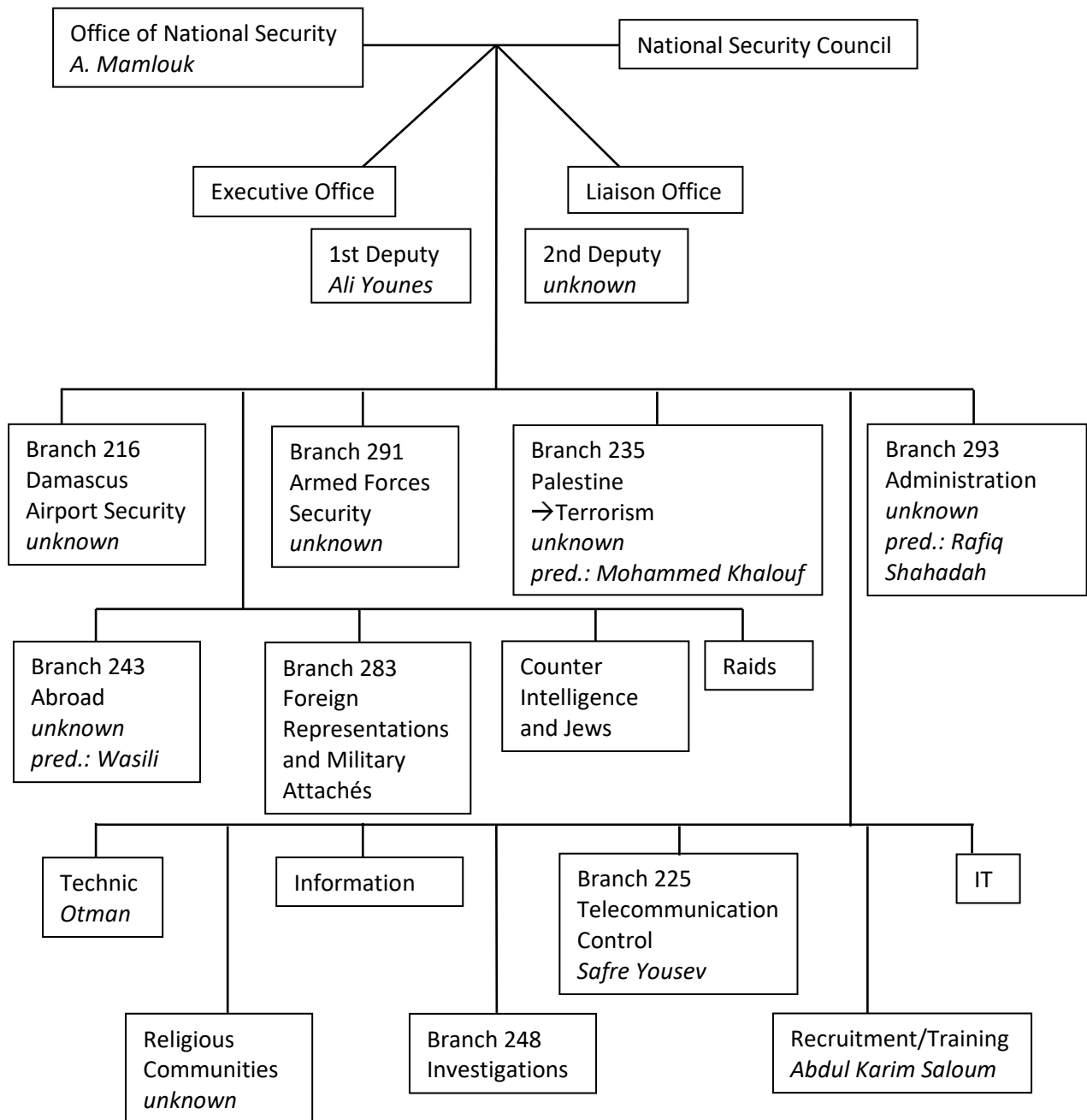
Mandate : focus: fights against terrorism, mainly through “Palestine Branch” 235; foreign mandate initially only Lebanon, now more general; counter-espionage; security of armed forces; represented in embassies

Capacity : 8,000 – 10,000 people

Structure : regional structure, combining multiple provinces



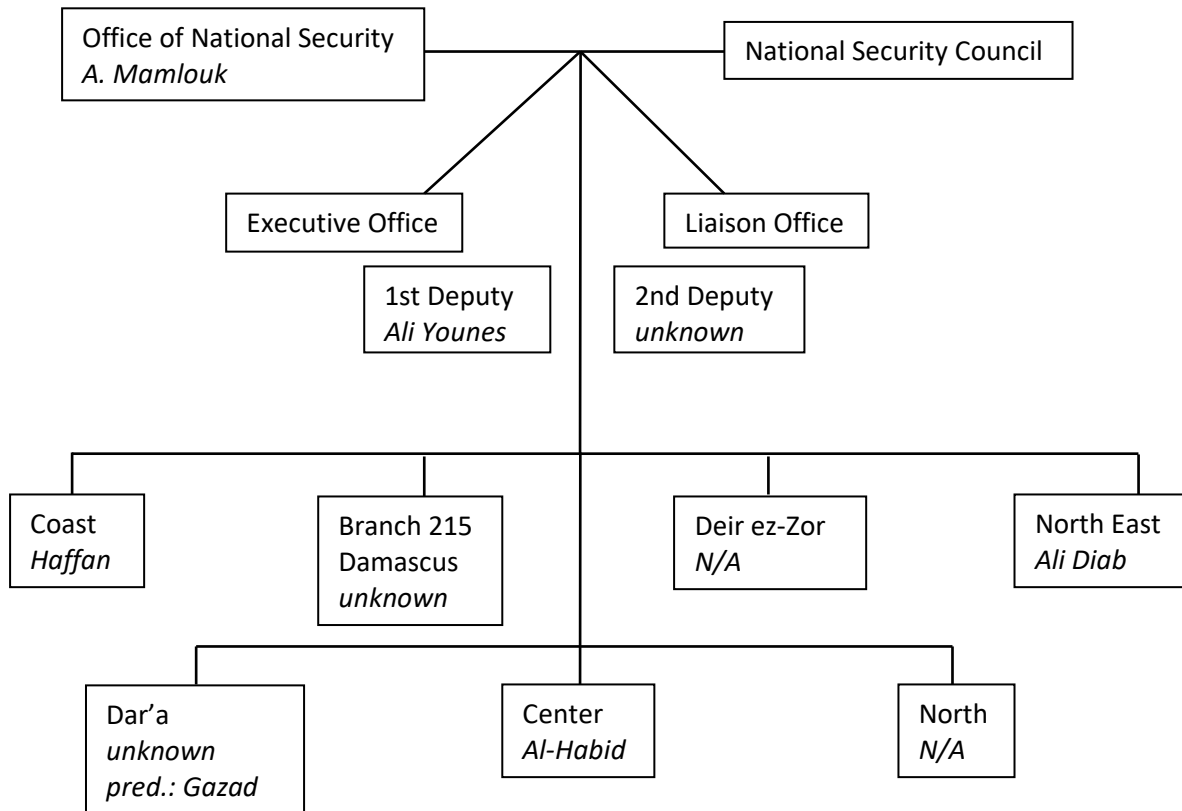
Structure of the Military Intelligence Directorate:





Regional Structure:

Regional structure might slightly differ as Damascus 218 was closed after withdrawal from Lebanon and allegedly combined with Branch 215 in 2009.



3) Political Security

Subordinate to and controlled by : Ministry of Interior and the President

Control Mechanisms : Office of National Security and National Security Council

Head : Naziih Hassoun (maybe Zuhair Hamad)

Predecessors : Rostom Ghazali from June 2012 until April 2015 when he died in an attack; Mohammed Dib Zaitoun from 2009 – 2012

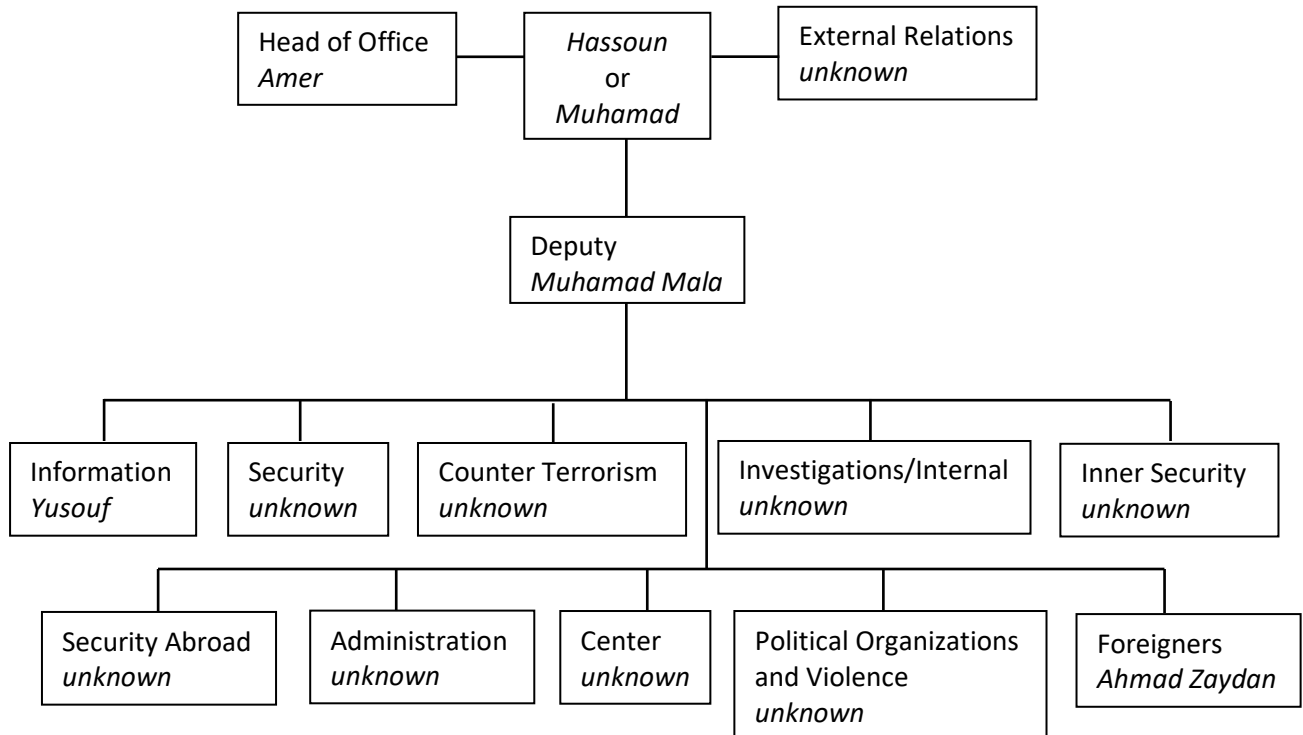
Mandate : politically relevant topics e.g. Surveillance of general situation, parties/organizations, students, preachers, events, public service; fight against terrorism

Capacity : 5,000 – 6,000 people

Structure : organizational structure not definite, regional structure as well



Structure:



4) Air Force Intelligence Directorate

Subordinate to and controlled by : General Staff of the Ministry of Defense

Control Mechanisms : Office of National Security and National Security Council

Head : Jamil Hassan since 2009

Predecessor : Abdel Fattah Suleiman from April 2006 – June 2009

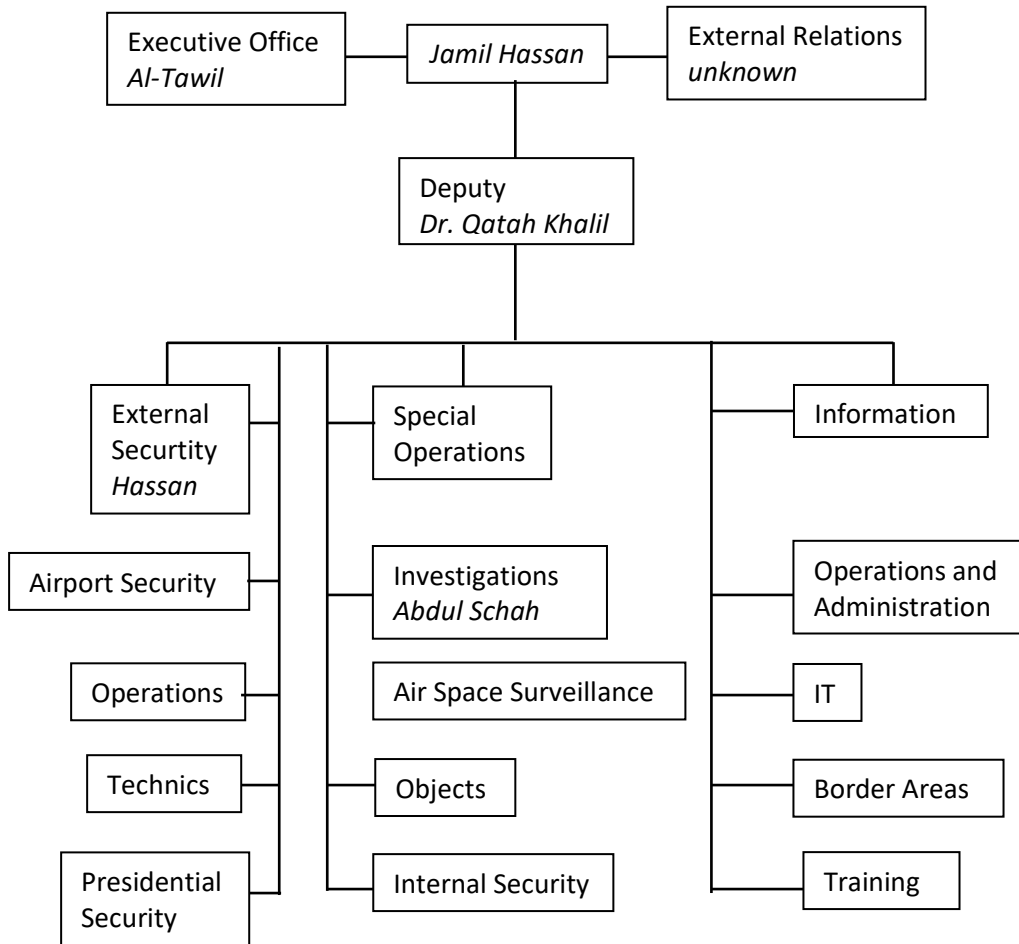
Mandate : focus: safety of air traffic, airports and security personnel of the Syrian Arab Airlines, massive defense of armed oppositionist

Capacity : 5,000 – 6,000 people

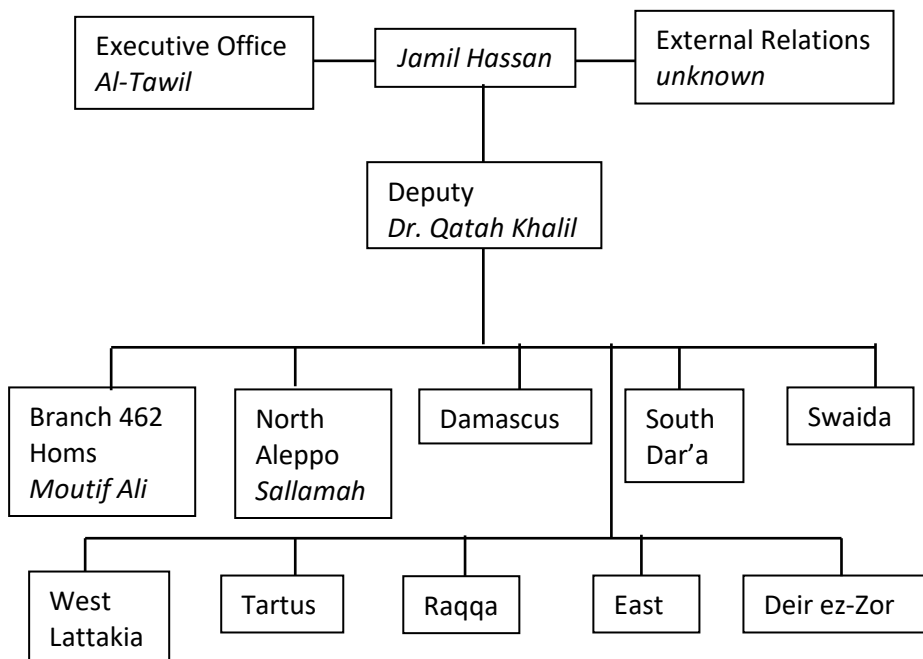
Structure : central organization with regional structures, according to airports



Structure as of November 2013:



Regional Structure as of August 2013:





5) Technical Reconnaissance

Founded in 2011, the BND has only rudimentary knowledge about this Directorate. Its main tasks are communication intelligence and consolidation of different services. The precise competencies based on the person heading the Directorate, are unknown, due to certain self-comprehension.

Militias affiliated to the Regime:

Personnel capacities of the military were reduced since 2013 militia structures are increasing, the BND assumes that there are three different types: **NDF**, which is paid by the Ministry of Defense and closest to a state-affiliated militia; **private militias**, which are often composed by an inner circle surrounding the leading figure, often financed by businessmen, high decision-making powers, and **Shabiha**.

NDF : Members of the NDF (National Defense Forces) are usually from the regional population. The ethnic composition, therefore, depends on the respective region, however, usually Alawites and Christians join the NDF. They are equipped with AK47 Kalashnikovs, heavy machine guns and ZU-23 anti-aircraft guns. Members are paid according to their tasks. The NDF is considered as the “first row” regarding pillages. They are allegedly taking bribes from buses at checkpoints. Many state employees join the NDF due to attractive payment options. The NDF controls other militias and provides information to the armed forces. The NDF is controlled by the Intelligence Services.

Jamiat al-Bustan : The Jamiat al-Bustan militia is led by Rami Makhlouf, affiliated with SANA TV channel and Samir Darwish aka. Dr. Samir. Members of this private militia are usually Alawites. The militia is ranked above the NDF and its members receive more money, due to Rami Makhlouf’s involvement.

Suqur al-Sahara¹ : Muhammad Jaber are sponsored by Ayman Jaber, who made money in the trade of tobacco. Members of this militia are often equipped with high value weapons.

Kataeb al-Baath : This militia is affiliated to the al-Baath party and responsible for controlling infrastructure, such as roads between Raqqa and Damascus Airport. Membership in this militia is particularly attractive for students, as they thereby avoid to be forced to complete military service.

Shiite militias : Shiite militias protect sacred sites.

Shabiha : The term derives from the Arabic word “Shabh” which means ghost.⁶ Shabiha is a loose network for organized crime, which after 2011 steadily developed into the people’s militia. It was integrated into the “people’s committee” and sponsored by Rami Makhlouf and incomes from different criminal acts. Shabiha is composed mainly of Alawites and Christians and acts as an unofficial arm of state-cronyism. It remains unclear who is giving orders. Their treatment of opposition members shows that their acts are still not entirely compatible with the regime. The Shabiha started to merge with all other militias. The actual dissolving is not confirmed

⁶ This explanation is inaccurate. Shabiha is a colloquial term used in Syria to describe “gangsters” affiliated with the government. The correct translation of “ghost” is “Shabah”.



After the report was read out, Judge Kerber ordered a short break to call the witness who was scheduled for the following day but did not respond to the summoning.

[10 minute break to call the witness scheduled for tomorrow]

Judge Kerber announced that the judges were able to contact the witness, who was at home and did not know whether he would make it to the court in time. The witness further said that he wants to use his right under German law, which allows him as a relative of one of the defendants not to testify. Judge Kerber canceled the session for the following day.

The proceedings adjourned at 11:00 am.

The next hearing will take place on November 17, 2020.