



TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 44
Hearing Dates: August 25 & 26, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 88 – August 25, 2021

P46, a 30-year-old Syrian author and filmmaker testified about his detention at Al-Khatib Branch during which he also stayed at Harasta hospital for several days. He told the court about the bad detention conditions at the Branch and torture he endured during interrogations. He explained that although mere detention in a cell at Al-Khatib Branch was torture, the torture by medical professionals and guards at the hospital was even worse. The witness testified in German despite being offered simultaneous interpretation by the court interpreters who in turn had to translate the witness' testimony to Arabic for the Accused. The defense questioned P46's identification of Raslan as the decision-making officer at Al-Khatib Branch due to the witness's connection with Anwar Al-Bunni.

Day 89– August 26, 2021

P47, a 32-year-old Syrian male testified about his detention at Al-Khatib Branch which was relatively short due to bribes paid by his family. The witness told the court about the bad detention conditions at the Branch and the torture he and fellow detainees endured. He further described how he got a glimpse of some officers at the Branch when he was transferred to another branch. He told the court he was 60% sure that one of the officers who seemed to give orders was Anwar Raslan. The defense questioned the witness about his relationship with Anwar Al-Bunni, calling into question the witness's identification of Anwar Raslan. The witness told the court he was hesitant to speak about his own work and people he knows as people in Syria were threatened due to information discussed in court reaching the public.

Trial Day 88 – August 25, 2021

The proceedings began at 9:30AM with four spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Bier substituted for Plaintiff Counsel Dr. Oehmichen and Dr. Stolle substituted for Plaintiff Counsel Dr. Kroker. Plaintiff Counsels Reiger and Mohammed joined after the lunch break.

P46 was accompanied by his Counsel Dr. Stolle.

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 P46

P46, a 30-year-old Syrian author, comedian, and filmmaker who joined the trial as plaintiff was informed about his rights and duties as a witness. He denied being related to the defendant by blood or marriage.

P46, a native Arabic speaker, decided to testify in German language which created some confusion throughout his testimony. The Judges offered him to switch to Arabic and use the simultaneous Arabic language translation for their questions.

Questioning by Judge Kerber

Presiding Judge Kerber said the court knew from P46's police questioning that he came into conflict with the Syrian regime and was arrested. She asked him to recall the events in court from what he remembered. P46 described that before 2011 he was arrested a couple times due to his activities and organizing demonstrations. He told the court that he guessed his first three arrests would not be of importance [to the trial] as he was detained somewhere else [not Al-Khatib Branch] though he was also tortured during these detentions. P46's last detention was connected to Al-Khatib Branch. He explained that on June 17, 2012 he was staying at a friend's place because his family home which was 20km from Damascus had been bombed. He therefore stayed at his friend's place in [REDACTED]. He recalled that after a couple hours two men dressed in civilian clothes knocked on the door and requested to see his ID card. P46 explained to the court that he told them that he actually lived somewhere else, but his activities were reason enough for them to monitor and arrest him. Six or seven soldiers came and put a plastic bag above P46's head before pulling his t-shirt over his head and taking him downstairs. P46 said his hands were tied with cable strips and he was taken inside a car. He was then taken to a new building that was still under construction. He was taken off the car on the street where he was beaten and filmed while he was beaten. P46 said he was told to say that Bashar is a god, that he himself would be a son of a whore and that "they" [soldiers] could rape his mother. P46 went on to describe how he was then taken inside the building where he was left alone for several hours. Since there was no toilet, P46 had to pee in his trousers. P46 then had to undress and was beaten with metal sticks and plastic tubes and cigarettes were stubbed out on his body. P46 said the soldiers had fun torturing him and wanted him to confess that he was planning bomb attacks in [REDACTED]. "They" also checked his camera and searched his phone and the contacts on his phone. According to P46, the torture then increased, and he was tortured in a sexual manner. They tried to insert a stick into his anus and threatened him from behind. P46 said they wanted him to confess that he was building a bomb. He explained to the court that his friend at whose place he was staying studied chemistry. The documents in his flat therefore looked like plans on how to build a bomb to people who did not know anything about chemicals.

[Another spectator took a seat in the public gallery.]

Presiding Judge Kerber told the witness that he should let the court know whenever he needed a break, the same would be the case for the court interpreters.

Kerber then asked how the soldiers were dressed. P46 said two of them did not look like soldiers,² and neither did the others. According to P46, however, they behaved like soldiers. P46 explained that in Syria something called "*Shabiha*" exists, a group that would not belong to the military but cooperate with them by arresting and persecuting people.

² Note from the Trial Monitor: P46 used the term „soldier“ throughout his testimony to describe members of the security forces, guards, and employees at intelligence branches.



Kerber asked if this group would be a militia. P46 affirmed.

Kerber wanted to know how the people who arrested P46 were dressed. P46 said the people at his door were dressed like civilians, three or four people who joined later were wearing military trousers. P46 explained that they were, however, no members of the military. They rather belonged to a group that was for example running its own check points but wearing clothes and carrying weapons from the military.

P46 went on to describe that [when he arrived at the construction site] there was a short conversation between two people. P46 knew one of them who told P46 to just tell “them” whatever they wanted to hear so he would get out as soon as possible. P46 said that after one day of torture the boss – whom he already saw the previous day in front of the door – told the others that they should kill P46 on the highway. P46 explained to the court that there was a big highway close by, leading to the airport. P46 was taken to a red Mercedes where he had to sit in the back with two men sitting next to him. These men told P46 to take them to his home so they could rape his mother and maybe kill her afterwards. P46 said they indicated similar things regarding his sister. P46 was so afraid, he could not handle the situation. When P46 was taken out of the car, he could hear cars driving on the highway. He did not know what “they” wanted to do to him, he just hoped that someone would find his ID so he could be identified later since they were at a very remote location. P46 said he had to kneel when he heard a shot. It took him a few seconds to realize that it was just a game. When P46 told the men that he wanted to die, they started laughing at him and told him he would not get out that easily. They then drove to Damascus which took around thirty minutes.

P46 described that when they arrived, there were no soldiers, they were wearing civilian clothes. P46 did not know where he was. He was taken towards a roof and had to hand in all his belongings. P46 could barely walk due to the torture, his entire body was blue and black. When P46 told the people there that he had not received any food for one and a half days, he was told that he first had to clean the roof before he would get food. P46 told the court that he asked this man where he was but he simply replied “Welcome to Switzerland” and hit P46 on his head. P46 said he cleaned the entire floor and was able to see the mountains surrounding Damascus. He therefore knew that he was at the intelligence service in Irbin. P46 added that he also knew the location from a food bag he saw in the kitchen when he too went there to throw away the dirt from the roof. The bag was from a restaurant he knew because he went to a school close by. After P46 finished cleaning the roof, he was put in a small room under the stairs. P46 said the room was very dirty and full of trash. However, he found some old food there which he ate. He described that the rice and yoghurt he later got was the best food in his life because he had not eaten for such a long time before that.

P46 continued to explain that a bus arrived in the evening. He and other detainees were taken to this small bus. Around ten to fifteen people were in the bus. When they arrived at their destination, they had to walk downstairs where other soldiers were waiting and the detainees were receiving a “welcome party”. P46 recalled that he was severely injured during this party as he was hit in the face with a rifle butt and even lost a tooth. After that, people at the Branch started recording everyone’s personal information. Detainees had to hand in all their belongings including watches and jewelry. The soldiers then told P46 that he was about to die, so he would stay at the Branch for one night before he would be taken to the hospital. P46 said he was taken to a small cell where he saw a dead person on his first day. The other detainees first thought the person was sleeping. When they realized that he was dead, they knocked on the door. The guards told the detainees that they should let the person die and only knock again when he was dead. The body was only taken from the cell when the person was dead. P46 said he did not know what happened to the corpse.



On the next day, P46 was taken to a taxi accompanied by two soldiers. P46 told the court he assumed that the taxi driver cooperated. He was taken to Harasta Hospital. P46 further recalled that there was another person with him. He was sitting behind P46, and he was at first not able to see this person as he was blindfolded and had to put his head between his legs. But when P46 left the car, he recognized that there was another person. When they arrived at the hospital, their personal information was again recorded and they were taken to the sixth floor. P46 told the court that there were multiple rooms on this floor, it seemed to him as if there was a room for every [intelligence] branch, one was for Al-Khatib Branch. There were two soldiers with the detainees in a room. It was the same in every room despite being different Branches, for example Air Force Intelligence.

Kerber wanted to know how P46 knew that. P46 said he overheard conversations between the soldiers. It was hard to talk at the hospitals, but sometimes one of the soldiers left his room and went to another one to talk to one of his colleagues. P46 further explained that every detainee was assigned a number. One was only allowed to use this number, no matter the question. [P46 provided some sample questions such as ‘what is our name?’, ‘where do you come from?’, always answering e.g. “No.36”]. According to P46, the detainees were tied to a bed and two of them were tied together by their feet so that two people had to share one bed.

Kerber asked how wide the bed was. P46 said it was around 1 meter wide with two or three people in it.

Kerber asked the interpreters if they wanted to have a break. [One of them had to simultaneously interpret P46’s testimony from German to Arabic for the Accused]. The interpreters said they were able to go on for a bit.

P46 continued to describe that he went to the toilet at the hospital the next morning. Detainees were allowed to use the toilet twice or three times a day, however, the soldiers decided when they were allowed to. When P46 used the toilet for the first time, he realized that there was a corpse of a child and another corpse in one of the stalls, so P46 had to use another one. When he went back from the toilet, he met another guy³ who told him that all dead bodies would be thrown there. P46 first did not believe him but then realized that there were more and more corpses every day. P46 explained that they were all of different ages, some were still alive but nevertheless thrown there together with other corpses. P46 recalled that he stayed at the hospital for more than a week, around nine or ten days. He did not receive any medication during this time, but all nurses, doctors, and soldiers tortured him 24 hours a day. According to P46, the brother of one of the soldiers died in Hama so the soldier used the detainees to blow off steam. He beat them on their hands three hundred times, beat them on their injuries and stepped on their open wounds. P46 said the soldier enjoyed causing them pain.

Kerber wanted to know how P46 was beaten. P46 said there was a tube. P46 consulted the interpreter who explained that P46 was talking about a plastic tube typically used for sewage. P46 added that there was also a cable that consisted of multiple cables, so it was very thick, and the metal parts stood out. P46 said he was tortured with these tools. P46 said torture was different at the hospital and at the Branch. At the latter, “they” wanted to gain information, so torture got less whenever they got information. At the hospital, however, torture never decreased, it was just about torturing people.

Kerber wanted to know more about the nurses and doctors that P46 just mentioned. P46 explained that the nurses came to the rooms twice or three times a day. They smoked inside the rooms, pressed the cigarettes on the skin of the detainees and then said “oh, this doesn’t hurt at all.”

³ Note from the Trial Monitor: P46 used the term „guy“ [German „Typ“] throughout his testimony to describe fellow detainees or people belonging to a certain group he just described.



There was only one doctor who visited P46. On some days he did not show up at all. Whenever the doctor came, he beat detainees and insulted them by saying they should all die. P46 said there was no humanity at the hospital and the people there viewed the detainees as enemies.

P46 recalled that one day one of the detainees in his room had heart issues and requested medication from the soldier. P46 explained that it was the soldier who started torturing everyone when his brother died. The person who requested medication did not receive any and around 23 hours later, he stopped moving. His body was cold and as soon as P46 realized that, he told the soldier. P46 added that they always had to wear blindfolds and were only allowed to take them off at the toilet. When he told the soldier about the cold body of his fellow detainees, P46 was told to get up in the bed but the person next to him who was tied to P46 did not move.

Kerber wanted to know what happened with P46's hands. P46 said his hands were tied behind his back and his feet were tied to the feet of the other person. He therefore had space to sit up in the bed. When he did that, the other person did not move. The soldier then came saying "are you dead or just pretending?" he beat the person with a cable, but the person did not move. The soldier then went to the telephone and called someone from the "cooling department." When they came, they first drank Paraguay tea together with the soldier and chatted with him for an hour. They then untied the person and pulled him to the floor and took him outside the room. P46 said this was the usual procedure: corpses were just pulled to the floor and not put on a stretcher. P46 further said he did not know whether this person was taken to the toilet or to the cooling room.

Kerber wanted to know how P46 got out of the hospital. P46 said after a few days he was taken back to Al-Khatib Branch.

Kerber asked if P46 was told a reason for his leave e.g. his condition improved. P46 affirmed [that his condition improved], saying that he was able to stand up and his injuries healed a bit. However, his open wounds healed themselves and were not treated in any manner. He was then taken back to Al-Khatib in a bus together with three or four other people. P46 requested a short break.

[15-minute-break]

Kerber wanted to know how P46 knew that he was taken back to Al-Khatib when he left the hospital. P46 explained that all detainees knew where they were, except for the ones in solitary confinement, since they had no contact with other detainees.

P46 told the court he wanted to say something about the hospital: on his first day at Al-Khatib he met a guy [detainee] with severe injuries on his feet due to the torture method "*Falaqa*". P46 explained that when someone is tortured with this method, his feet are tied and beaten with a cable or tube. This particular person had severe injuries at his feet due to this torture method and the injuries got inflamed. He was also taken to the hospital when P46 was already there. P46 recognized the person when he came to the hospital because he knew him well since he had to help him go to the toilet when they were still detained at Al-Khatib together. P46 said this person was most likely an Assad supporter because he had a tattoo of Bashar Al-Assad's dead brother Bassel on his arm. The other detainees therefore called him Abu Bassel. P46 explained that it is common in Syria to call people "Abu" which means "father of..." P46 said he recognized that this person [who came to the hospital after him] was Abu Bassel. He was in a very bad condition and eventually died at the hospital after two or three days. According to P46, he died of gangrene.



Kerber asked if he died while P46 was still at the hospital. P46 affirmed, adding that he would know that the dead body of this person was left in the bed for some time before the corpse was taken away. P46 explained that corpses were always taken only after several hours and then taken to the toilet. He said it was a method to put pressure on the other people there, scaring them by showing them the corpses. P46 went on to say that this person [Abu Bassel] was not even an opponent of Al-Assad but arrested and severely tortured due to a confusion of names. When “they” later realized that they had the wrong guy, he received better treatment.

Kerber said the court previously heard of a person with a tattoo of a member of the Al-Assad family. She asked P46 if it was common in Syria to have such tattoos. P46 said it was not that common, however, there would be several people with such tattoos. He himself met three or four of them.

Judge Wiedner recalled Abu Bassel dying at the hospital and asked P46 where he got his injuries. According to P46, Abu Bassel was injured during interrogations at Al-Khatib. Abu Bassel told P46 that only after “they” realized that they got the wrong person, they apologized and gave him food. However, the person in charge ordered to send him to the hospital before releasing him to improve his condition first.

Judge Kerber encouraged P46 to continue. P46 went on to describe how he was taken back to Al-Khatib Branch [from the hospital] and taken to a so-called “open cell”. [The interpreter clarified that P46 was referring to a communal cell]. P46 described the cell as a “huge corridor” with a toilet at the end. This “huge hall” captured several hundred people, and no one was able to sit down. New detainees had to stand in the middle of the cell. Those who had been there for longer got a space in the corners of the cell. After a few weeks at the cell, P46 got a space next to the toilet where he could constantly hear screams of torture. P46 said that hearing these screams of torture was worse than the torture itself because one was constantly wondering when it would be his turn.

P46 further described that during his time at Al-Khatib Branch he was once taken to Division 40 by car. At the Division he was tortured and interrogated by two or three soldiers and an interrogation officer. P46 said all questions were about the photos from his camera, names and places related to the photos. P46 explained to the court that because he had been detained three times before this detention, he already knew how to deal with interrogations. Whenever he provided information, torture decreased. He only provided names that were already known [to the intelligence services] or names of dead people. P46 said he was interrogated twice and one time at Al-Khatib Branch.

Kerber asked if the two interrogations P46 just mentioned both happened at Division 40. P46 affirmed, saying that he was interrogated twice at Division 40 and once at Al-Khatib Branch. He added [regarding his interrogation at Al-Khatib Branch] that he was taken from his cell to the first floor where he had to wait in front of a room. Another guy was tortured inside this room before it was P46’s turn. P46 told the court that a plastic bag was pulled over the head of the person before him and then set on fire. The hot plastic then dropped on the person’s face. P46 said he had to listen to this person being tortured for thirty minutes before he himself was taken to the room. P46 described that in this moment, he was ready to tell them anything, however, they first started asking him about weapons. He explained to them that he did not own any weapons. He also tried to explain that he did not even do the mandatory military service, so he would not know how to use weapons. P46 was then beaten by several people. After that, he requested to get some water to drink. He was told to drink from a bottle which belonged to the air condition. P46 explained to the court that in Syria, air condition systems would consist of two machines, one inside the building and one outside. The one inside would excrete dirty water. P46 had to drink this dirty water. He was then beaten with cables and tubes until he would tell what “they” wanted to hear.



According to P46, they wanted him to confess that he shot a soldier. However, P46 did not want to incriminate himself, so he never confessed anything he did not do. He only spoke about his own activities. P46 conclude that these methods [torturing people until they would confess anything] probably worked very well with others.

Kerber wanted to know where the incident happened when P46 was taken upstairs, listening to the other person being tortured with a plastic bag and then beaten himself. She asked if it was at Division 40 or Al-Khatib Branch. P46 said it was Al-Khatib Branch.

Kerber asked if he was blindfolded. P46 affirmed, adding that he was able to see a bit.

Kerber asked if he was able to see the plastic bag incident. P46 explained that the person who was tortured with the plastic bag quickly told P46 about it on his way back to the cell. This person was later also taken to the hospital. P46 said “they [people at the interrogation] also “burned plastic to his ear” and the hot plastic dropped on his back and shoulders. P46 said they were singing an Arabic song about snow while doing that.

Kerber wanted to know what happened next, after he was taken to Division 40. P46 said after 27 days he was taken back to Al-Khatib. He was not interrogated anymore but told to come and pick up his belongings. P46 recalled that he had to go upstairs where around sixty detainees were kneeling in the sun. One or two buses came, and the detainees got their personal belongings. P46 said they thought they would be taken to court. This was also when P46 saw his friend at whose flat he stayed [when P46 was arrested]. His friend did not know where he was because he was in solitary confinement for twenty days. All detainees were taken to the buses. They were blindfolded and had to put their heads between their legs. They first thought they would be taken to court, but the bus drove further away, so it was clear that they would be taken somewhere else. P46 said they were taken to Kafar Souseh.

P46 told the court that he assumes that Kafar Souseh was the biggest Branch and higher [in the hierarchy of branches] than Al-Khatib. However, he was not sure as there were so many state security Branches. P46 went on to describe that they had to endure severe torture when they left the bus. They then had to go downstairs. They first had to sit directly in front of the door before they went downstairs to a desk where they had to hand in their personal belongings and were distributed to the different cells. P46 said he got his belongings back from Al-Khatib Branch, however, he did not get everything back. He therefore asked about the rest of his belongings and was severely tortured as a result. His hands were tied with cable strips and he was hanged at the toilet for a couple days while others used the toilet as usual. P46 said he was naked for the first three days. The skin on his hands ripped open because the weight of his body pulled him down. P46 said he was not alone. He was there with six or seven other people. He was taken down at night and taken back to the cell. P46 said he always had to wear cable strips and was either hanged or his hands were tied. He was always blindfolded and there were two cameras inside the cell. However, the detainees did not know whether the cameras were working or not.

P46 further described that from the cell, one could always hear welcoming parties whenever new detainees arrived and were greeted with torture. P46 was taken to interrogation at some point. He was taken upstairs where a long corridor was leading to a yard. After a couple hundred meters he had to go upstairs and entered a corridor which was leading around the house. He was interrogated in a room at the end of that corridor and was asked the same questions. P46 added that the aim of the questions he was asked at Al-Khatib was always to admit that he killed someone, organized demonstrations, or received money from abroad. P46 said he was supposed to admit these things for a judgment or anything like that. After a couple weeks – around one or two weeks after the interrogation – P46 was taken to court. The judge at this court saw P46’s scars.



P46 added that he had just left the Branch when he was taken to court. He had been severely tortured, and one could see fresh injuries. His hands were tied with cable strips and severely beaten. P46 further described that it was very hot inside the cell because there were so many people. Detainees just wore underpants because it was so hot. To punish detainees, their hands were often tied outside the cell where it was cold, while they had to stand inside the cell where it was hot.

Kerber wanted to know where that happened. P46 said it happened at Kafar Souseh. He also saw it happening at Al-Khatib, but did not have to endure it there himself. P46 said one was able to see the injuries on his hands and back. He said some demonstrations increased because of the torture. P46 added that he was released from the court which was in charge of the surrounding area of Damascus.

Kerber asked whether P46 meant the Rif Dimashq court. P46 affirmed, adding that he saw many people standing in front of the court building with pictures of their loved ones. They asked others if they had seen their loved ones, because many of them did not know anything about the fate and whereabouts of their family members. P46 said his family did not know where he was either. He was not allowed to call them or contact them in any other manner. He once stole a piece of soap at the toilet and left the phone numbers of his family members on the soap. He then gave the soap to the first person who left the Branch to inform his family.

Kerber wanted to know if this person actually contacted P46's family. P46 affirmed, saying that his family then tried to contact him. They paid 10,000€ to get him free. P46 said he told his mother before he was arrested that she should never pay the full amount before he was released. He explained that many people in Syria took advantage of the situation and lawyers and employees of the intelligence services took bribes. One officer offered to help in exchange for money, but P46's family did not pay him.

Judge Wiedner wanted to know who offered P46 help. P46 said he does not know exactly, however, the guy who P46 gave the piece of soap offered to help.

Judge Kerber wanted to know if P46's family asked where he was. P46 affirmed, adding his family asked many times. He explained that he had leukemia as a child, so his mother went to his doctor to get his medical record. She then went to all intelligence branches, to Al-Khatib as well and tried to get him free. At Al-Khatib she was sent away at the door. "They" simply told her that P46 was not a detainee and not at the Branch.

Kerber wanted to know more about P46's leukemia. P46 said he had leukemia from when he was six to eleven years old. His mother tried to raise this with the branches to get him out.

Kerber asked if P46's leukemia just healed and disappeared like that. P46 said he received chemotherapy. His mother tried everything to get him free. She therefore went to the branches with his medical record hoping for compassion. However, it did not work out.

Kerber further wanted to know if one could still see the signs of cable strips on P46's hands. P46 said they almost completely disappeared; one could only see light signs on his hands.

Kerber asked if one could see any other signs. P46 said one could see scars on his shoulder because the cable that he was beaten with ripped off skin and flesh. One could also see signs on his feet.

When P46 pulled up the left sleeve of his shirt to show his scars, Judge Kerber said the court visually inspected the scars on P46's shoulder. P46 added that he would also have scars from when he was beaten with a rifle.



Judge Kerber asked if P46 noticed why he was transferred to the hospital. P46 explained that there was a person [at Al-Khatib Branch] who decided who gets medicine and who gets transferred to the hospital. Detainees were therefore taken to this person. It was in the basement where the cells were. One was taken from the cells to a person called “Abu Shameh” which means Abu Birthmark. P46 said every time they left the cell, their eyes were blindfolded, so P46 could not see this person’s face in detail. This person usually actively participated in torturing injured detainees by pressing on their injuries. P46 said he was transferred on the next day.

Kerber wanted to know if this procedure [checking and transferring sick and injured detainees] happened multiple times. P46 said this person was also in charge of distributing medicine. Detainees were sent to him at least twice a week and once or twice a week they were asked about medicine.

Kerber wanted to know more about the physical appearance of this person. She asked where he had the birthmark. P46 said the birthmark was on the person’s face, however, he did not know where exactly.

Kerber asked about the stature of the person. P46 said he was thin and slightly taller than P46. He was wearing a shirt and trousers, civilian clothes. He had grey hair. P46 added that on his first day [at the Branch] he was unable to stand, so he saw the person from below. He only looked him directly in his face once. P46 said he was full of fear in this situation.

Kerber wanted to know if the person said anything and had a particular dialect. P46 said the person tried to speak in Alawite dialect, which would mainly be used by almost all people in the North[west]. However, P46 recognized that this was not his actual dialect. P46 added that he went to school with people who spoke this dialect, so he was able to tell when people tried to fake it. According to P46, the person rather spoke a “white dialect”.

Kerber asked what P46 meant by “white dialect”. P46 said it would rather be spoken in Damascus and Homs, it would be easier to understand than the dialect used in the North or in the South. People in these areas would sometimes use words that others don’t even understand.

Kerber joked that it would be the same in Germany with people from Bavaria. Kerber asked if P46 recognized the defendant. P46 denied.

Kerber ordered a short break for the interpreters and in general.

[10-minute-break]

Judge Kerber explained that the Judges had a few more questions and P46 should just let them know whenever he needed a break, the court would then have a longer lunch break.

Questioning by Judge Wiedner

Judge Wiedner wanted to know how many times P46 saw the person who decided about the fate of sick and injured detainees. P46 replied this man examined him the first time. When P46 came back from the hospital he told the guards that he was in pain and requested to get medicine. P46 said he just wanted to get out of the cell. That was when he met the man for the second time, but P46 did not get any medicine. P46 explained that his intention was to get out of the cell, since he had not even left the cell to use the toilet because the toilet was inside the cell. P46 concluded that he saw this man twice. He further described to the court that detainees went there in groups.

Sometimes there was a doctor as well, but the other person was the one making decisions. The doctor only fixed open wounds which needed to be sewed immediately. However, P46 only heard that from others. P46 said when he saw the man for the second time, he did not see his face.

Wiedner said one needs to be careful about what he saw himself and what he heard from others. He asked P46 if he saw the doctor himself or heard about him. P46 said the second time [when P46 was presented to the person deciding about sick and wounded detainees] the person was accompanied by a doctor. The doctor was standing next to that person. However, the doctor did not talk to P46. He only spoke with people who were injured. P46 said he only spoke to “the guy”. When he asked P46 what he needed, P46 told him he had pain in his stomach and wanted medicine. The guy then hit P46 and told him not to act like a woman.

Wiedner asked if this happened in the basement. P46 affirmed, adding that he was taken from the cell a couple meters to a corridor.

Wiedner wanted to know if there were always several people. P46 explained that it was always a group of detainees who were taken from the cell. They were asked [by the guards] who had health issues. According to P46, many detainees wanted to go to the hospital because they thought it would be better. The guards already scanned who needed to go and who did not. Four to five detainees were then taken from the cell and had to queue. P46 said this procedure happened for every cell, one after the other.

Wiedner asked if this happened on more occasions than the two times when P46 was taken from the cell. P46 said “the guy” hit injured people on their injuries on purpose to cause them more pain.

Wiedner asked if it was always the same person. P46 said it was Abu Shameh. At the first time he did not beat, the second time he did. P46 said new detainees wanted to go to see him.

Wiedner recalled that P46 said he was blindfolded but able to see some things around him. He asked P46 to describe what he saw. P46 described that he was taken out of the cell and walked a couple meters in the corridor. A guy was standing there inspecting injured people. Some had inflammations, others were unable to walk because they were tortured with the *German chair*. P46 said that detainees who were unable to walk were accompanied by other detainees. People who were injured were beaten and only those who were half dead were sent to the hospital.

[Presiding Judge Kerber reminded a person in the audience that Covid masks were mandatory inside the building and told her to put the mask back on.]

Wiedner asked P46 to describe the body of the person who inspected the injured detainees. P46 said the person was thin, tall, had grey hair, his hair was coming off and he was bald. P46 said this was the only things he saw, he could not remember in detail, adding that it happened a long time ago and that he was unable to focus in that situation because he just focused on how to get out of there and not how the person looked like. He therefore could only tell the court what he was able to see.

Judge Wiedner recalled that P46 said he would not recognize the Accused and asked him whether it was because he could not remember or because he looked differently [than the person P46 described]. P46 said it was not only because of that but because it happened a long time ago, and he was not able to look the person in the eyes as he was wearing blindfolds. P46 said he knew the person had a birthmark because he was called Abu Shameh. He was also able to see that the person had grey hair.

Wiedner cited from the transcript of P46’s police questioning where he said that the person who decided whether people would go to the hospital or be treated by the doctor had a birthmark.



However, P46 did not know for sure as he was not allowed to look at the person. P46 explained that he had to face a wall and this person was standing to the left of him. In this situation, P46 was able to see the birthmark. He could only see the person from the side, that was how he remembered it. P46 recalled he was facing a wall and only able to see the left half of the person's face.

Wiedner again cited from the transcript of P46's police questioning during which he said that the person who made decisions about sick detainees was not entirely bald. He had grey hair on the sides. Wiedner said this would be what P46 just described to the court. He further recalled that when P46 was asked about a picture of Raslan, he told the police that he did not know Raslan before. P46 said he knew him through media but during his detention or after that he did not know him.

Wiedner asked if P46 saw pictures of Anwar Raslan before his police questioning in Germany. P46 affirmed, saying he saw pictures in the media but could not remember the face.

Wiedner wanted to know if P46 recognized a person in the pictures that the police showed him. P46 affirmed, saying he immediately recognized that it would probably be Anwar Raslan. However, he did not know the name before but recognized the face at the police questioning.

Wiedner asked if P46 was able to connect the picture to the person he saw in detention. P46 said he could not tell if it was the same person because he was not able to see him very well.

Wiedner recalled that when the police showed P46 picture No.2, P46 said he was not sure whether the person in the picture looked like the person he saw in detention, he would not recognize him. P46 told the court that he said that to the police because he was not able to exclude any possibility.

Wiedner wanted to know whether P46 was able to remember if the person who made decisions about sick detainees and who hit detainees wore glasses. P46 said the first time he saw the person when he was able to get a better look at him, P46 was very exhausted. When he saw the person the second time he was wearing glasses. P46 said he was sure about that.

Wiedner wanted to know how the person was treated by others. P46 said he was called "Sidi". According to P46, the soldier who took the detainees to the person always called him "Sidi".

Wiedner recalled that other detainees were taken to see this person as well, asking P46 how many times that happened. P46 said it was at least twice or three times a week. Sometimes he came on Wednesdays, sometimes he did not. P46 concluded that it happened twice or three times a week.

Wiedner wanted to know if P46 heard how decisions about other detainees were made. P46 said people were either sent to hospital or got medicine. There were many injured people, for them the decision was "Harasta."

Wiedner wanted to know the name of the hospital. P46 said it was only mentioned the name of the place which would also be the name of the hospital.

Wiedner asked if people were sent to other hospitals as well. P46 denied, saying they were only sent to this [Harasta] hospital, as far as P46 was concerned. P46 said at this hospital, detainees had to hand in their clothes which they did not get back at the end of their stay. At the hospital they only wore hospital gowns. One could therefore tell that people who wore hospital gowns came from the hospital.

Wiedner asked if they wore typical hospital gowns. P46 affirmed, adding that the gowns were white with blue or green dots. Although the name of the hospital was not written on the gowns, the people who wore them said they were at Harasta hospital.

Wiedner wanted to know how long P46 had approximately been at the hospital. P46 said he was there for around nine days, less than two weeks.

Wiedner confirmed that P46 told the police the same. He asked P46 whether it was correct that detainees at the hospital did not receive any treatment. P46 explained that the only thing he saw in this regard during his nine days there was how one person got paracetamol. Other than that, they were simply tortured as cigarettes were stubbed out on their skin or they were beaten on their injuries. P46 said this was done by nurses and soldiers (guards).

Wiedner asked whether P46 saw any meaning behind his stay at the hospital. P46 did not understand the question. Wiedner repeated his question asking whether P46 saw any reason for his stay at the hospital. P46 said maybe it was to put people in an actual bed so they could get better and that the air was better than the air inside the cells. However, at the hospital the torture was worse and pointless as there were no interrogations. P46 said they only wanted to try to scare people even more and show them dead bodies. It was a strategy to scare people so they would confess.

Wiedner recalled P46 mentioning that one of the dead bodies he saw at the toilet was the body of a child. He asked P46 how old the child was. P46 said the child was around twelve or fourteen years old. P46 said the corpses he saw after that were mostly old men who were just thrown there with their hospital gowns. He told the court that he avoided looking at the corpses. Only once when he realized that one of them was still alive, he tried to talk to him. He then called a guard who hit the person.

Wiedner wanted to know if P46 saw women at the hospital as well. P46 denied, saying he did not see women at the hospital, however, at Al-Khatib Branch he did see women, they were detained in special cells.

Wiedner recalled P46 telling the police that around 200 cigarettes were stubbed on his body during his stay at the hospital. P46 confirmed, adding that it might have been more. Between fifteen and twenty cigarettes were stubbed on him every day for nine days. P46 said he heard that it was also done to other detainees, the people at the hospital were always smoking. P46 explained that since he had to wear blindfolds even when he was in bed, he could never know what exactly was happening around him. 200 cigarettes would sound a lot but if one did the math, one would realize that it would be right. P46 said it was one hundred cigarettes or more, but it was also done to others and the guards were changing shifts every six hours.

Wiedner recalled P46 saying that he was tortured by nurses and guards. He asked P46 whether he was also tortured by doctors. P46 said that in nine days only one doctor spoke to him. At the end of their conversation, he stubbed out a cigarette on P46's foot. The doctor did not give him any medicine or diagnosis. P46 described that there were usually two nurses who insulted the detainees and said they should die. The guards were the ones torturing and the doctors never had time.

Wiedner asked P46 to explain how he realized that Abu Bassel died at Harasta hospital. P46 said he came to the hospital shortly after P46, around one or two days. P46 already knew him, so he recognized him. Two or three days after his arrival, he got a bad fever. That was what the person next to him [Abu Bassel] told the guard.

Wiedner concluded that Abu Bassel was in a different bed but same room as P46. P46 explained that there were eight to ten beds per room. The person in the same bed as Abu Bassel mentioned the fever and they did not hear anything else on that evening. The guard tried to wake him up with beatings and joked around that Abu Bassel was just pretending. He then made a call and told the people on the other end of the line that there would be a present for them and they should come upstairs to get it. They eventually came and again just pulled the body to the floor and outside the room.



Wiedner said he had some questions regarding chronology. He first wanted to know where and when P46 was detained before, since he mentioned that he had been arrested multiple times before his detention at Al-Khatib. P46 said one time he was detained at a demonstration in Damascus on September 11. He added that the date would be known to the world for a different reason, but in Syria it would be even worse as it was [Bashar] Al-Assad's birthday. P46 repeated that he was arrested at a demonstration on that day.

Wiedner concluded that it happened in 2011. P46 said he was at the 'political intelligence' for a couple weeks. At his second arrest, he was at a café together with a female friend who was wanted. When they wanted to leave, a soldier came and put a weapon at P46's back and took him. He was taken to the Air Force Intelligence in Harasta where he was detained for around two months and severely tortured. Shortly after his release he was arrested at a demonstration together with a journalist. The journalist was Swiss and they were both taken to Kafar Souseh. According to P46, the journalist was released after a couple of days while P46 had to spend several weeks at the Branch. P46 said it was a branch of the military security, he thinks it was Branch 215, however, he would not be sure about the number as there are so many branches.

Wiedner said it would be fine, he just wanted to get a rough overview from P46. P46 added that he was released mid-June before he was arrested for the fourth time.

Wiedner asked if it was correct that his fourth arrest was on June [REDACTED], 2012 and that he was taken to the construction site for two days before he was transferred. P46 said he spent one day at Al-Khatib Branch, then was at the hospital and transferred back to Al-Khatib.

Wiedner asked P46 about Division 40. P46 said he did not spend a night there, he only had to clean the roof for five to eight hours before he was taken to a cell under the staircase and then transferred to Al-Khatib by bus.

Wiedner concluded that P46 was at Division 40 on [REDACTED] June. P46 confirmed.

Wiedner asked if it was correct that P46 stayed at Al-Khatib for one night before he was taken to the hospital where he stayed nine days. P46 confirmed, adding that he was then taken back to Al-Khatib.

Wiedner asked when P46 was released and taken to Kafar Souseh. P46 said it might have been July [REDACTED].

Wiedner concluded that P46 returned to Al-Khatib. P46 confirmed, saying it was on July [REDACTED] [same date that he just mentioned].

Wiedner asked about the date of P46's release. P46 said it was a date in mid-August. He was there [Al-Khatib Branch] for around 27 days before he was transferred to another prison.

Wiedner said based on what P46 just said, it was early August. He recalled P46 telling the police that he stayed at Al-Khatib until around August [REDACTED] 2012 before he was taken to Kafar Souseh. P46 said it was mid-August, however, he could not remember the exact date right now.

Wiedner recalled P46 being taken to the construction site after his arrest where he was then severely mistreated. He asked P46 if the plastic bag that was put on fire happened later or at the construction site. P46 said the torture already started at the construction site, however, the fire incident happened at Al-Khatib shortly after he came back from the hospital.

Wiedner said he understood from P46's police questioning that the incident already happened at the construction site. P46 said it happened at the construction site as well. However, there it was not like it was at Al-Khatib. He was not severely injured at the construction site.



There the plastic bag was just set on fire, but they only played with the fire to scare P46. According to P46 it was really bad later at Al-Khatib. He had to undress until naked and they tried to insert a water tube into him from behind. They threatened to do so.

Wiedner asked if P46 was completely naked or in his undershorts. P46 said he was completely naked.

Wiedner asked if the *Shabiha* tried to film P46. P46 confirmed that they filmed him with smartphones and showed him the clips. He was already filmed when he left the car on the street. P46 said he thought others would see him as well. It was like a show.

Wiedner asked if P46 was sexually harassed at Al-Khatib for example like he was harassed at the construction site. P46 recalled that he again had to undress upon his arrival and squat three or four times so he could be frisked. He was beaten from behind and front, nothing else. P46 added that someone else, however, told him that a bag full of liquid was tied to his penis so the penis would be dragged down. P46 said he would be sure that it happened like that because the person would not have told him that if it did not happen like that.

Wiedner asked P46 about other similar stories he heard. P46 said it just came to his mind that a man who was arrested at a check point together with his six- or seven-year-old son was detained in the same cell as P46. The child wanted to play in the middle of all the tortured people. P46 said the child saw everything. It was said that there were two kids in another cell. These kids were transferred from Al-Khatib to Kafar Souseh together with P46. They were fourteen and thirteen years old and had already been detained for seven or eight months. P46 said they told him their story. They were in the same cell in Kafar Souseh and P46 spoke with them. One of them had been in solitary confinement in Al-Khatib ever since his arrest before he was taken to Kafar Souseh.

Wiedner wanted to reassure that there was a 6-year-old child and asked P46 whether the child was released. P46 said the child was called together with his father, but P46 did not know what happened then. They were called after around ten days.

Regarding sexual abuse of other detainees, Wiedner recalled P46 telling the police that he heard people were beaten on their testicles with a rubber band and things were inserted to their anus. P46 confirmed, saying he heard such things but did not see it himself. If men would tell such stories they would not lie. According to P46, one would also see the consequences of such acts when people started crying because of it. P46 said he would then believe them. One would also not admit such things easily. But if one would tell such stories, you could believe them.

Wiedner recalled P46 saying that people were hanged. He wanted to know where that happened and if there were several people. P46 explained that when “they” would hang someone, it would be in a small corridor in front of the cell. According to P46, this is where soldiers and Al-Khatib employees were detained as well. He said that many soldiers came from revolutionary towns, so they would not be allowed to “leave the house”. Sometimes they would talk to each other through the door. These soldiers were detainees as well and people were hanged in this corridor whenever it was free.

Wiedner asked if P46 saw this himself. P46 affirmed, saying it happened directly in front of the cell’s door. He described that there was a small window in the door of the cell. Whenever this window was open, one could look outside. P46 said one could also see what was happening in front of the door through the gap between door and floor. According to P46, employees [of the intelligence services] were often detained because in 2012 many of them tried to defect. To prevent them from defecting, they were arrested. P46 further described that whenever these detained employees had to work, e.g. distributing food or cooking, people were hanged there [in the corridor in front of the cell]. P46 added he did not know where else they were hanged as well.



Wiedner wanted to know how people were hanged, if there was a device. P46 said there was something on the wall where people were hanged at. People's hands were tied with cable strips, and they were hanged on metal sticks that stood out of the wall. Above these sticks was a metal chain to pull people higher up.

Wiedner asked how many times that happened. P46 said it could be considered 'every-day-life'. It happened whenever 'they' [detainees at the corridor had to cook or distribute food. P46 said he did not know where the detainees came from. They were hanged for three or four hours per days whenever the detained employees had to work. The corridor was then empty and other detainees were hanged.

Wiedner asked if P46 was close to the cell's door so many times. P46 affirmed, saying he was there whenever the food arrived. He explained to the court that people who were in detention for a long time were chosen to distribute the food among detainees. P46 therefore went outside [the cell] and distributed the food. When he was in front of the door, he could see people hanging. After the food was finished and P46 handed back plates etc., the [detained] employees came back.

Wiedner wanted to know if P46 was hanged as well. P46 said he was not hanged at Al-Khatib but at Kafar Souseh. He added that at Al-Khatib he was only beaten and tortured.

Wiedner said P46 should not misunderstand and recalled that P46 was "only" beaten at Al-Khatib. P46 confirmed, adding that as he already told the court, he was beaten and had to drink the dirty water. Other torture [he experienced] happened somewhere else. P46 added that at Al-Khatib there was the so-called "German chair" which almost broke people's spines. According to P46, two people were unable to stand up because of that.

Wiedner wanted to know more about other methods P46 was told about. [P46 took a moment to think] P46 told the court about a guy who told him that "they" [guards] tried to insert a stick into his anus. This was all P46 said he could remember. P46 added that there was also something called "*Falaqa*" which he had already mentioned. He further said he considered the small amount of food they got as torture. According to P46 they got only one olive per detainee. In the afternoon they got one piece of bread, one potato, and one tomato for three to four detainees. According to P46, this was all they got per day. Sometimes they got food twice or three times a day but it was always very little. Most of the time, they only got two meals. P46 added that there was no hygiene at all. Not even an animal would live there [inside the cells].

Wiedner asked if P46 lost weight. P46 confirmed, saying he lost 30 kilos. He would remember that very well.

P46's Counsel spoke with P46 and then asked for a break.

[70-minute-break]

Judge Wiedner recalled P46 telling the court about mistreatment of other detainees, e.g. *Doulab*. He asked P46 what he heard in this regard and from whom he heard it. P46 said he heard from other detainees it [*Doulab*] was applied together with *Falaqua*: People were squeezed in a tire and beaten on their feet. According to P46 it often happened during investigations. P46 further describe that he often saw on other detainees how their fingernails were split from their fingers or that there was a gap between nails and fingers which was caused by a piece of metal.



Wiedner asked if P46 saw the consequences of these methods. P46 said he saw their hands, not how it was done. The detainees then told him about it and P46 saw the victims and their hands.

Wiedner said it was not entirely clear to him where the incident where P46 himself was mistreated with the plastic bag happened and what consequences it had. P46 recalled that he told the court about when he was threatened by militias. A burning plastic bag was put on his body. This also happened during an interrogation on the first floor. There, the soldiers who beat him took the bag from the person before P46. P46 said he smelled it. He could not see it due to the blindfolds but tasted it. P46 felt the plastic on his back and smelled it.

Wiedner asked if P46 was injured because of that. P46 described that when one tries to rip the plastic off his body, he would also rip off the skin. However, these wounds healed with time. P46 said the plastic stuck to his body and he tried to peel it off. According to P46 the plastic was also put on his feet because he already had injuries there.

Regarding the person with the birthmark, Wiedner recalled P46 describing a person to the police. However, it was unclear to Wiedner whether this person was the person with the birthmark or the doctor. Wiedner therefore asked P46 to describe the doctor and his behavior to the court. P46 said he did not have direct contact with the doctor because he treated detainees. P46 could therefore not see him but recognized through conversations that he was a doctor. According to P46, the person with the birthmark gave orders. He was the one in charge, not the doctor.

Wiedner recalled P46 telling the police that, as he had mentioned before, the guy with the birthmark divided the detainees. The man who treated the detainees in detention was dressed in civilian clothes. P46 told the court that he was probably misunderstood [at the police questioning]. Detainees did not receive medical treatment; it did not exist. The person only had a look at them and gave orders to the doctor. In case of injuries or inflammations people were patched up or bandaged.

Wiedner wanted to know more about P46's injuries. P46 described that his back was open. He wanted to be stitched but the guy did not accept that although P46 was bleeding, the injury was inflamed and open. P46 did not receive medicine.

Wiedner asked where P46 got the injuries from. P46 said he was injured by a cable. The metal pieces of the cable ripped out parts of his flesh.

Wiedner further recalled P46 telling the police that the person had a stethoscope. [P46 consulted the court interpreter to understand the last word] P46 explained that he was talking about the doctor there, not "him" [person giving orders at the Branch].

Wiedner asked how the doctor was behaving, whether he was for example friendly. P46 said he was not friendly. One could tell that he had to do it [examine people]. He also deliberately beat at people's injuries. P46 said they did not receive proper medical treatment. "They" [people at the Branch/intelligence employees] simply wanted to keep detainees alive for a bit longer. They only received little help. Wounds were stitched, not properly treated.

Regarding the stethoscope, Wiedner recalled P46 telling the police that he was not sure whether this person was an actual doctor. He hit at open wounds and was only there once or twice. He bandaged people and was in charge for transfers to the hospital. P46 told the court that the police misunderstood him. There were two people. The doctor did beat people. But the other person was the only one in charge of transfers to the hospital.

Wiedner asked P46 if he saw dead people at Al-Khatib and if so, how many. P46 said he was sure that the person he saw on his first day [at the Branch] was dead. Later [he did not finish the sentence]



Wiedner concluded that P46 saw one dead person. He recalled P46 telling the court that soldiers entered the cell and took the person from the cell. P46 affirmed, adding that they came once the detainees knocked on the door because they recognized that the person stopped breathing.

Wiedner said “OK”. P46 went on to describe that when he came back from the hospital many people had difficulties after they were tortured because there were so many people in one room. They had difficulties breathing and did not get enough oxygen. According to P46, it was difficult to breath after one had been tortured. These people then either fell unconscious or simply fell on the floor. Others tried to put some water on their faces. Some survived. P46 added that when someone fell down, others tried to revive them, but there was no reaction. They were then taken outside the door. P46 said he did not know what happened to them next. P46 assumed that around fifteen to twenty people were taken outside like that. Only if they stopped breathing, they were taken outside the cell. None of them returned and their t-shirts stayed in the cell. P46 concluded that he guesses that fifteen to twenty people were dead for sure.

Wiedner wanted to know if P46 or others ever asked about what happened to these people or got any feedback that they died. P46 said for the detainees it was obvious that these people died. They did not receive an answer and could not ask anyone. P46 explained that when inside the cell, one did not know what time or day it was, nor could they tell day from night. Everything happened outside of time. They therefore did not know what happened outside the cell. According to P46, they did not know if people were revived or put on a corpse transport.

Wiedner asked if there were people who were not immediately taken outside the cell and were probably dead. P46 affirmed, saying there were three or four people who died at night. There were not as many guards at that time and the people probably stayed in the cell until the morning. P46 described that if someone died, other detainees prayed for him although guards immediately entered the cell when someone started praying and took the praying person outside for torture. P46 said he is not a religious person, but others were, and they always prayed together. P46 said it was “our” rebellion to pray no matter the consequences.

Wiedner asked if the bodies of these people [who were most likely dead] turned cold or if there were other signs that they died. P46 said they were cold and blue or white. The people who stayed inside the cell for longer were definitely dead. There were ten to fifteen other casualties almost every day. P46 said when he came to Germany in 2013, he immediately started a therapy to deal with these things because he had such burdensome nightmares. With every person [who died] P46 was wondering when it would be his turn. He tried to erase these thoughts for the future. He therefore could not think of a precise number [of people who died].

Wiedner thanked P46.

Questioning by the Prosecutors

Regarding corpses, prosecutor Klinge asked P46 how many prayers for people who died he could remember. P46 said he could definitely remember one prayer at Al-Khatib. He added that the people at the hospital had been tortured at Al-Khatib. However, they died at the hospital because they were tortured at Division 40 or Al-Khatib Branch. According to P46, there were at least three or four such people. He further remembered one person at the intensive care unit but did not know what happened to him. P46 concluded that he remembered three or four prayers for dead people, but there were others who were also taken outside, at least more than ten people.

Klinge concluded that there were three Islamic prayers for dead people. P46 affirmed, saying that he was present at least at three or four such prayers.

Klinge recalled that two people died at the hospital: Abu Bassel and the person who shared a bed with P46. P46 confirmed, adding that they were definitely dead.

Klinge recalled P46 saying he received a so-called welcome party at other branches and asked him if he received one at Al-Khatib Branch as well. P46 denied, explaining that there was no welcome party for him because he was already in a very bad condition when he arrived. However, others were beaten. P46 said he was not properly beaten since he peed himself and the people at the Branch therefore did not want to touch him. According to P46, him being dirty was the only reason he was not tortured. He was told to wash and taken to the hospital the next day.

Klinge asked P46 to briefly describe the rooms at the Branch. P46 said he could only describe where he was himself. He had to go downstairs where there was a big hallway. There was another hallway at the left leading to the big cell. P46 said if he remembered correctly, he was detained at cell No.25 on his first day. If one entered, one could see a hallway to the right and two cells for women on the left. P46 was detained at cell No.25. This cell was around 5x5 meters with a toilet inside.

P46 added that downstairs on the right side was some kind of office with a big desk and a soldier standing behind it. That was where the detainees had to hand-in their belongings. On the left was a big group cell. P46 said this was all he could see. When he was at the first floor, he could not see anything. He was taken back downstairs and again taken right.

Referring to the 5x5 meter big cell where P46 had to spend the first night, Prosecutor Klinge wanted to know if it had a window, if there was light and enough oxygen. P46 said there was no window. The toilet was at the back of the cell. It was very small with only a bit of light. The walls were yellow and covered in blood. P46 said it was not hygienic and since there was not enough space, detainees had to sleep "head on feet". They had to lie on the side. The "*shaweesh*" who was the boss inside the cell organized how the detainees had to sleep and was in charge of distributing food. According to P46 there were at least sixty people inside this cell.

Klinge asked about the bigger group cell. P46 said this cell was around three or four times bigger than the other cell. It was smaller than the court room in Koblenz but still big. He remembered that one time he himself had to count the number of detainees. He counted 179 detainees. P46 told the court that sometimes there were more people if there were big arrests, but some of them only stayed for a couple days. Sometimes there were more than two hundred people and sometimes only one hundred. P46 said he slept directly next to the toilet. There was a toilet and a tab on the right side at the back of the cell. When the door was opened and they got food, he went to the front of the door. The cell also had a window which was covered with thick plastic. One could slightly see when it got dark or bright. P46 concluded that things were like that.

Klinge asked if there was more, or less space in the community cell. P46 said there was a bit more space, but it varied. When he came back from the hospital with bruises, others were understanding, and he was allowed to sit down and had more space. Other than that, there was almost no space and people only wore underpants because it was so warm and people were sweating a lot. P46 said it was hard for him to see that many lost their minds. One guy used his shoe as a telephone. When P46 sat next to the toilet, another detainee asked him to open the toilet, saying he had his wife and children with him and wanted to leave. Because there was no oxygen, people were tortured, and without any perspective, some lost their minds. According to P46, many lost their minds simply because of the conditions.



Klinge asked about diseases, scabies, and lice. P46 said almost everyone was sick. The blankets inside the cell were full of lice, one could almost see them. Detainees had to pick the lice from their clothes and underpants and kill them. P46 said they often had to massage each other because due to the lack of movement, they had no more muscles.

P46's Counsel quickly spoke to P46.

Klinge asked P46 to describe the general condition of the detainees. P46 said everyone had lice and was starving. They showed severe signs of torture, but many could not talk about it. P46 assumed that this was because they suffered "sexual crimes." Injures got inflamed due to a lack of hygiene. Many people therefore died or had to undergo amputations.

Klinge recalled P46 mentioning there was a cell for women. P46 said that one day when he was in his cell and they got food, the guards closed the window [in the door]. Others said it was closed so they could not see the women. P46 further often heard female voices when they handed in their belongings because his cell was next to the door, so he could hear what was happening there. A female friend of P46 was also detained at the Branch and put in a cell. It was a solitary cell. P46 said he did not see before that there were many solitary cells on the right. He was not sure whether there were seven or seventeen. They were not even one meter wide and had small doors. P46 said he was also told that sometimes women fell unconscious and were taken outside. One time one could here screams from another cell because a woman was beaten in the hallway. Others therefore started to make loud noises.

Klinge asked if P46 witnessed women being mistreated. P46 assumed "they" tried to do it somewhere else, he only witnessed it once. This woman screamed loudly and tried to defend herself. P46 heard that. It was the only time he witnessed something like that but he realized that "they" tried to do it [torture and mistreat women] somewhere far away. They also covered the door so no one could see what was happening.

Klinge wanted to know when and where P46 was interrogated at Al-Khatib and how the interrogation took place. P46 explained that after his stay at the hospital he was at Division 40 for one or two days. Two days after he returned to Al-Khatib, he was again "invited". He was taken from the collective cell, turned left, then right, upstairs, and then on the right at the first floor.

Klinge asked if it was on the first floor or ground floor. P46 said things would be a bit different in Syria: there was a basement and then the first floor. There were only a few steps between.

Klinge asked how P46 got there, whether he was blindfolded. P46 said his name was called, he was blindfolded, and his hands were tied. He was accompanied by someone and guided upstairs. He then had to kneel inside the room. That was when he heard the other person.

Klinge asked if P46 had to wait in front or inside a room. P46 said he had to wait in the hallway. When he went inside, he had to go to the left side. He was first asked a couple questions and if they did not like his answers, they said they would "refresh his memory". Three or four people did that. P46 could not tell whether the interrogation officer also participated.

Klinge wanted to know if P46 heard something when he had to wait. P46 affirmed, saying he heard the guy with the plastic bag on his face.

Klinge asked if P46 learned that later. P46 affirmed, saying the guy told him about it. P46 heard screams.



Klinge asked for how long P46 heard the other guy screaming. P46 said with blindfolds and other things it would be difficult to estimate the time. It might have been thirty minutes, but it was hard to tell. One minute felt like an hour.

Klinge said he knew it would be difficult to say, but he wanted to know how long P46's interrogation lasted. P46 said it was surely more than one hour. He was first asked questions, then people were called, and then he was beaten. After that he had to wait in the hallway for a short time and then was questioned again.

Klinge wanted to know how P46 was tortured. P46 requested a short break to consult his Counsel. [They had a short conversation at their seats with microphones switched off.] Upon P46's request, Klinge repeated his question. P46 said he was beaten with cables and tubes. The big green tube caused a lot of pain. P46 added that the cable was actually four cables tied together, this was how the cable was called, but P46 assumed that there were more than four cables tied together. P46 said he could not see everything due to the blindfolds but the bag was also set on fire.

Klinge asked how P46 got back to the cell. P46 said he was told to go back and one person guided him.

Klinge asked in what condition P46 was. P46 said he was almost running on empty because he was tortured by more than two people. He was barely able to walk because his feet were completely blue. One soldier pushed him and another one made a comment about P46's eyes. He was beaten on his head.

Klinge asked P46 if he still suffered from long-term effects. P46 did not understand the question. Klinge asked if P46 was receiving physical or psychological treatment. P46 said he would no longer receive treatment. He would still have nightmares despite the therapy, because it did not help with everything. His scars would always remind him of what happened to him and others. P46 concluded that, other than that, he would be fine.

[15-minute-break]

Questioning by the Defense Counsels

Defense Counsel Fratzky wanted to know whether P46 spoke about the topic of his testimony before he testified in court. P46 asked if Fratzky referred to public statements or P46 talking to friends.

Fratzky said he wanted to know in general. P46 said he publicly spoke about the torture he had to endure because he had public appearances in this regard.

Fratzky wanted to know if P46 spoke to particular people. P46 wanted to know whom Fratzky was referring to.

Fratzky asked if P46 spoke with Anwar Al-Bunni. P46 said he once met Al-Bunni at his office. He told P46 to tell everything to the police and his lawyers.

Fratzky wanted to know whether P46 got information from Al-Bunni that he did not have before. P46 denied, saying he only told the court about things he experienced himself.

[On P46's request, Fratzky took off his Covid mask so P46 could understand what he was saying]



Fratzky recalled P46 telling the court that he did not know the name of the man [Anwar Raslan] back in Syria. P46 confirmed. Fratzky wanted to know how P46 knew the name. P46 explained that detainees in prison would not know the names of people there but give them nicknames. “They” [intelligence employees] would know everything but detainees would know nothing. Most of the time they would not see the interrogation officer because they had to wear blindfolds. Detainees would neither be allowed to ask questions nor see the transcripts of interrogations. They would have to sign documents at the end of the interrogation without knowing what it was.

Fratzky asked when and from whom P46 then knew the name of the man. P46 said he learned from the media, not Al-Bunni. Arab social media and TV mentioned the name but when P46 went to the streets, he could not assign the name. P46 said the name was irrelevant to him. He only told the court what he experienced and did not talk about it with other people.

Fratzky recalled P46 telling the police that Al-Bunni told him the person in the picture worked at Al-Khatib Branch. P46 told the court he could not remember saying such a thing.

Fratzky recalled P46 mentioning Division 40 and asked him how many times he was interrogated there and how many times he was interrogated at Al-Khatib Branch. P46 said he was interrogated twice at Division 40. He was transferred there once. P46 said he was interrogated three times: once at Al-Khatib and twice at Division 40.

Fratzky asked if P46 was once transferred to Division 40 only for an interrogation. P46 said the first time, he was not interrogated there, he was only transported by militias.

Fratzky wanted to know what would be different at Division 40 and Al-Khatib Branch. P46 said he could not really say because he did not know the connections. However, it often happened that detainees were transferred to Division 40, interrogated there, and taken back to Al-Khatib. P46 could not say why this was done.

Fratzky asked if P46 knew at the time that the two were different Branches. P46 said for him it was all intelligence services and all of them cooperated with each other. He did not recognize differences. According to P46, one would be taken back and forth. Questions and violence would be the same but one would not learn about the differences. No one would know when he would be taken where and how.

Fratzky said he wanted to come back to the “Al-Bunni topic”, recalling that P46 told the police that before he saw Anwar Raslan’s picture in the media, he was in contact with attorney Al-Bunni. P46 said it was not him who was in contact with Al-Bunni but one of his fellow students made a movie about Al-Bunni and P46 edited it but was not in contact with Al-Bunni. He only met him when he wanted to testify about Al-Khatib.

Plaintiff Counsel Böcker said [Al-Bunni] is a Syrian lawyer and activist in Germany who collected testimonies. P46 confirmed.

Böcker asked if he also collected P46’s testimony. P46 said he knew about him [Al-Bunni] because it [Al-Bunni collecting testimonies] was known among the Syrian community. According to P46, everyone in the Syrian community in Germany would know the lawyers and organizations supporting Syrians. Al-Bunni is therefore known inside the Syrian community.

Böcker said he understood that P46 wanted to make a movie about Al-Bunni and in the course of that saw a picture of Anwar Raslan. P46, denied, saying he did not make the movie himself, he only cut the final version. The movie was about a different topic, about Al-Bunni’s family. However, Al-Bunni mentioned in the movie that he was arrested in 2006 and detained at Al-Khatib.

When the movie was ready and they showed it to Al-Bunni, P46 told him that he was detained at Al-Khatib as well and moved by Al-Bunni's work. P46 told Al-Bunni that he wanted to testify as well and Al-Bunni recommended P46 to meet with lawyers.

Böcker wanted to know more about the picture of the Accused. P46 said it was not in the movie. In May or April 2020 when the trial was covered by the media, P46 heard the name Anwar Raslan.

Böcker said he was not referring to the name but to the picture of the Accused. P46 said he did not see a picture of Anwar Raslan. He only met Al-Bunni at his office in September 2020. This was their first personal meeting and P46 did not see a picture, they only talked.

Böcker recalled P46 telling the police that Al-Bunni told him that the person in picture worked at Al-Khatib. Böcker concluded that everything had been falsely transcribed.

Plaintiff Counsel Scharmer intervened, saying he objects to what Böcker just said. P46 explained to the court for ten minutes which parts of the transcript were correct and which not.

Presiding Judge Kerber said she would only allow Böcker's statement if he would make it a question but nothing else.

Böcker agreed and cited from the transcript of P46's police questioning according to which P46 said that if one would ask him whether he knew the person in the picture from his detention or from Al-Bunni, he must say that he was blindfolded at the time and only able to see from below. P46 said he had no conversation about the trial with Al-Bunni. He was only an intermediary between P46 and his lawyers. They spoke about the movie when P46 told him that he wanted to say what he had seen. Al-Bunni then told him to contact a lawyer. P46 said no one told him what to say in court and what not to say. [P46's Counsel turned to him and they had a short conversation]

Defense Counsel Böcker said he would like to inspect a signature. Judge Kerber said the court would visually inspect initials on a page of a transcript and asked P46 whether this was his signature. P46 confirmed.

Böcker said there were handwritten corrections [in German language] on that page, asking P46 who wrote these corrections. P46 said it was him.

Böcker asked P46 to explain what happened after the police questioning and what P46 signed. P46 said the questioning took more than eight hours and they finished at 6PM. He was then given papers to read through. P46 said he read it but at some point, he did not understand every single sentence anymore. He did not ask about it, it would not be his mother tongue anyway. P46 said he was allowed to read everything and did his best. He mostly understood everything and signed.

Böcker said the questioning ended at 4PM. P46 said it could be the case.

Regarding attention while reading, Böcker wanted to talk about the third to last page of the questioning where a sentence was crossed out. He asked P46 whether he crossed out that sentence. [P46 and his Counsel were discussing while Böcker asked his question] P46 confirmed that he was the one who crossed out that sentence. He could still remember that they discussed the sentence, and he was probably misunderstood. P46 said he wanted to add something regarding the picture issue: When the police showed him the picture, P46 said he would recognize the person because he saw him in the media, not because he met him in person.

Questioning by Judge Kerber

Judge Kerber said one sentence was missing from the defence's reference to the questioning transcript: P46 told the police that when he saw the picture it was immediately clear to him that he knew the person. Kerber said she would therefore read out the complete reference:

[The following are recreations of the reference based on what the trial monitor heard in court]

Q: Did you personally see Anwar Raslan back when you were in prison?

A: I am not sure. However, there was a person who examined sick detainees and made decisions about them. He had a birthmark on the left. I had to lower my eyes and could not look at him.

P46 said he could remember this.

Kerber continued the reference:

A: Before Anwar Raslan's picture was made public, I was in contact with attorney Al-Bunni. I made a movie about him. When I saw the picture, I realized I knew this person. Al-Bunni said he [the person] worked at Al-Khatib. I must say that I had to lower my eyes and that I was afraid.

P46 said he never said he saw a picture at Al-Bunni's or that Al-Bunni told him what to say.

Kerber asked if P46 spoke with Al-Bunni about the picture of Anwar Raslan. P46 said he never did. After the movie, they spoke about Al-Khatib. P46 said he does not know why it was documented in the transcript like that.

Kerber wanted to know more about the connection between the name Anwar Raslan and the person P46 saw while in detention. P46 said when he saw the picture in the media, he knew the person, not the name. He then realized that this was the person from his detention.

Kerber asked when P46 made the connection. P46 said it was in Germany. In Syria he did not see a picture.

Kerber concluded that P46 saw the picture in relation to the media coverage of the trial. P46 confirmed.

Kerber asked if the movie was in relation to this trial. P46 said the movie was about his [Al-Bunni's] family. It was shot at the beginning of 2020.

Questioning by the Defense Counsels

Fratzky asked whether it was correct that P46 did look at a picture of the Accused together with Al-Bunni or saw a picture of the Accused when he was with Al-Bunni. P46 said this would be correct. Al-Bunni was only mediating, they did not talk about Raslan or P46's experiences.

Questioning by the Plaintiff Counsels

P46's Counsel Dr. Stolle asked him whether he heard Raslan's name when he saw the picture. P46 said the name was probably mentioned in the article but he only heard the name in relation to the trial.

P46 was dismissed as a witness at 3:15PM.

Judge Kerber said the trial days scheduled for September 29 & 30 and October 6, 7, 13, & 14 would take place at the room where the trial was previously held.



Kerber added that the court had prepared a statement on the defense's request dated August 19, 2021. The court further had to decide on the request to be admitted a witness counsel issued by a lawyer who wants to represent an anonymous witness.

Defense Counsel Böcker said he would informally suggest summoning Criminal Chief Inspector Schmidt regarding the questioning of P46. Böcker added that in case the court would not consider his suggestion, he would issue a formal written request.

Plaintiff Counsel Scharmer said he would reserve the right to make a statement on P46's testimony.

The proceedings were adjourned at 3:20PM.

The court will resume on August 26, 2021 at 9:30AM.

Trial Day 89 – August 26, 2021

The proceedings began at 9:37AM with nine spectators and one journalist in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Attorney Bier substituted for Plaintiff Counsel Dr. Oehmichen and Dr. Stolle substituted for Plaintiff Counsel Dr. Kroker. Plaintiff Counsels Reiger, Mohammed, Scharmer and Schulz were present as well.

Judge Kerber said the court considered Defense Counsel Böcker's suggestion to summon CCI Schmidt. The court summoned him for September 29 or 30.

P47 was accompanied by his Counsel Bahns.

Testimony of P47

P47, a 32-year-old Syrian man working for [REDACTED] and [REDACTED] was informed about his rights and duties as a witness. He denied being related to the Accused by blood or marriage.

Questioning by Judge Kerber

Presiding Judge Kerber told the witness that from his police questioning the court was already aware that he got in conflict with the regime and was arrested. However, he needed to repeat all that in court. Kerber asked P47 to describe when, how, and where he was arrested and then describe his detention. P47 said as everyone knew, demonstrations started in 2011 [P47 first said 2012 before correcting to 2011]. In June 2012, P47 sat in a park together with some friends. When they wanted to leave the place, suddenly there was a mobile check point. One inspector checked the IDs and told his boss whom he addressed as "sidi" that the ID was broken. P47 explained to the court that people were told at protests that they should break their ID cards in case they would be controlled or arrested. The inspector therefore noticed that P47 and his friends were connected to the protests. One of the other people at the check point then said they should take the group to the branch. P47 told them that he and his friends were students who did nothing wrong, they could check their criminal records. P47 told them to release him and his friends. The people at the check point then started insulting P47 and his friends. They were told to wait in a corner until the inspectors checked everything. Thirty minutes later they asked the group who of them would be [P47's first name]. P47 was told to come with them. He was put inside a vehicle that had a machine gun installed at the loading area. P47's friends were then told to come with them as well.



They should go with P47's car which was driven by a soldier. When they arrived at the Branch, they were told to wait and after fifteen minutes they [he did not finish the sentence]

Kerber asked which branch it was. P47 said it was Division 40.

Kerber asked how P47 knew that. P47 said it was not far away [from where they were arrested]. He knew it from the entrance gate. P47 further described that they arrived around midnight when there was a shift change. When P47 and the others had to leave the car, soldiers were standing left and right of them, beating them with rifle butts and insulting them by calling them traitors and agents. P47 said he was unable to see because his shirt was pulled over his head.

When they arrived inside, they had to hand-in their belongings. P47 had to wait for longer because he said that he studied at university. P47 told the court that he studied in Lebanon, and "they" were able to see from his travel documents that he often traveled between Lebanon and Syria. P47 told them that he would now study in Syria and showed his student ID card. The soldier accepted it and when P47 wanted to know where they were, he was told they would be at a hospital.

After P47 handed in his belongings, he had to go upstairs in a narrow staircase. When he arrived upstairs, he was beaten from all sides. He then had to wait in the hallway for around two hours. P47 then heard how one of his friends entered the hallway as well. P47 could hear his friend's voice from far away. He was discussing with an officer who asked P47's friend how it came that he was with such traitors who led a war against "them". P47's friend replied to the officer that P47 was a good friend of his who he knew well and not an oppositionist. The officer said during the interrogation [with P47's friend] that he was working with terrorists. P47 told the court that his friend wanted to make a phone call. According to P47, the people at the branch spoke to his friend because he was Alawite. The officer gave P47's friend a mobile phone. He told his parents that they should not worry about him, he would be free in two hours. P47 said he also heard how his friend said that others, meaning P47, would not be released. P47 said this happened in a room close to the hallway where P47 was. P47 was standing at a wall in the hallway. Others sat on the floor and got water. They were warned that if they would give P47 water, they would be punished. P47 said two of his friends were Alawites, he himself was therefore discriminated and taken to a room at around 4 or 5 AM. P47 said he could guess the time from the sunlight. P47 further explained to the court that he was blindfolded, however, not with blindfolds but his shirt was pulled over his head. He was therefore able to still see some things. According to P47, there was an officer in the room and another person who whispered to the officer. After they took P47's data, they started accusing him that he was coming and going from and to Lebanon. They said that P47 was bringing medical equipment for field hospitals. They said they were sure that P47 was participating in demonstrations and organizing demonstrations but only wanted to focus on the medical equipment and how P47 brought it to Syria. P47 mentioned that his brother was detained three times: once at the Air Force Intelligence and once at the State Security. P47 denied all accusations and said he was at the university in Lebanon most of the time and had nothing to do with any of the accusations. The man who had whispered before started asking P47 about where the medical equipment was taken. P46 told the court he did not admit anything and did not say that he went to a demonstration. At the beginning he was not beaten, but when he denied everything, one gave the order. P46 said it was a sign that he gave, he nodded. Then two people came, one to P47's left, one to his right and started beating him until P47 fell on the floor. P47 got two hits from each side and someone hit him on his knee.

Kerber recalled P47 having a shirt pulled over his head and asked him how he was able to see what happened. P47 explained that his shirt was very thin, and he was therefore able to see everything. He did not see the people who beat him, but he saw from where the beating was coming.



After that, one of them was told to take P47 away. He said “Sidi, I will make him confess everything and do it my way”. However, the officer said to do nothing since P47 would be transferred the next morning. P47 then had to wait in the hallway. Soldiers who walked pass by him hit P47. In the early morning a soldier came and asked why P47 was standing while his friend was sitting on a chair. He got upset, kicked away the chair on which P47’s friend was sitting and started yelling. Another man came from one of the rooms and explained everything. When the other person knew that P47’s friend was Alawite, he did not say anything. P47 described that he was standing between two doors in the hallway. The person who yelled then hit P47 in the face and he fell to the ground. P47 then had issues with his ear, he had tinnitus. The other soldier then told his colleague to not beat P47 this way. He took a flexible tool, some kind of cable and started beating P47. When P47 fell to the ground he saw that his feet were bleeding. He told the court that he later found out that his legs were bumping against the stairs at the hospital and therefore his feet were covered in blood. P47 said the beating stopped after one hour and he was transferred in a white van.

When P47 arrived at the other branch, he did not know whether it was Al-Khatib or not, but he knew the area. When he entered he did not know where he was. He had to hand-in his belongings and undress until naked. P47 was taken to a cell. The door was opened, and he was pushed inside so that he almost fell. The people inside the cell were shirtless and only wore underpants. P47 said there were many people, and the air was very bad.

Kerber asked if it was a big cell and how many people were inside. P47 said the cell was 20 square meter big [P47 first said “twenty meters” so the interpreter had to check with him whether the cell was 20 sq. m. or one side was 20 meters long]. According to P47 there were one hundred people inside when he arrived early morning. There was no space and people were standing very close to each other. They slept in shifts. P47 told the court that he knew many people in the cell from former times, around ten people. He asked them where he was, and they told him they were at Al-Khatib Branch. He also asked them about “measures”, next steps, and what would happen to him. They told him he would be taken for interrogation after two or three days and one should know what to say there. P47 said it happened like that: He was taken for interrogation three days later.

He was taken upstairs to the first floor to a kitchen, a big hall. He was wearing blindfolds and tried to remove them [P47 showed the court how he moved]. He was able to slightly remove the blindfolds and saw the sink inside the room.

Kerber asked P47 what exactly he did with the blindfolds, how he moved. P47 affirmed that he moved, saying he stood right in front of a wall.

Kerber asked if he tried to move the blindfolds up by using the wall. P47 confirmed.

P47 continued to explain to the court that he had to stay in the kitchen for around two hours. During this time, he realized that his Alawite friend was standing right behind him. P47 realized that because his friend asked for water. When P47 realized that his friend was there, they agreed on a story. However, P47 was not interrogated at this occasion, instead he was taken back downstairs.

P47 said one could hear many screams “there”. When the group arrived downstairs, P47 asked whether he could be in the same cell as his friend. The officer affirmed to P47, and he thought he was allowed to be in the same cell as his friend. Suddenly the officer started yelling and called P47 a donkey. He had a cable in his hand and started beating P47. There was a bigger space with a table and P47 tried to run away. P47 said he was 22 years old at the time. He called the soldier “sidi” and told him they were from the same town and that he would be from the [REDACTED] family.



The soldier asked P47 where he came from and when P47 told him he was from [REDACTED], the soldier got angrier and hit P47 harder. P47 said he was beaten until they arrived at the door of his cell. The soldier opened the door and pushed P47 inside. P47 said he was in a lot of pain and the people in the cell asked him whether he admitted anything. P47 told them he had not been interrogated. P47 described that the second time he was taken for interrogation, it was the same procedure: he had to wait in the kitchen. He was then taken to a room. The officer there told P47 he did not want a headache, so P47 should do the talking. He added he knew everything but wanted names. P47 replied to the officer he would not know what he was talking about.

P47 told the court that he learned afterwards that people were beaten next to him. Further, P47 was pushed to the floor, he had to lie on his stomach and was beaten. He was told they could kill him with one shot and no one would ask about him. P47 was told to provide names of doctors and journalists who were working at coordination points. P47 said he of course denied everything and was beaten with a rifle butt. The interrogation officer came – P47 recognized him from his voice. He was close to P47 who was lying on the floor. The officer kicked P47 at his head so P47's chin knocked against the floor and P47 fell unconscious.

Kerber wanted to know if the guard or the interrogation officer kicked P47. P47 said it was the interrogation officer, he knew him from his voice. P47 said after that he did not comprehend what was going on. One person asked if he should take P47 but he was told that P47 would get one chance. He was given a sheet of paper and a pen to write down names. P47 asked if he should write down fake names since he would not know anyone. He was told that he had ten minutes to write down names but P47 did not write anything. The officer realized that after ten minutes, pulled P47 up and slapped him in the face.

Kerber asked if the guard or the interrogation officer slapped P47. P47 explained that the prison guard was the one who took him inside the room and the officer came after ten minutes. The interrogation officer was also the one who gave P47 ten minutes. The same person came back after ten minutes and when he saw the blank sheet of paper, he slapped P47. The person himself slapped P47. He was opposite to P47 and talked and took notes.

Kerber asked who pulled P47 up: the guard or the interrogation officer. P47 said the interrogation officer kicked his head and when P47 sat on the chair he told him to write down the names. P47 asked if it was clear now.

Kerber recaptured that P47 was lying on the floor when the interrogation officer kicked his head. P47 was then given ten minutes to write down names and sat on a chair but did not write anything. Then, the interrogation officer left the room. P47 intervened, saying he did not know where the interrogation officer was.

Kerber continued, concluding that after ten minutes the interrogation officer came back, or P47 noticed he was there. P47 confirmed, saying the officer walked towards him and noticed that P47 had not written anything. P47 sat on a chair and the officer pulled him up and slapped him.

Kerber said she now understood everything. P47 continued to explain that “he” [guard] asked whether he should take P47 with him. The interrogation officer affirmed. P47 said this was when he thought that torture would start now but he was just taken back downstairs, and nothing happened. After two days he was transferred to another Branch.

Kerber wanted to know whether the interrogation officer had a certain dialect. P46 said he spoke in Alawite slang. P47 continued that after that he was taken to Najha branch. On his way to Najha branch, he was taken outside where green buses were waiting. Detainees were taken to the buses in groups.



P47 said this was when he recognized a person who was working at the Branch [Al-Khatib]. He was P47's neighbor. When he saw P47, he asked him why he was there. P47 asked him to inform his parents where he was, however, he told P47 he could not do anything for him and left. P47 told the court that he was not wearing blindfolds or anything like that on the way to the buses, however, he was told to lower his eyes.

P47 sat at the very back of the bus on a slightly higher position. He did not dare to look outside the window. P47 described to the court that, viewed from his position at the very back of the bus, the door was on the right side. With his left eye he could look to the side where he saw four people. P47 assumed one of them was Anwar Raslan. He was standing there together with two other people, the third one was P47's neighbor. P47 said he was then taken to Najha. He said it was at the time when the UN wanted to inspect Syrian prisons.

Defense Counsel Böcker intervened, asking P47 where he was taken to. P47 said he was taken to Najha.

Kerber asked whether it was at the time when the UN sent observers and told P47 to describe what happened next. P47 said when they arrived [detainees arrived at Najha] they arrived in around ten buses. P47 could hear shots and the detainees were told to stand in lines. P47 told the court he could constantly hear shots. And when he arrived, he could hear the order "Load. Shoot". P47 said when it was his turn – everyone had to line up at a wall – and he heard the order "shoot" he thought he would die. He and the other detainees then realized that nothing happened and they were taken to their cells.

Kerber concluded that there was the order to shoot, and someone shot. She then asked P47 what happened next when he was in detention. P47 said he was not in a regular cell. There were around forty people in the cell and when the door was opened, one could only see shoes piled up in the cell. P47 was then taken to a different cell where apparently no one was detained. P47 was told to clean and remove the spider nets. He stayed at this cell for seven days and was not beaten. P47 said that detainees of course had many diseases. Some had issues with their eyes, others had skin conditions and scabies. P47 was then taken to Kafar Souseh and when he arrived he was told that he would not be tortured but that it would rather be a disciplinary measure. The detainees had to put their belongings in bags at the first divisions and hand them in at Kafar Souseh.

After three or four days at Kafar Souseh, P47 was taken for interrogation. According to P47, there were not as many people at Kafar Souseh than "there" [at Al-Khatib]. The interrogation officer told P47 he would be at the end now. P47 asked him what they wanted him to do; whether he should lie or tell the truth. He was told that the truth would be in writing down the names. P47 said there were no names and asked where he should take them from. The officer then told P47 that if he would not provide any names, he would not get out. If he would, however, provide names, nothing would happen to him and he would not be beaten. P47 said there were no names, and he was beaten. One person asked "Sidi, should I take him until he confessed?" but the officer denied, saying P47 would confess right where he was. When P47 did not confess, he was again beaten and taken to a bathroom where there was a small edge, and he was thrown in this tub. One person gave the order to attach power and when the electricity hit, P47 fell unconscious. P47 said he got an electric shock through the water.

Kerber asked if there was a hole in the floor around five centimeters which was filled with water and where P47 had to stand. She asked P47 if he was standing or lying. P47 said he sat at first and then lied on the side.



Kerber wanted to know whether P47 got the electric shock there. P47 affirmed, saying that when he heard someone saying “turn on the power” he did not expect that there was electricity for torture but regular power. He told the court that he did not know for how long he was lying there. He was then taken back to where he was before. The officer told P47 that what just happened would be nothing and that he wanted to help. The officer further told P47 to listen to him since once P47 would leave this place, he could no longer do anything for him. P47 told him that he did not have any names, and only knew one person who was at demonstrations and one of his cousins on his father’s side of the family participated in demonstrations. P47 explained to the court that one name that he mentioned was the name of a friend who indeed participated in demonstrations but was killed at a demonstration. His cousin was also killed when “they” [government forces] came to their region. P47’s cousin was tortured, and his face was mistreated. When “they” threw him away, the family identified his body, not his face.

Kerber asked P47 to describe how he left Kafar Souseh before the court would take a break. P47 recalled that there was an elderly man in his cell. He died because of diabetes and hypertension and did not get any medicine. He was already dead for one day before his corpse was taken away. He was arrested because “they” wanted to make his son turn himself in. P47 said he could see what was happening in the cell opposite to his. He could hear many screams from his cell and beatings. P47 further described that a 17-year-old boy from Latakia was detained in the same cell as well. He was arrested because he had no ID with him. P47 said it did not matter if people were juvenile or not.

P47 said after he mentioned two names he was taken back to his cell. He told the court he does not want to talk about torture of fellow detainees as this would be already known. P47’s name was called and he was told to prepare for release. He and six or seven other detainees packed their belongings. P47 was told that they were released on an amnesty from Bashar Al-Assad. He was further told that this would be his last time at the branch, things “would look differently” the next time. P47 said when he picked up his belongings, he realized that he was in a workshop/garage. There was some kind of crane. He thought he was at a workshop/garage because there were hooks and chains as well. P47 said people there received different kinds of beatings and it was obvious that the people working there drank alcohol. One person was hanged, another one was subjected to the *German chair*. P47 did not have to wear blindfolds at this place. P47 was sat on a table and beaten and tortured with *Doulab*. P47 said it was very loud and one could hear echoes from everywhere.

Kerber asked P47 what he meant by echoes, for her it would be what comes back if one shouts. P47 affirmed, saying that people were screaming and one could hear their echoes again and again.

Kerber concluded he was in a big garage. P47 affirmed, explaining that garage in Syria would rather mean a big place.

Kerber said it was more of a big hall then. P47 said he called it garage because of the cables which were typical for a workshop. P47 added that he forgot to explain earlier when he spoke about interrogations that he had to sign several blank sheets and leave his fingerprint. Since he was blindfolded, he was not able to see what he was signing. P47 said he was then released to the streets barefoot.

Kerber wanted to know how P47 got back home. P47 said he took a taxi. Friends of his were released as well. They waited for him, and they took a taxi to [REDACTED].

Judge Kerber announced a 15-minute-break.



[20-minute break]

Questioning by Judge Wiedner

Judge Wiedner said he had a few follow-up questions for P47. He first wanted to get an overview of P47's time in detention and asked him to tell the dates and durations of his detentions. P47 assumed he was detained for around eight days.

Wiedner asked for the dates, adding that he wanted to know when P47 was arrested and when he was transferred from Division 40 to Branch 251. P47 said he thinks he was arrested on June [REDACTED] and taken to Division 40 where he spent one night before he was taken to Branch 251.

Wiedner asked when P47 was approximately taken to Najha by bus. P47 said the exact date would be June [REDACTED] but he was not entirely sure.

Wiedner recalled P47 telling the police that he was arrested on June [REDACTED], as he just said in court. P47 had further told the police that he was transferred [from Al-Khatib] on June [REDACTED] 2012. P47 told the court that he could not remember the exact dates, he was just doing the math: he was arrested on [REDACTED] June and spent around one week at Al-Khatib.

Wiedner asked whether there was mistreatment in connection to P47's transfer to Al-Khatib from the moment he left the vehicle until he arrived at the cell. P47 asked whether Wiedner was talking about Najha.

Wiedner denied, explaining that that he was talking about the transfer from Division 40 to Branch 251. He added that the court heard from other witnesses about a reception, a so-called "welcome party". P47 said that he himself was not tortured "there" and that he was not tortured on the way.

Wiedner asked P47 to describe the premises when he first entered the Branch and handed in his belongings. Wiedner told P47 to describe his first impression of when he arrived at Al-Khatib prison. P47 said what he could remember is that he had to take a few steps downstairs and then turn right. There were cables and torture tools hanging on the wall to the right. Directly opposite was a desk and an officer whom P47 had to hand over his belongings.

Wiedner wanted to know what kind of torture tools P47 saw. P47 said he did not know exactly; they were hanging at a wall. There was duct tape on the wall, and cables were attached to the wall with a band. There were four or five items, cables and a stick. P47 said this was what he saw before he was taken to the cell. He first only knew the area on the right as this was the way to the community cells. According to P47, there was a room directly behind the desk. The room had an open door/no door. When P47 asked one of the guards about staying in the same cell as his friend, he was following his friend, and came to a corner with an iron door. There was a long corridor and P47 turned to the right. When the guard yelled at P47, he went back.

Wiedner asked if there was a physical examination or physical frisking at the beginning and if so, how it was conducted. P47 said of course, they had to strip naked and then squat and stand up several times and their stomachs were frisked.

Wiedner asked if the detainees were completely naked and did not wear underpants. P47 affirmed, saying they all had to undress together and everyone saw each other.



Wiedner wanted to know if there was some kind of sexual abuse, mistreatment or humiliation at Al-Khatib. P47 there was no such thing for him personally. However, he heard how someone said during an interrogation “let him sit on a bottle”

Wiedner asked what P47 thinks happened there. P47 said to him it sounded like coercion and rape.

Wiedner wanted to know if other detainees at Al-Khatib told P47 about torture methods and mistreatment. P47 said of course they exchanged experiences. Many people who came to the cell said they were undressed, and cigarettes were stubbed out on their ass. P47 said someone who would now live in [REDACTED] was detained together with him. According to P47, the wife of one detainee was taken to the Branch and had to undress in front of him.

Wiedner wanted to know about other torture methods, if someone told P47 about anything else than beatings. Wiedner further asked P47 if it was the same in Kafar Souseh. P47 said to be honest he did not see anything, but he heard the screams and beatings. Some people lost their minds. P47 remembered a person who cursed the soul of Hafez Al-Assad. He was taken and beaten, and blood was all over his body.

Wiedner asked if P47 heard screams without a break. P47 confirmed.

Wiedner asked if he also heard it when he was taken upstairs for interrogation. P47 affirmed that he also heard it upstairs.

Wiedner asked if P47 saw or heard people saying that they were hanged. P47 said he saw it in Kafar Souseh. He spoke about it with fellow detainees and saw it in Kafar Souseh.

Wiedner asked whether he did not see it at Al-Khatib. P47 denied, saying he was told about it when in the community cell.

Wiedner asked if that was at Al-Khatib. P47 confirmed, adding he saw it [people being hanged] at Kafar Souseh. In Al-Khatib he was told about it a lot. One person who came from Harasta was hanged so that his toes could barely touch the floor. This was told to P47. P47 said he knew the people from Harasta. Around ten of them came to Al-Khatib. P47 spoke with them because they knew each other. According to P47, they were accused of being terrorists.

Wiedner said he had a question regarding the general detention conditions at Al-Khatib, specifying he was referring to the cell alone. He told P47 that if he could not differentiate [between what happened at Al-Khatib and at other prisons] he should just tell the court. He asked P47 about the food; what they got and if it was sufficient. P47 said as he already told the court, there was a 20 square meter room with around one hundred people inside. Regarding food, there was one plate for eight people. The bread was old and bad, and one could barely swallow it. They also got olives and a small piece of Halwa. P47 said this was at Al-Khatib. He added that to be honest, he forgot most but this was what he could remember.

Wiedner said it would be sufficient and thanked P47. P47 added that detainees were only wearing underpants. There was no air [inside the cell] and people got scabies. It was very hot and detainees undressed voluntarily, they were not forced to.

Wiedner wanted to know if people were wearing shoes. P47 said there were shoes in the community cell, but no one was wearing them. They used them as pillows.



Wiedner asked how people slept. P47 described the sleeping position as either cowering or “T-form”. P47 said the latter would be how swords were stored to save space. In case of detainees it was sleeping feet at heads. P47 added that there was little space and many people slept at the toilet which was inside the collective cell. Everyone who wanted to use the toilet had to do so in front of the others.

Wiedner asked if there was light inside the cell or shining through a window. P47 affirmed that there was a window with bars at the door of the cell. Light was shining through this window.

Wiedner asked if the window was open to the outside or covered. P47 said at Al-Khatib there was an opening to the outside at the toilet. It was at the toilet but not showing to a street or something like that but to other buildings of Al-Khatib Branch.

Wiedner asked P47 about injured fellow detainees and whether they received medical treatment. P47 said to be honest, as he already told the court, people died inside the cell and no one came.

Wiedner said this was, however, not at Al-Khatib. P47 affirmed, saying it was at Kafar Souseh.

Wiedner said he only wanted to know about Al-Khatib, asking P47 about the health condition of his fellow detainees there. P47 said detainees at Al-Khatib often had open wounds or inflammations which one could clearly see. Whoever requested medical treatment was taken outside and punished. P47 said he and others noticed the ‘treatment’ happening outside.

Wiedner asked if a doctor came, and people could go to him. P47 denied, saying it did not happen at his cell.

Wiedner said he did not necessarily mean that it happened inside the cell but rather people could go to see the doctor. P47 said he did not hear about it. He said they used the saying “Die before you request medicine”. One would not have gained anything from it [requesting medicine]. People would instead be taken, beaten, and eventually died.

Wiedner asked about cases of death at Al-Khatib. P47 denied having seen any.

Wiedner wanted to know if people were able to wash; if they had soap or other supplies. P47 said he wanted to say something: One of the detainees smuggled a piece of soap inside the prison. P47 did not know how it happened, but the guards eventually found out. They knew that there was soap inside the collective cell and they knew who had it. However, they punished everyone inside the cell, only because of a piece of soap. P47 described how everyone had to stand in front of a wall and they all were all doused with water. This happened only because of a piece of soap. P47 said this happened in the morning hours at around 4AM. Even the elderly detainees were taken and one of them cried until the food came.

Wiedner told P47 he should tell the court whenever he needed a break. He went on to ask P47 how many times he was interrogated at Al-Khatib. P47 said he was taken two times and interrogated once.

Wiedner recaptured that the first time P47 was taken upstairs, had to wait, but nothing happened. The second time he was taken upstairs and interrogated. P47 confirmed, saying one time he was interrogated, one time he was not.

Wiedner recalled P47 being questioned by the German police in July which was also transcribed. According to this transcript, P47 did not provide information to the interrogation officer. The interrogation officer therefore said he would give P47 two days before he would be interrogated again. Wiedner asked P47 if this would be correct or not. P47 explained it did not happen at Al-Khatib. There he was once taken upstairs, not interrogated, and taken back downstairs. At the second occasion he was interrogated and given time to write down names. He did not have two days for that.



Wiedner concluded that he was given time during an interrogation. P47 confirmed.

Wiedner asked if P47's family tried to get him free by bribing people. P47 said of course they did.

Wiedner asked P47 what he would know about that, what he was told about it. P47 told the court that what happened was that when P47 was arrested, his family knew that he was at demonstrations, cooperated with coordination points, and took films, some of which were shown on Al-Jazeera. According to P47, there were two personalities who were relatively well known: Dib Zaitoun, head of Political Security at the time, and Mohamed Khalouf. P47 said his family knew these people through his father and brother who knew them well. They tried to contact them, hoping they could get P47 free. According to P47, his father was told that they could not help him to immediately release P47 but speed up the process. They said if there was nothing against P47, he would be released soon.

Wiedner asked if money was paid. P47 confirmed.

Wiedner asked P47 if he knew how much was paid. P47 said it was paid in installments. Installments one and two were paid and the third when he was released. P47 said there was an intermediary who was paid seven or eight million Syrian pounds.

Wiedner asked P47 if his family knew where he was and if they asked about his whereabouts. P47 said they asked but were not told anything. They were only told that if there was nothing against him, he would be released. They could only speed up the process, so no one would be hurt – meaning P47 would not be tortured. P47 said he noticed that since he was at four different Branches within one month. Others were not even interrogated in this time.

Wiedner wanted to know if P47 knew whether his family made enquiries at Al-Khatib Branch. P46 said they asked at all branches. They were always told he was not there. His family did not know where he was until he was released, even though his neighbor saw him.

Wiedner recalled that when P47 was transferred and left Al-Khatib Branch, he saw a person whom he connected to Anwar Raslan. Wiedner asked P47 to describe what this person looked like. P47 said he was tall, had a beard and wore a suit. P47 said he knows the name, he was his neighbor. He had "hair in the middle but was bald on the sides." He was dressed in black.

Wiedner asked if this was the same person whom P47 mentioned earlier in connection to this trial, the person who was standing together with a group. P47 said it was the same, the exact same person. He added that he knew the name but would not tell it publicly in court but that he could provide the name to the court.

Wiedner asked if P47 was talking about his neighbor. P47 affirmed, saying this person volunteered to work for the intelligence services, P47 only learned that after the revolution. He worked for the Air Force Intelligence.

Wiedner said he would try it differently: he recalled that P47 was questioned by the police who also showed him pictures. He asked P47 if he could remember. P47 affirmed.

Wiedner asked whether P47 recognized a person on this occasion or recognized similarities. P47 said there were multiple persons. He recognized one person in one picture. When he said this picture would be similar to the scene on the bus and connected [P47 did not finish the sentence]

Wiedner asked P47 who this person was. If it was his neighbor or someone else. P47 asked who Wiedner was talking about. He said he previously spoke about his neighbor but the person in the picture was someone else.



Wiedner asked where P47 had seen this person before. P47 said he saw him when he was on the bus.

Wiedner asked P47 to describe this person and describe which characteristics he recognized. P47 said he could allocate the person due to the birthmark “at this spot” [The trial monitor could not see where on his face P47 was pointing at]. He was wearing black clothes. The person in the picture was also wearing black clothes.

Wiedner asked P47 to describe the situation and tell where the other people were. P47 said he would explain to the court [P47 was describing the scenery with his hands on the table in front of him. The trial monitor was unable to see where P47 was pointing]: The door of the branch was “there”, the bus was “there”, and the street was “there”. Cars parked in “this” area from the door to “over there”. “There” was a car and the officer was standing in front of it. “this” area was empty. “there” were a few employees and flowers. People left through the door, had to gather, and stand next to the flowers. This was where P47 saw his neighbor. P47 said this was what he observed from the bus and asked whether he should describe the person.

Wiedner said he remembered P47 mentioning a group of four officers and asked him how he was able to tell that they were officers. P47 said he did not hear anything but it looked like someone was giving orders and talking to the soldiers.

Wiedner asked whether the person from the picture was there as well. P47 confirmed, saying he was there, he would be 80% sure about that.

Wiedner asked P47 to turn right [to the defendant’s bench] and say whether he recognized someone. P47 said he thinks the person would look a bit differently now.

Wiedner wanted to know what looked different now. P47 said the person had more hair and the face was thicker. He only saw the person for a short moment. P47 said he would not be sure whether this was the person he saw or not.

Wiedner asked whether P47 was consequently not sure. P47 affirmed, adding that the birthmark was, however, the decisive factor to make him say he knew the person.

Wiedner thanked P47. Kerber asked P47 whether he needed a break. P47 denied. When asked by Kerber whether they needed a break, the interpreters denied.

The Prosecutors had no questions for P47.

Questioning by the Defense Counsels

Defense Counsel Böcker said he wanted to make a reference to the transcript of P47’s police questioning. The interpreter next to P47 said P47 just told him he needed a short break “to go somewhere”.

[2-minute-break for P47 to use the toilet]

Böcker said he wanted to cite from the transcript of P47’s police questioning when P47 spoke to the police about picture No.2, he said that he recognized the person in picture number two. He previously saw him when he was detained at Al-Khatib Branch. He only saw him once. Böcker asked whether this would be correct. P47 said to be honest, it would be correct that he saw him at the Branch. However, he later saw a picture on the internet.



Böcker asked P47 if he saw the person another time before his testimony in court. P47 said he just saw the person right now.

Böcker recalled that when the police asked P47 how certain he was about his identification, P47 told them he was 60-70% sure that the person in picture No.2 is Anwar Raslan. Böcker asked if this was correct. P47 confirmed, saying if the police would note it like that, it had to be true. [Parties, Judges, and audience started laughing].

Böcker said at the bottom of the next page of the transcript it was noted that the police asked P47 what Anwar Raslan's profession was in Syria at that time. P47 the told the police that before his encounter with the trial in Koblenz, he did not know anything. He only knew that there was a head of the Al-Khatib Branch. P47 confirmed it to the court.

Böcker further recalled that when P47 was asked if the person in picture No.2 would be the head of the Branch, he said he did not know. P47 said this would of course be correct since he did not know anything about "him" [Raslan].

Böcker said that on the previous page of the transcript, P47 was asked what the name Anwar Raslan would mean to him. P47 then gave an answer which was not clear to Böcker: P47 said if they [police] would have asked him this question before, the person would not mean anything to him. However, now he would. Böcker added that he could make a more exhaustive reference if needed, in case P47 would be unable to remember from this short reference. P47's Counsel Bahns asked Böcker to make the complete reference.

Böcker said he would prefer to try it like that before he would make the long reference. Böcker repeated that P47 told the police that if he would have been asked that question before, the person would not have meant anything to him, but now he would. Böcker said he would like to know what P47 meant when saying 'now he means something to me.' Böcker further said he could provide more context to P47 if he could not remember. P47 asked the court what Böcker wanted to know from him; if he wanted to know what Raslan means to him.

Böcker said the sentence would be written in the transcript and P47 would be able to explain it. P47 said he can of course explain: he knew nothing about Anwar Raslan, therefore he did not mean anything to him. But if he had a function and P47 knew that in this capacity he was able to kill or release people, then he would have a problem not only with this person but others as well.

Böcker said OK, asking P47 if he was only referring to Raslan or in general when he would learn such a thing [that someone had certain competencies]. P47 explained that no matter if Raslan or others did that, "we" would all be children of Syria. If people knew that someone would do such things...Everyone in Syria would know that such an employee could make a difference. P47 said he was talking about the entire system as one entity. Raslan was a limb, a part of that system. P47 explained that he in general does not have issues with people he does not know. But if he knew that a person was "there" and did something, he would have a problem. P47 said he knew from a friend that "he" [Raslan] was the head of investigations. Many of P47's friends had to endure torture at Al-Khatib. P47 said he saw the situation himself. He therefore of course changed his mind when he learned that "he" [Raslan] was the person in charge of arrests.

Böcker said he wanted to come back to his question and recalled P47 telling the police that if they had asked him that question before, he would not have meant anything to P47, but now he would. Böcker said P47 provided a long answer in court and Böcker understood from that: before, I did not know anything about Raslan but when I heard things about him, things were different. P47's Counsel Bahns said this is exactly how one could understand his client's statement.



Bahns added he was there when P47 was questioned by the police and could confirm that it was all about the name. Böcker said he would not need further references now, things would be OK for him.

Defense Counsel Fratzky recalled P47 telling the court at the beginning of his testimony that he is working for an organization and taking care of refugee children. Fratzky asked P47 if that would be correct. P47 said he would not work with children but Syrians, asking Fratzky what he meant by “children”.

Fratzky recalled that P47 was working two different jobs and asked him to provide details. P47 said he did not want to talk about that, asking why Fratzky wanted to know about that. [P47’s Counsel quickly spoke to him] P47 said he did not want to talk about that because he did not know that it would become public. He added that information from the trial would become public and people would then be threatened. P47 said he told the police what and where he worked but would not like to answer the [Defense] Counsel’s question because he knew what the aim of the question would be.

P47’s Counsel requested a break.

Judge Kerber told Defense Counsel Fratzky that if he wanted to ask about P47’s connection to a specific person, he should ask the question like that.

Fratzky asked P47 whether the name Al-Bunni was familiar to him. P47 said of course it was.

Fratzky asked P47 to explain whom he would connect to this name and if he was in contact with this person. P47 affirmed that he had contact with this person and that he was related to this person due to his own work. P47 said he already mentioned that he knew what Fratzky was suggesting with his question. He knew that he wanted to talk about Al-Bunni. P47 asked in how far it would be Al-Bunni’s fault that all persons who would come to the court were detained there [Al-Khatib].

Defense Counsel Böcker said this would not be question time going both directions, adding he would not like to be asked counter questions. P47’s Counsel Bahns told Böcker he would not appreciate such instructions and requested to talk to his client. Böcker replied this was not an instruction but a friendly address. Presiding Judge Kerber intervened saying that since everyone wanted the same thing, the court would have a five-minute break.

[10-minute-break]

Kerber asked if there would be any unanswered questions.

Fratzky said he would have a few short questions to which he would also like to get short answers. Fratzky recalled P47 saying that he was connected to Al-Bunni and concluded that P47 was working for Al-Bunni. P47 said he would not work for him but with him.

Fratzky said the answer to his question would be “yes” then. P47’s Counsel denied. P47 added he works with Al-Bunni.

Fratzky wanted to know when P47 met or spoke with Al-Bunni the last time. P47 said it was the day before.

Fratzky asked if on the day before they also spoke about the topic that was discussed in court on this very day. P47’s Counsel Bahns intervened, saying there would be a client relationship between P47 and Al-Bunni.



Fratzky said he was not aware that Al-Bunni was admitted to practice as a lawyer in Germany. Bahns said an admission would be unnecessary for P47 to be represented by Al-Bunni in legal matters; P47 would also work with Al-Bunni.

Fratzky asked P47 if he saw a picture of Raslan, together with Al-Bunni or at Al-Bunni's. Bahns objected to the question. Fratzky said he upholds his question, requesting a decision on it. Bahns asked what exactly Fratzky's question would be. Fratzky asked whether P47 saw a picture of Raslan when he was together with Al-Bunni or when he was at Al-Bunni's place/office. P47 said he would answer: he would be in court on this very day to make his testimony and tell his story, far away from Al-Bunni. He did not tell his story to Anwar Al-Bunni. At the beginning, Al-Bunni did not know anything [about P47's story]. Regarding the picture, P47 said he did not see it anywhere, only once on the internet.

Defense Counsel Böcker recalled that when P47 did not want to answer a question he said that people were threatened because of information discussed in court. He asked P47 who would be threatened where and by whom. P47's Counsel Bahns said this would relate to the work his client was doing with Al-Bunni and through which he would be a person with access to confidential information.

Böcker said he would like to be dismissed as a Defense Counsel if he would have to work like that. He said he would ask his question in a more simple manner: he recalled P47 saying he had knowledge of people being threatened due to information discussed in court, and asked him if he knew that himself or heard from others. P47 said he actually does not want to talk about things that would be confidential. He could only say that indeed people in Syria would be threatened.

Böcker said P47 should have a better understanding for a constitutional trial. It would be an impertinence if one could not ask such questions in a trial like this. P47 said before Böcker would ask a question, he himself would like to answer a question. [P47's Counsel indicated he wanted to talk to him] Böcker denied P47's wish; Presiding Judge Kerber intervened saying that Bahns would already deal with the situation. [P47 and his Counsel Bahns had a short discussion.]

Böcker recalled P47 saying in court that he already knew that Fratzky wanted to talk about Al-Bunni. Böcker asked P47 how he knew that. P47 said there were many conversations among Syrians about the fact that many witnesses came [to the court/trial] through Anwar Al-Bunni. Everyone would know that.

Böcker said he would not have any more questions now.

P47 was dismissed as a witness. Kerber explained to him that he was free to leave, take a seat in the audience or stay on the witness stand while the court would discuss a few administrative matters.

Presiding Judge Kerber said regarding the analysis of the YouTube Channel [REDACTED] which Prosecutor Ritscher offered to conduct in one of the previous sessions: the court would now have the analysis. Kerber summarized that the BKA was not able to determine a connection [between the YouTube Channel] to Anwar Raslan or Al-Khatib Branch. Kerber said the analysis would be added to the case file and provided to the parties.

Kerber went on to announce that she would read out a Judges' Decision:

[The following is a recreation of the decision based on what the Trial Monitor was able to hear in court.]

Defense Counsel Böcker's request dated June 24 & 30, 2021 to access the file of the structural investigation conducted by the Office of the German Prosecutor General is denied.



The Judges denied the request for the following reasons:

- 1) According to CCI Deußing (the lead in investigator at the BKA) and the German Federal Prosecutor General, the structural investigation is an investigation which was started in September 2011 in connection to the Syrian conflict. It is an investigation into possibly prosecutable offences. The investigation includes several hundred files, a three-digit number of witness testimonies, and analyses of open-source material.*
- 2) Accessing the file in accordance to § 244 (2) StPO is not advisable. There are no evident reasons to believe that it includes further findings relevant to the Accused in addition to the public indictment issued on October 18, 2019. Neither the testimonies of police inspectors nor the testimonies of other witnesses or any other circumstances provided reasons to believe that the file would include further relevant findings. All additional investigations relevant to this trial were added to the case file by the Office of the German Federal Prosecutor General and the Federal Criminal Police Office. Files requested by the Judges did not indicate any relevance to this case. The request does also not indicate any additional findings.*
- 3) Without accessing the file, an inspection of the files is not given.*

The proceedings were adjourned at 12:37PM.

The trial will resume on September 1, at 9:30AM.