

**TRIAL OF ANWAR RASLAN**

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 58
Hearing Date: January 13, 2022

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹**Day 110 – January 13, 2022**

This was the last day of the Trial of Anwar Raslan at the Higher Regional Court in Koblenz. The Judges held that Anwar Raslan was guilty of being an accomplice to 27 murders, 4,000 cases of torture and severe deprivation of liberty, and three cases of sexual violence as crimes against humanity. The Judges found that, as head of the Investigations Division at Branch 251 of the General Intelligence Directorate in Damascus, Anwar Raslan was responsible for interrogations and prison facilities. The Judges stated that the Syrian Government conducted a widespread and systematic attack against civilians since at least April 29, 2011. They also said that detention conditions at Branch 251 qualified as torture. Anwar Raslan was sentenced to life imprisonment. The Judges weighed the mitigating and aggravating factors, and concluded that they could not find a particular severity of guilt. According to German law, Raslan can apply for parole after serving 15 years of his sentence.

After the announcement of the verdict, the Prosecutors said they were happy with the verdict. The Defense on the contrary, announced that it will appeal the judgment.

Trial Day 110² – January, 2022

The proceedings began at 10:17AM with seventeen spectators and nineteen journalists in the audience. More journalist followed the proceedings from a separate room where they listened to the audio broadcast. A crowd of journalist and cameramen also waited in front of the courthouse. Six cameramen took videos and photos inside the courtroom before the start of the session.

The prosecution was represented by Prosecutors Klinge and Polz. Plaintiffs' Counsel Scharmer and Mohammed were not present. Several Plaintiffs sat next to their Counsel.

The Court issued the following verdict:

[THIS IS NOT A TRANSCRIPT OF THE OFFICIAL VERDICT. It is a detailed summary of the oral hearing at which the verdict was announced.]

In the name of the people, the following judgment is delivered: The Defendant, Anwar Raslan, is found guilty of 4,000 cases of torture and severe deprivation of liberty, 27 murders, and three cases of sexual violence as crimes against humanity in accordance with [§7\(1\) Nos 1, 5, 6 and 9 VStGB](#). He is also found

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.

² 110 trial days include 2 trial days in the Trial of Eyad Al-Gharib after the two trials were severed in February 2021.



guilty of 27 murders, 25 cases of dangerous bodily harm, two sexual assaults and 14 cases of severe deprivation of liberty, two cases of hostage taking, and three cases of sexual abuse, one of which constitutes a particularly dangerous rape. The Defendant is sentenced to life imprisonment.

The cost of the trial, including the expenses of the Plaintiffs P48, P39, P34, P1, P22, P50, P11, P41, P12, P25, P19, P38, P42, P30, P27, P32, P33, P28, P16, P47, P44 must be borne by the convict.

After reading out the verdict, Presiding Judge Kerber announced that there will be consecutive Arabic translation for the entire session transmitted through the loudspeakers in the courtroom. She asked all parties to the case to wear their FFP2 COVID masks wherever possible, although there was no official order making that mandatory for the parties. [All parties followed Kerber's request.]

Presiding Judge Kerber went on to read out the reasoning:

[Note: the following is not an exact duplicate of the Judges' reasoning which was read out in Court. It is based on what our Trial Monitors were able to hear in Court.]

Introduction:

Before reading out the reasoning for the verdict, Presiding Judge Kerber said that this trial was conducted on 108 trial days. This number already shows that proceedings under the VStGB/CCAIL [German Code of Crimes against International Law] are particularly complex and require thorough preparation by the prosecutors. Kerber said she therefore wants to thank the BKA [German Federal Criminal Police Office], which the Court heard on several occasions, for collecting information and conducting investigations into the Syrian conflict together with its European partners for years now. She added that this trial would not have been possible without the tireless work of the BKA officers involved in the structural investigation into the Syrian conflict. Kerber recalled that these officers accompanied this trial for years and testified as witnesses and experts on several occasions. Kerber also thanked all parties to the case for their always professional and collegial behavior.

Presiding Judge Kerber further said she was compelled to comment on some of the Plaintiff Counsels closing statements. She explained that trials like this are impossible without witnesses. It was not without reason that the Court heard around 80 witnesses over the course of two years. Kerber said some of these witnesses testified in Court despite fear of their own and their families' safety being threatened by the regime. Presiding Judge Kerber said she owes all her respect to these witnesses. However, she recalled, the Court also had to watch as lists of witness' names were leaked to the press. She added that the Court then had to watch the panic of a witness who was approached by people who were not parties to this trial, prior to his testimony. In the end, the situation was harmless, and the witness testified despite his fear. Kerber said that several testimonies were affected by the deep insecurities of witnesses. She concluded that the decision-making in this trial would not have been easier if the trial was recorded because even the slightest suspicion that their testimonies were preserved in recordings would have caused insecurities among the witnesses.

Introduction:

Presiding Judge Kerber recalled that the Judges already found in [February 2021](#), that the Syrian government conducted a systematic and widespread attack against its civilian population at least since April 29, 2011. The evidence presented after this first verdict did not lead to any other conclusion. Kerber said, since the Defendant did not deny the situation in Syria in 2011 and 2012, she will only

briefly summarize the previous findings regarding the existence of a systematic or widespread attack during the indictment period. Nonetheless, it was necessary to also provide a short overview of the situation in Syria before Bashar Al-Assad's took power since that was the foundation for the systematic attack.

Kerber said that there are multiple ethnic and religious groups in Syria. She said that prior to the conflict, around 60-70% of the people in Syria were Sunni, around 11% of the people were Alawites. Nonetheless, the latter group has the most influence in politics and society. They represent the majority of officers in the military and dominate the Ba'ath party, the only state party.

Kerber further mentioned that Hafez Al-Assad gained power in Syria through a coup in 1970. When he died in 2000, his son Bashar Al-Assad took over. However, the repressive and autocratic regime in Syria already existed under Hafez Al-Assad. The state of emergency, which had been in place since 1963, broadened the competencies of the security forces. Arbitrary arrests of unfavorable people increased and they were detained in the prisons of the Intelligence Services. Despite the fact that torture was prohibited by the Constitution since 1971, it was frequently applied to extort information and intimidate people. Kerber added that people also died in detention as a consequence of the detention conditions and through direct killings. Kerber said the massacre in Hama, a city largely supporting the opposition, in 1982 was well known because Hafez Al-Assad used the military to bomb and kill thousands of civilians.

Kerber recalled that following his inauguration and a short period of opening, Bashar Al-Assad quickly returned to his father's policy in 2001. Political freedoms were restricted again, and members of the opposition were arrested. In doing so, Kerber said, Bashar Al-Assad built upon the intelligence apparatus of his father. The official task of the Intelligence Services was to defend against activities hostile to the government and fight terrorism and extremism. The actual task was, however, to surveil the population and suppress the opposition.

Course of the Conflict:

Kerber recalled that at the end of 2010, the so-called Arab Spring evolved, especially in Tunisia and Egypt. It eventually made its way to Syria. Hoping for more freedom, it increased the willingness of people to openly take to the streets against the government. The already established opposition, consisting of younger people, and those who were unable to economically benefit from the current system formed the biggest group of people on the streets. However, those who were upset by the government's violent actions and relatives of the people who were arrested and injured during the early phase joined the protests. According to Kerber, Sunni mosques were a symbol and point of gathering for the demonstrations which mostly happened on Fridays after prayers. Kerber said since the counter actions of the Alawite dominated regime focused on these locations, more and more Sunnis became upset. In February 2011, smaller demonstrations against corruption and poverty, and in favor of more participation rights, happened in different parts of Syria. They were peaceful and mostly remained undisturbed.

Judge Kerber further recalled that in March 2011, teenagers in Dar'a spray-painted slogans on walls. They were arrested, then showed clear signs of torture on their bodies once they were released. This led to more protests in other parts of the country. On March 15, 2011, one of the first major protests took place in Damascus. Three days later, on March 18, more protests followed in Dar'a, Deir ez-Zor, and Homs. Kerber said that violent actions against these protests led to multiple people injured and at least two people died. More demonstrations with thousands of people followed, particularly on Fridays. Security forces intervened by using tear gas and live ammunition. Kerber recalled that on



March 23, 2011, security forces shot at a demonstration in Dar'a and many people died. She said the same happened on April 1, 2011, in Damascus, rural Damascus, and Douma. According to Kerber, the demonstrations were, however, mostly peaceful, and only some individual protestors threw stones.

Judge Kerber went on to explain that the Syrian regime reacted to the demonstrations by using several strategies at the same time. The regime claimed that the protests were initiated by foreign countries with the aim to destabilize Syria. The regime denied killings and injuring people. It claimed that the protests were led by terrorists. At press conferences, the regime presented allegedly injured people to demonstrate the protestors' readiness to use violence. Kerber said, at the same time, Bashar Al-Assad apparently appealed to the protestors and announced that reforms will come, ended the decade-long state of emergency, and released prisoners. However, starting at the end of March 2011, the preconditions for a more violent approach by the security forces were established. Kerber said the Central Crisis Management Cell (CCMC) was already established in March 2011. The cell consisted of the highest-ranking officers, and its task was to directly support Bashar Al-Assad. The members of the cell were mostly heads of Intelligence Services. The cell set the strategy and gave orders on how to deal with the protests. At least since mid-April 2011, it was their aim to violently smash demonstrations in order to prevent the regime from being overthrown.

Kerber said that, in a meeting on April 18, 2011, the CCMC found that 'the phase of tolerance and cooperation [was] over'. It provided detailed orders, declared not to release any detainees, and if necessary, use the military to deal with demonstrations. Kerber said the CCMC met again on April 20, 2011, and found that 'it [was] necessary to start another phase. We have to win this battle by the use of armed violence.' The aim was to smash the protests at all costs: persecute, arrest, kill, and torture every protestor or any one close to a demonstration. Kerber called this "a de facto carte de blanche for the security forces, for their violent actions against protestors." She said that as a consequence, the numbers of civilian casualties significantly increased from March 30, 2011 onward. 200 people were killed by live ammunition on April 23, 2011. A couple days later the regime stormed Dar'a and cut the water and medical supplies. Many people died as a consequence. People also died at demonstrations in solidarity with the people of Dar'a, and some who tried to bring water and food to the citizens of Dar'a were also killed. In total, at least 200 people died. Kerber said that people also died in other parts of Syria by the end of April 2011. There were many raids and arrests in Douma. In the following months, demonstrations involving a six-digit-number of people happened, and state-led repression increased. Kerber concluded that until July 2011, a four-digit-number of Syrians had died due to state-led violence.

[The court interpreters swapped duty.]

Presiding Judge Kerber further recalled that Hama was stormed [by the military] at the end of July 2011 and hundreds of people died. In September 2011, Douma was besieged by the army and many people were arrested, in addition to critical infrastructure being cut. From September 2011 onward, demonstrations became increasingly fortified. The Free Syrian Army (FSA) was also founded, consisting of former military staff who defected from the regime army, and as a consequence, there were attacks on government held areas. The armed conflict between government forces and armed opposition started at the beginning of 2012, said Kerber. At the same time, peaceful, non-violent demonstration continued despite the use of live ammunition and increased violence used by, amongst others, *Shabiha* militias that increasingly engaged in crushing protests. Kerber said people were arrested and killed. If soldiers disobeyed orders to shoot at protestors, they risked being shot themselves.



Judge Kerber added that despite efforts by the Arab League to mediate, 2012 was characterized by increasing violence. There were still peaceful protests, but the armed conflict grew. Kerber recalled that in February 2012, the regime dissolved a peaceful demonstration in Damascus with the use of tear gas and sound grenades. One person died and dozens were injured. Also in February 2012, Homs was stormed and attacked with missiles multiple times. There was one massacre in this region which the regime claimed was committed by terrorists. The opposition accused the regime and militias. In March and April 2012, 95 civilians died in Idlib because of regime-led violence. Many others were arrested. Kerber recalled that in Houla, the hometown of the Defendant [Raslan], more than a hundred people died by the end of May 2012. 55 more people died close to Hama. At the end of July 2012, the Syrian military used live ammunition against civilians at the Syrian-Jordanian border, at least one person died. Kerber added that in August 2012, more than a hundred dead civilians were discovered in Damascus. They were killed during raids by the Syrian army. Kerber went on to explain that over the course of the conflict, militarization increased. The regime fired cluster and incendiary bombs at opposition held areas, FSA areas, and Damascus and its surrounding areas [Rif Dimashq, as Judge Kerber always said].

Kerber explained that these elaborations and the recreation of events were significantly based on the expert testimonies of [Ms. Thurmann](#), [Christopher Engels from CIJA](#), who also submitted the above-mentioned CCMC documents to the Court, [Christoph Reuter](#) and other witnesses.

According to the Judges, the intelligence services played an integral part in quelling the uprising. They were already a central mechanism under Hafez Al-Assad. Kerber explained that there are five Intelligence Services, amongst others, the General Intelligence Directorate [GID]. The Intelligence Services were divided into several Branches. Depending on their mandate, the Branches had their own detention facilities, where people were already tortured and sometimes killed when Hafez Al-Assad was in power. Kerber added that at least Branches 251 and 285 of the General Intelligence Directorate have detention facilities. Judge Kerber explained that Bashar Al-Assad adopted these structures. Since the uprising in 2011, the task, especially of the intelligence services, was to intimidate and exterminate the opposition. Starting in March 2011, people were arbitrarily detained, tortured, and killed. Kerber recalled one witness telling the Court that the government 'continued torturing people like an old habit.' Kerber said torture methods consequently included beatings with all kinds of tools and methods, such as with cables, *Falaqa* (people were beaten on their feet), hanging people by their wrists so that their toes barely touch the ground, a method called *Shabeh*, *German Chair* (people were attached to a wooden construction with their spines bent, *Doulab* (people being pressed into a tire and the beaten), electric shocks, burns, and sexual violence as a means of intimidation, including rape.

Kerber added that the detention conditions at all detention facilities of the General Intelligence Directorate were "catastrophic" and included malnutrition and lacked medical care. Arbitrary violence was a daily routine. Kerber explained that in the course of the uprising, the number of detainees in intelligence services' detention and dead people increased steadily. While the goal of arrests was previously to gain information, starting in 2012 at the latest, the main goal was to intimidate and liquidate the opposition. The Judges found that the conditions in the detention facilities continued to worsen. People not only died of torture, but starved to death and suffocated.

Presiding Judge Kerber went on to explain that the corpses of those who died in detention were collected at military hospitals. Shortly after the start of the uprising, military photographers were tasked with documenting the corpses. They had to take pictures of the corpses which were often naked or only dressed in under garments and were labeled with numbers. According to the Judges, this practice was to ensure that there was proof that these people were not actually released. From the collection point in Damascus and the surrounding area, the corpses were carried to Najha



[Cemetery] and Al-Qutayfa [Cemetery] by trucks, and “dumped” in mass graves. Kerber added that relatives of the detainees were almost never informed about the whereabouts and fate of their loved ones and did not dare to ask for information. This uncertainty was used to ensure people’s submissiveness.

Kerber explained that the above findings are largely based on the testimony of [Garance Le Caisne](#) who also told the Court about the experience of Caesar and his friend Sami. The Court also inspected the Caesar Files. The 26,938 pictures of at least 6,821 people were analyzed by [Professor Dr. Rothschild](#) who presented his forensic analysis in Court.

[10-minute break]

[One of Raslan’s Defense Counsels, Michael Böcker, left during the break and did not return afterwards.]

Branch 251, Investigation Division, and Division 40

Presiding Judge Kerber explained that the task of the General Intelligence Directorate, of which Branch 251 was also part, was to surveil Syrian citizens abroad and in Syria. Branch 251 was in charge of inner security in Damascus and the surrounding areas. With the beginning of the conflict, the Branch was used to fight the opposition in these areas. The Branch has its premises in the city center of Damascus, in Al-Khatib neighborhood, from which it also got the name Al-Khatib Branch. It is located near Baghdad Street in direct proximity to the Red Crescent Hospital. The premises consist of two buildings with at least three floors each and a yard in-between. There were offices and interrogation room located in these buildings.

Kerber described that in 2011 and 2012 at least one building had prison facilities in the basement, including different community cells and solitary cells measuring 1x2 meters. There was also a common room for the guards in the basement as well as interrogation rooms. According to Kerber, the prison area was extended in early 2012 with more facilities underneath the garden area, to provide more space for the increasing number of detainees. The offices of interrogation officers and other officers were located on the upper floors.

Kerber said Branch 251 was led by Brigadier General Tawfiq Younes in 2011 and 2012. Anwar Raslan was the head of the Investigation Division at the Branch until September 7, 2012. Division 40 was formally subordinate to Branch 251. The Division was in charge of street-operations. It was a rapid intervention force and in charge of raids, running checkpoints, searching houses, and quelling demonstrations. Kerber quoted a witness who told the Court that Division 40 was an ‘enforcement and fight gang.’ Kerber explained that despite a formal subordinate relation to Branch 251, Division 40 enjoyed some independence because it was led by Hafez Makhoulf, a cousin of Bashar Al-Assad. The Division has its premises in Al-Jisr Al-Abyad in Damascus, including its own detention facility. When Division 40 was in service, [its staff was] violently quelling demonstrations, dissolving them by shooting at protesters, hunting down the people who fled the scene, arresting them, blindfolding them, pulling their shirts over their heads, and taking them to the facilities of Division 40 or transferring them to Branch 251. Detainees were insulted, beaten, and humiliated on the way to these facilities.

When detainees arrived at Branch 251, they departed the vehicle at the inner yard of the Branch, said Kerber. They then had to endure the so-called welcome party. Kerber explained that this procedure was only skipped in cases where new detainees arrived alone or in a small group. She said detainees

were usually severely beaten by guards with fists and different objects. According to Kerber, some detainees were killed during this procedure. After the 'reception', detainees were taken downstairs to the prison's basement where they had to hand in their personal belongings. They had to completely undress until naked and perform the so-called safety move while naked. Detainees had to squat several times for the guards to frisk their body openings. Most of the time, detainee got their clothes back and only belts and laces were confiscated.

Kerber further described that after that, detainees were usually taken to community cells. However, since April 2011 these cells were so overcrowded that detainees had to take turns sitting down and sleeping, and were only able to stand up. They were only able to sleep when they laid down their head on each other's feet. According to Kerber, this practice was so common that it had its own name: the swords' way [à la swords]. Fresh air only came through a small gap underneath the cell door. The air inside the cell was extremely stuffy and so bad that there was not enough oxygen. Some of the cells had small windows showing to the yard outside. Other cells only had artificial light, which was switched on the whole time, so that detainees were unable to tell day from night.

Kerber added that some of the cells were equipped with toilets, which were inside the cell, without any separation from the rest of the room. Other detainees [who had no toilet inside their cell] were allowed to use the toilet twice or three times a day. Kerber concluded the hygienic conditions at the Branch were "catastrophic." Detainees were not allowed to wash, there were bugs everywhere. Many detainees suffered from skin infections, scabies, and infected open wounds. Injuries were mostly not treated. Food was insufficient and inedible which led to loss of weight and further exhaustion. In addition, detainees were exposed to the constant screams from torture which caused enormous stress together with the uncertainty. Some of the detainees lost their minds and even thought about committing suicide. The Judges considered these inhumane detention conditions to qualify as torture.

Presiding Judge Kerber went on to describe that usually one interrogation officer and one guard were present during interrogations at Branch 251. It was usually the guard who mistreated the detainees during interrogations. They thereby applied the various torture methods described above: detainees' feet were beaten until swollen, they were hung at their wrists, they were exposed to the German Chair, or they were burnt with boiling water. Kerber said that torture was applied whenever a detainee did not answer, or the interrogation officer did not like the answer. According to Kerber, explicit orders to torture were not necessary. Kerber added that at times, male and female detainees suffered sexual violence, including rape, touching and beatings of their genitals, or threats to be exposed to sexual violence and threats of sexual violence against family members. Detainee also had to witness others suffering sexual violence, for example in the hallways, where detainees were sexually insulted, threatened, and harassed. Kerber concluded that in a very few individual cases, detainees were not exposed to physical violence. This was mostly the case when they were famous or prominent figures.

Position of the Defendant within the Intelligence Services and Branch 251, and his Contribution

Presiding Judge Kerber explained that it was not the Syrian regime who was on trial, but the Defendant's individual actions for which he is individually liable. Kerber said she will therefore provide a brief overview of the Defendant's life and career.

Anwar Raslan was born in 1963 in Houla, Syria. After his high school diploma, he studied law at the University of Damascus. In his fourth year at the university, he started a training with the police on December 2, 1986, and continued his studies while doing the training. He became a sergeant with the police and at the immigration office in Aleppo, Hasaka, and Tartous for five years, and he successfully completed his law degree. Starting on August 22, 1992, Raslan attended a training for managers. He was awarded the rank of first lieutenant. As he completed his training as second best in his class, he



continued working at the police academy as an instructor. In early 1995, at the age of 32, Raslan was transferred to the General Intelligence Directorate due to his very good performance. He worked at Branch 251 for one year and a half, patrolling the embassy quarter. In mid-1996 he was transferred to Kafar Souseh Branch where he worked as an investigation officer. On August 9, 2008, Raslan was transferred to Branch 251 where he led the Investigation Division. His office was located on the first floor [EN: second floor] of the building of Branch 251. Investigation offices were located on the ground floor [EN: first floor] and the prison was located in the basement where Raslan had another small office. The Investigation Division had thirty to forty employees, including six or seven interrogation officers, transcribers, archivists, guards, and the Prison Director Abu Ali. Kerber said Anwar Raslan was superior to these people. He was in charge of the duty roster, supervising them, and deciding on workflows. His orders were followed by his staff.

Kerber added that the use of torture did not have to be ordered explicitly, since it was part of the five-decade long practice at the Intelligence Services. Raslan was also tasked to coordinate interrogations, especially regarding matters of who is interrogating whom and at what location. He conducted interrogations himself where he had a special interest, for example when the person had an artistic or intellectual background. The results of all interrogations passed his desk. He summarized them and forwarded these summaries to others. He also made recommendations to his superiors, including recommendations to release detainees. According to the Judges, Raslan proved to be a reliable, intelligent, eager technocrat. Due to his performance, he was sometimes called to Branch 285, a Branch specialized in interrogations. On January 1, 2011 he was promoted to colonel, the second highest rank at the Branch, one rank below the head of the Branch. Raslan was also called when important people visited the prison at the Branch. Over the course of the uprising, Raslan was given more competencies since the rising number of final decisions could not be made by a higher position alone. Kerber recalled [P56](#) telling the Court that when Raslan was asked to release a doctor, the person was indeed released after two days. [P53](#) also told the Court that Raslan's power was so great, he was able to release him two hours after he was arrested at a checkpoint once his uncle called Raslan.

Kerber added that Raslan, just like any Syrian, knew that the General Intelligence Directorate tortured and killed people. Nonetheless, Raslan was not dissatisfied with the General Intelligence Directorate, which offered him a social promotion after his transfer. Raslan decided to support the regime. The Judges found that this attitude did not change after numbers of detainees increased and in awareness of the devastating situation at Branch 251. Raslan was informed of deaths happening at the Branch and he knew that guards were torturing detainees outside of interrogations, beat them, and sexually harassed them. According to the Judges, Raslan at least recklessly accepted these circumstances.

Kerber recalled [P41](#) telling the Court that Raslan told a guard to 'cook him until ready.' Raslan considered the demonstrators to be scum and only bothered about their treatment when detainees were arbitrarily beaten and tortured, and it was no longer about the intellectually challenging task of acquiring information. This did not suffice his standards as an investigator. The Judges concluded that Raslan had his last day of work at Branch 251 on September 7, 2012 before he started at Branch 285 on September 9, 2012, where he kept working until his defection in December 2012.

Presiding Judge Kerber explained that it was necessary for her to address Raslan's first plea at this point. One must consider the plea as a partial confession with regard to Raslan confirming that he was the head of the Investigation Division at Branch 251 from 2008 onward. He also detailed that since the beginning of demonstrations, the regular number of detainees at Branch 251 rose from around 200 to more than 1,000. Kerber said Raslan admitted that he himself heard screams from torture, visited the prison, and knew that more and more detainees were transferred to hospitals.

[The court interpreters swapped duty.]



Kerber recalled that in his first plea, Raslan also claimed that he was not responsible for the detention conditions and the torture at the Branch. He claimed and essentially defended himself by saying that he did not agree with the approach of the regime to conduct arbitrary arrests. On the contrary, Raslan said he tried to help detainees wherever he was able to and facilitated their release. He claimed that as a Sunni, he had to listen to what Alawites told him. He further claimed to have been deprived of all his power in June 2011 when his deputy Abdelmon'em An-Na'saan took over his position. Kerber further recalled Raslan claiming that Branch 251 was actually led by Division 40, in particular its head Hafez Makhlouf. Raslan stated that the Division independently tortured people at the Branch. Raslan said he tried to be transferred back to the police, however, did not succeed with this demand. He also claimed that he was unable to safely escape together with his family before December 2012. Kerber explained that in his plea, Raslan also addressed individual witness testimonies. The Judges concluded that they do not follow Raslan's plea since there are no sufficient indicators that his allegations are correct.

Kerber recalled that [P5](#), a former security guard at Branch 251 told the Court that Anwar Raslan was the head of the Investigation Division at Branch 251 and that Division 40 was working on the streets and did not conduct interrogations at the Branch. P5 also said it was widely known that An-Na'saan was only Raslan's deputy. Kerber added that there are indicators leading to the conclusion that Raslan kept his position of power at Al-Khatib Branch in 2012, and that his power went beyond the Branch. Kerber recalled [P41](#) telling the Court that he was interrogated, amongst others by An-Na'saan and only when An-Na'saan thought he got all the information from P41 did he call Anwar Raslan. Raslan then gave the order to 'cook [P41] until ready.' Kerber concluded that this confirms that An-Na'saan was not only formally but factually subordinate to Anwar Raslan. Raslan's interest in intellectuals, VIPs, artists, and writers was also confirmed by many witnesses. [P49](#) testified that Raslan interrogated prominent people even after he had allegedly been deprived of his powers. Kerber said according to Raslan's own plea, he interrogated Syrian actress [see [TR#31](#)] in March 2012. This actress also explained to the German police that while she was interrogated by Raslan, a guard entered the room and informed Raslan using a code that someone died. The Judges concluded that even at this point [March 2012] Raslan was still in charge of the prison and was informed about what was going on at the Branch.

Kerber also recalled that [P16](#) told the Court that Raslan interrogated her in 2012, not in 2011. Another indicator contrary to the deprivation of power as claimed by Raslan, was the situation in Ramadan 2012, around August 2012, when Raslan was able to get P53 released at a checkpoint by a mere phone call.

Judge Kerber added that Raslan continued to enjoy certain privileges, such as a car, even after his transfer to Branch 285. At the end of 2012, he was a member of the committee deciding on matters of pension and travel for retired officers. Other members of this committee were three high-ranking brigadier generals. According to the Judges, one would not leave such topics to a person who was considered to be disloyal and who was not trusted.

Kerber added that other parts of Raslan's plea were also disproved by credible witness testimonies. She recalled that one witness [P18] credibly described how he tried to get information about P17's brother, something that Raslan continues to deny. Raslan's assertion that [P32's](#) sister was beaten by her father so that her headscarf got blood on it, was disproved by [P33](#). Kerber recalled that Raslan met P16 in 2012 and not in 2011, as he claims. The Judges found Raslan's plea to also be inconsistent. For example, Raslan claimed that from summer 2011 onward, he was only tasked with summarizing interrogations. But at the same time, he confirmed that he interrogated P11 in September 2011. He also interrogated [witness from [TR#31](#)] in April 2012.



The Judges also found it to “simply [be] incomprehensible that the regime would let a high-ranking officer whose loyalty was doubted remain in a high-ranking position within the intelligence services.” In addition, the Judges found it “incomprehensible that it was impossible for Raslan, unlike for other officers who defected before December 2012, to safely escape with his family.” Kerber said the plea is incorrect in this regard and adjusted to the defendant’s line of defense.”

[15-minute break]

Liability

Killings

Presiding Judge Kerber explained that after hearing all the evidence, the Judges found that 27 people lost their lives at Branch 251 during the indictment period, due to mistreatment. This number was determined as follows:

Eyad Al-Gharib told the BKA on August 16, 2018, that:

- between May and June 2011, he saw at least ten corpses being transferred from Branch 251
- between July and September 2011, he saw at least one detainee being beaten upon his arrival at the Branch with an iron pole so severely that he immediately died

[P51](#) told the Court how two or three witnesses were taken to the Red Crescent Hospital one night, and how he had to confirm that they were dead. However, P51 was only able to narrow the time frame of this instance to sometime between April 2011 and June 2012. In favor of the Defendant, the Judges therefore assume that this transport of corpses from the Branch was also witnessed by Eyad Al-Gharib.

[P4](#) arrived at Branch 251 on June [REDACTED], 2012, where he was detained in a cell where

- one child died within the first nine days of his detention,
- and 13 other people died over the course of his detention.

P4 counted 13 cases of deaths because he had to leave his fingerprints on documents confirming the death of these detainees. P4 also witnessed one person being beaten on his throat so severely, that he died. The Judges concluded that all 15 deaths can be attributed to the Defendant, despite the Defense Counsel’s concerns relating to this testimony.

[P36](#) was at Al-Khatib Branch for the first time around July 19, 2012, where he saw

- ten people who died at the Branch due to mistreatment and torture.

P36 later saw a detainee from the Branch dying at the hospital from kidney failure.

The Judges found that because the timeframe during which P4 and P36 saw dead people overlapped, one can only count the additional case of death of the detainee dying at the hospital. Kerber added that since one can assume that the patients at this hospital received the required medical care, the Judges found that he did not die from the treatment there but due to the treatment suffered at Branch 251. The treatment at Branch 251 is therefore the cause of death of this person. Kerber concluded that so far, 27 cases of death relating to Branch 251 were determined.

Judge Kerber added that the Judges could not find more cases of death. She recalled that [FR17](#) who did not personally testify in court, told the French Police about two dead people he saw at the Branch.

However, during his interview with the BKA, he could not provide more detailed information due to emotional stress. The BKA interview eventually had to be terminated. The Judges were therefore unable to follow FR17's initial descriptions. Kerber added that FR17 also provided the Judges with several reasons for not testifying in Court. BKA officer Knappmann instead told the Court about his interview with FR17. However, the Judges were unable to examine the witness, especially with regard to his motivations to testify.

Kerber recalled [P46](#) telling the Court about one dead person he saw on his first day of detention at Branch 251 and three or four more dead people he saw during his second time at the Branch. He further testified that he saw two detainees from Branch 251 at Harasta Hospital where they died. Judge Kerber explained that P46's testimony "unfortunately showed a number of content-related contradictions and discrepancies compared to his police interview." The Judges were therefore unable to build a conviction on these statements. Kerber further explained that the Court was told about additional cases of death where the victims showed gunshot wounds. However, the Judges had to assume that these injuries causing death were caused outside Branch 251 and could therefore not be taken into account in this trial.

Torture

Presiding Judge Kerber said the number of people detained at Branch 251 during the indictment period and being tortured at the Branch pursuant to § 7 (1) no 5 VStGB due to the detention conditions, was at least 4,000 as the Prosecutors had determined.

Kerber explained that Raslan himself admitted that the prison at the Branch was always overcrowded. He said instead of 200 people which was the maximum capacity, there were never less than 1,000 detainees. There was no set detention period. Some detainees were held for a couple of days, other were held for several years. Most of the witnesses in this trial were detained for around three weeks. In favor of the Defendant, the Judges therefore assumed an average detention duration of two months. Given the 16-month indictment period, this led to a total of 8,000 detainees held at the Branch during the indictment period. The Judges conducted another conservative assessment and reduced the number of detainees by one half to a total of 4,000 detainees that were tortured at Branch 251 during the indictment period.

Crimes relating to the Plaintiffs

Regarding the time between April 29, 2011, and September 7, 2012, during which the defendant worked at Branch 251, the Judges made the following findings in relation to the Plaintiffs:

[The court interpreters swapped duty.]

[P48](#) was arrested in April or May 2011, at his place of work. The building was surrounded and stormed by security forces. 100 to 150 activists were arrested. P48 was taken inside a bus, his hands were tied behind his back. He was transported to Al-Khatib Branch and insulted and beaten on the way. Beatings continued until he reached the community cell where he could hear screams of torture. He was detained in this cell for around five days and was interrogated twice. During the interrogations, he was forced to lay on his stomach, put his feet up, and was beaten on his feet and back with a four-wired-cable.

[P39](#) was arrested on May [REDACTED], 2011, at a demonstration in Damascus and taken to Division 40. On the same day, he was transferred to Al-Khatib Branch where he had to endure the so-called welcome party. He was beaten and received electric shocks that caused him severe pain. After he was frisked, he was taken to a community cell that had two small windows facing the yard. For four hours, he was exposed to the screams of torture before he was interrogated. The interrogation was



conducted by two people, one of them was Anwar Raslan. At first, Raslan was kind because he assumed that P39 was related to a former Syrian President. But when P39 asked Raslan for the reason of his detention, Raslan called a guard and told him to 'get P39 out of here.' P39 was again taken to the community cell. During further interrogations, he was beaten on his back and feet with a cable. P39 was unable to sleep after this incident. He was then taken to a solitary cell. Once, a guard attached electricity to P39's body, poured water over him and tortured him with electric shocks. P39 was detained at Branch 251 for at least ten days. P39 is still receiving psychosocial treatment. He is unable to work, and still suffers from the consequences of the electric shocks.

[P34](#) was arrested at home at the end of July 2011 with his two brothers. They were taken to Branch 251 where they had to undress and were frisked. P34 was taken to a community cell where people had to sleep while standing. It was very hot inside the cell, and one could barely breath. The detainees inside the cell could hear how others were tortured with electric shocks outside the cell. During his interrogation, P34 had to kneel and was beaten on his back with a stick by a guard. After a few days, P34 was transferred to another dirty cell where there were 36 detainees, including P34 and his brother. P34 was held at Al-Khatib Branch for 11 days, and detained for a total of 26 days.

[P1](#) was arbitrarily arrested by the Syrian regime at Damascus Airport in August 2011. After two stops, he was taken to Al-Khatib Branch where he had to endure the welcome party. He had to hand in his personal belongings in the basement, undress, and was frisked. He could already hear screams of torture at this time. He was then taken to a community cell where he was only able to sit down because some other detainees made room for him. P1 was interrogated several times and beaten and kicked during these interrogations. One time, a stick was inserted in his anus and he was threatened that he would not experience life outside ["the Branch"] if he did not cooperate. He was also mistreated outside of interrogations. He was once hanged by his wrists until he fell unconscious. After two interrogations, he was taken to another community cell [solitary cell] that smelled from blood and mold. He was unable to stretch his legs when he wanted to sleep. P1 was detained at the Branch for around two months. He still suffers from nightmares and psychosocial issues and had to undergo surgery on his anus.

[P22](#) was taken from the hospital on August [REDACTED], 2011, allegedly only to be briefly interrogated. He was taken to Al-Khatib Branch where he was put inside a solitary cell with a small, barred window in the door. He had to stay at the Branch until November 2011. P22 was interrogated at least six times, beaten on his feet with cables, and slapped on his ear. P22 explained his relatively mild treatment with the fact that he was not accused of owning weapons. After 25 days, he was taken to a community cell where the number of detainees varied from 20 to 50 people. Detainees were only able to sleep when lying on their side and were given blankets that were covered in lice. Sometimes, he was able to hear screams of torture. P22 was scared but apparently not treated as badly as other detainees.

[P50](#) was arrested at his place of work close to Damascus on September [REDACTED], 2011 and detained at Al-Khatib Branch for around forty days. During this time, he was interrogated for around ten times. At the interrogations, he was forced to lay on his stomach, put his feet up, and was beaten on his feet. One time, P50 was told that he would be beaten 20 times and if the guards heard his voice even once during this procedure, he would be beaten even worse. The solitary cell was so horrible for P50 that he seriously considered committing suicide in detention.

[P11](#) was arrested at a demonstration on September [REDACTED], 2011. He was taken to Al-Khatib Branch where he had to stay for five days before he was taken to Kafar Souseh. On the way to Al-Khatib Branch, he was beaten and kicked. The only light in his cell came from a small window in the door. He was interrogated three times and beaten with several objects.



[P41](#) was arrested in October 2011 in Harasta and taken to Al-Khatib Branch where he had to stay for four days before he was taken to Kafar Souseh and back to Al-Khatib Branch where he then had to stay for at least two months before he was once more transferred to Kafar Souseh and eventually released. At Al-Khatib Branch, P41 was first detained in a community cell where he could not sit down. He was then taken to a solitary cell. He constantly heard screams of torture, especially in the solitary cell. He was interrogated several times. He was always beaten during interrogations and his hands were tied with some kind of belt. P41 still has issues with the nerves in his wrists. One time, An-Na'saan forced P41 to write down his CV. He was given paper and sent back to his cell. When he was taken back to the interrogation room, Anwar Raslan was waiting there alongside An-Na'saan. However, P41 used only one sheet of paper which An-Na'saan read before he gave it to Anwar Raslan. Raslan said 'he does not understand words, show him in a manner he understands and bring him back when he is ready cooked'. P41 was then taken back to his solitary cell where he was forced to stand up for three days. Every time he broke down, a guard came inside the cell, beat P41 up and told him to stand up again. More interrogations followed and he was transferred to another solitary cell. After a short detention at Kafar Souseh, P41 was eventually released in January 2012 before he was arrested once more in February 2012 and again taken to Al-Khatib Branch where he had to stay for two or three weeks and was again interrogated by An-Na'saan.

[P12](#) was arrested on October [REDACTED], 2011 by Division 40 and taken to Branch 251 after a couple of hours. He was detained at the Branch for ten to fifteen days. He was not beaten upon his arrival but had to undress and perform the safety move. He was taken to a community cell where 12 to 20 people were detained when he arrived. Later, 25 people were detained in this cell. Detainees were unable to sit down with only 15 detainees in the cell. The food they were given was sufficient for five people. P12 was interrogated around five times. He had to kneel during the interrogations and every time the interrogator did not like his answer, P12 was subjected to *Falaqa*, where he was beaten on his feet so heavily that he was unable to walk afterwards. One time, P12 was taken to a room with torture tools. The guard took tongs, opened them in a threatening manner, but eventually nothing happened.

[P25](#) was arrested on February [REDACTED], 2012, and taken to Al-Khatib by bus. He was so severely beaten with an iron pole that he fell unconscious for a moment. After the welcome party, he was taken to an overcrowded community cell where people had to lay on top of each other and where he could hear screams of torture. P25 also witnessed Abu Ghadab beating a detainee with a whip. P25 was interrogated at the Branch and beaten on his feet with a stick from which he still suffers today. He was detained at Branch 251 for ten days.

[P19](#) was arrested in February 2012 with her siblings. She was taken to a solitary cell where there were two sisters alongside P19. She could constantly hear screams of torture and was interrogated on three days. She was not beaten during the interrogations but beaten by the guard on the way to the interrogations. One time, the guard also touched her breast.

[P38](#) was arrested in February 2012 on his way to work. He was taken to Al-Khatib Branch where he had to endure the welcome party for more than one hour. After he was frisked, he was taken to one of the bigger community cells. However, there were around one hundred detainees in the cell, so people could only sit in a squatting position. Temperature and humidity in the cell were high. There were many injured and sick detainees. P38 had to bandage the toes of a detainee who suffered from diabetes. P38 was detained for around 18 days during which he was interrogated ten times at Al-Khatib Branch and was always beaten during these interrogations. At one interrogation, the interrogator told the guard to 'take this animal and teach him in a way he understands.' One time,



P38's wrists were attached to the bars of his cell door in the *Shabeh* manner, meaning his toes barely touched the ground. P38 was once kicked in his genitals. He still feels the consequences of that today.

[The court interpreters swapped duty.]

[P42](#) was working with the European Union when she was stopped at a checkpoint on March [REDACTED], 2012. Her personal belongings including her ID were taken from her and she was told to come to Al-Khatib Branch the next day. However, P42 was scared and only went to the Branch in late March or early April 2012. She was then interrogated everyday over the course of fifty days, but she was allowed to leave the Branch in between. She also had to stay at the Branch for at least ten days when she was detained in a solitary cell where she heard screams of torture. Her first interrogation at the Branch was friendly. However, she was then taken to the basement where she was mistreated. She was kicked and beaten and had to stand up for hours during interrogations. Her hands were tied, and she hung from the ceiling while she was tortured with electric shocks on her fingers, knees, and breast, and had to endure sexual insults. On one occasion, a guard pressed her face to his lap, but another guard told him to stop.

[P30](#) was working for a Syrian [REDACTED] when he was arrested on March [REDACTED], 2012. He first had to stay at Division 40 for one day before he was taken to Al-Khatib Branch. On the way, he was accompanied by two officers but was not beaten. However, as soon as he arrived at Branch 251, he had to undress, was beaten, and was insulted. He was taken to an overcrowded community cell with around 100 detainees inside. P30 described that he 'was pushed inside the cell and practically stepped on other people.' Detainees had to stand up. The cell was humid. There were lice, and the sick people were unable to breathe so other detainees fanned them with air. The only fresh air came to the cell through a small gap, which was only opened if the guards wanted the gap opened. Detainees smelled newly arrived detainees because they smelled fresh. P30 was detained at Branch 251 for 18 days during which he was interrogated eight times. At his first interrogation, he had to wait kneeling in front of the interrogation room for one hour. During his interrogations, he was beaten and tortured. He was also beaten on the way back from interrogations.

[P27](#) was arrested in May 2012 and taken to Al-Khatib Branch after several stops. He had to endure the welcome party and was frisked. He was taken to a community cell where he had to endure the usual conditions: overcrowded space, humidity, bugs, skin diseases, and other detainees' constant screams of torture.

Presiding Judge Kerber announced a short break to open the windows.

[10-minute break]

[P32](#) was arrested at a demonstration on May [REDACTED], 2012, on the same day as P33 was arrested. Together with other detainees, she was taken to Division 40 by bus. P32 was interrogated at Division 40 where she had to stay for ten hours before she was taken to Al-Khatib Branch along with her mother and seven other women. At Al-Khatib Branch, P32 could already smell urine and blood when she entered the building. P32 had to undress until naked and was frisked by a female nurse. At first, she was detained in a small community cell together with 17 other women. The blankets they were given were covered with lice. P32 was interrogated several times at the Branch. She had to endure various insults and threats. After one of the interrogations, she was hung in the basement and a hot liquid was poured over her body. One can still see the scar today. P32 was also tied to a plank and beaten. After a few days, she was taken to a solitary cell where the light always shined, and the blankets were

also covered with lice. She counted the days by putting olive seeds aside. She suffered from the loneliness so much that she demanded to talk to Anwar Raslan whom she knew from her sisters' detention. She was eventually allowed to meet Raslan, and he told her she would be taken to a community cell again. P32 was indeed at least taken to a solitary cell where her mother was detained. P32 was detained at Al-Khatib Branch for 23 days. Presiding Judge Kerber added that during her testimony in Court, P32's pain was clearly visible and she described sexual assaults by guards. However, the Judges cannot follow these descriptions because they were too different from what P32 told the German Police in her previous interview.

[P33](#), P32's mother, was arrested on the same day as her daughter and taken to Al-Khatib Branch. She was first taken to a community cell, then to a solitary cell after her first interrogation. P33 was insulted and threatened, but not physically mistreated. She was released after 23 days.

[P32 left the courtroom.]

[P28](#) was arrested at a checkpoint in May 2012. Upon his arrival at Al-Khatib Branch, he was forced to line up with other detainees. Facing a wall, they could hear sounds of loading rifles. However, they were not executed. After he was frisked, he was taken to a community cell which he described as a grave. The cell was overcrowded, and one had to take turns standing on one foot for several hours. The air inside the cell was bad and when the guards wanted to punish the detainees, they closed the hatch through which the only bit of fresh air came into the cell. The guards also arbitrarily started beating detainees. Most of the detainees suffered from skin conditions, abscesses, and fevers. The cell was dirty, and dirt and lice dripped from the ceiling with condensed water. After around one week, P28 was interrogated and arbitrarily beaten during this interrogation. A month later, P28 was transferred to Najha Prison where he had to stay for one week before being re-transferred to Branch 251. There he was taken to a bigger cell, but it was still an overcrowded community cell. It was one of the cells at the outside border, so one could see the sky. P28 found this cell to be better although he could still hear constant screams of torture. He was interrogated once more before he was transferred to Kafar Souseh from where he was eventually released in July 2012. He is still suffering from tinnitus and psychosocial problems today.

[The audience noticed that the court interpreter's voice was too low. They suggested that he use the built-in microphone and pulled it closer. Sound was better after that.]

[P47](#) was arrested at a park in May or June 2012. He was taken to Division 40 before he was transferred to Branch 251. Only dressed in boxershorts, he was taken to an overcrowded community cell. It was very hot and people had to 'sleep like swords.' After three days, he was taken upstairs but not interrogated. On this occasion, P47 wanted to go to the same cell as his friend. The guard first allowed him to but eventually ran after P47 and beat him until he was back to his initial cell. At a later point, P47 was indeed interrogated. He was beaten and threatened to be killed in case he would not provide information. P47 thought he would die. After seven days, P47 was transferred to Najha Prison.

[P44](#) was arrested by a patrol belonging to Branch 251 in early 2012, together with his uncle [note for the translator: his mother's brother] and cousin [note for the translator: son of another one of his mother's brothers] on their way home. They were taken to Al-Khatib Branch and P44 was beaten on his shoulder and suffered hematomas. After they were frisked, they were taken to a community cell measuring 3x3 meters. The cell was empty when they arrived, but later twenty to twenty-four people were detained in the cell. New detainees arrived every day. The cell was very humid, there was no daylight. After a few days, P44 was released thanks to his family's connections to a high-ranking officer and bribes being paid.

[Plaintiff Counsel Dr. Kroker left the courtroom.]



[P17's](#) brother was arrested mid or end of July 2012 and taken to Al-Khatib Branch. At the end of 2012, P17 was contacted via Facebook and told that his brother died at Al-Khatib Branch. Another witness, P18, said he met Anwar Raslan at Al-Khatib Branch and asked him for information about P17's brother's whereabouts. P18 was told that P17's brother died from kidney failure. When P18 requested to see the corpse, Anwar Raslan told him to just take any corpse. Presiding Judge Kerber added the Judges could not make secure findings on whether and how P17's brother died.

[P46](#) alleged that he was arrested on June [REDACTED], 2012 in Jaramana where he was hiding at a friend's house after he was tortured before. He further stated that, after he was taken to Branch 40, he was allegedly transferred to Al-Khatib Branch two or three days later. According to P46, he was then taken to Harasta Hospital due to his poor physical condition. At the Hospital, he claimed to have witnessed and suffered mistreatment by medical staff for nine or ten days. According to P46, he did not receive medical treatment at the hospital. He further stated that he was then taken back to Al-Khatib Branch where he had hot plastic poured on him. Presiding Judge Kerber explained that the judges were, however, not able to base a conviction on P46's statements. She said that P46 certainly suffered severe mistreatment, but the Judges could not make affirmative findings. There were too many contradictions in P46's testimony, particularly in relation to his previous police interview.

Legal Evaluation

[The court interpreters swapped duty.]

Presiding Judge Kerber explained that, as detailed above, Anwar Raslan was an accomplice and not a mere aider and abettor. Kerber explained that Raslan had a "significant personal interest in the completion of the crimes. He was a careerist who identified himself with the totalitarian regime and was able to work his way up." The Judges found that Raslan supported the regime as a loyal employee and that "if the regime would have been overthrown, Raslan would have lost his certainly well-paid and privileged position and probably faced repression in the form of persecution and liquidation." Kerber explained that this was not contrary to the fact that, in individual cases, he might have disapproved of the "exuberant brutality and rising number of arrests that complicated his work as an investigator."

Kerber added that Raslan conducted his work in collaboration with others. But he was "not so subordinate that one could consider him a mere small cog or a sole supporter of the regime." According to Kerber, Raslan was a Colonel at an important Division at one of the General Intelligence Directorate's distinguished Branches, Branch 251. "His contribution to the crimes was of significant importance." The Judges found that Raslan oversaw the interrogators who had to follow his orders. This is visible, for example, through the recommendations he made regarding the handling of detainees, including potential releases, that he was able to make. Kerber concluded that, ultimately, Raslan's actions had a significant impact on the overall crime. The Judges found that it was at least partly due to Raslan that the regime was able to suppress the opposition and prevent an overthrow. Raslan was aware of the situation and even after the massacre in Houla where, according to Raslan, some of his family members and friends were killed, he continued his work without visible external pressure. The Judges found that Raslan had knowledge of the overall crimes.

Kerber added that the Judges found that Raslan had the required intent. He knew about the conditions during interrogations and at the prison where he regularly went. He particularly knew about cases of death and that the guards had a free hand to torture the detainees, including through sexual assaults. He recklessly accepted all that.

Kerber said that "the Judges [had] no doubt about Raslan's guilt." He knew that the regime had resorted to increased torture and detention since the beginning of the conflict in 2011. It is not

apparent that Raslan was unable to flee at the beginning [of the conflict]. The Judges did not believe Raslan's elaborations on this matter. The defection of countless other intelligence employees indicates that it was indeed possible to safely escape at an earlier time. The Judges found that it was not unreasonable for Raslan to take this personal risk in order to defect. Kerber said the Judges are convinced that Raslan tried to hold on to his position until the last moment, and that the situation in Syria in December 2012, which 'was not easy' as P56 said, when the war was close to Damascus and one could hear shootings everywhere, was the actual reason why Raslan defected.

Criminal Acts

Presiding Judge Kerber summarized that the Defendant, Anwar Raslan, committed the following crimes:

He is an accomplice in committing underlying crimes as part of a systematic and widespread attack against Syrian civilians (§ 7 (1) VStGB). The underlying crimes constitute 27 cases of murder pursuant to § 7 (1) no.1 VStGB. These murders also fulfil the elements of the crime of § 211 StGB [murder] due to the Defendant's base motives. Kerber explained that this was because Raslan was interested in preventing the fall of the totalitarian regime with which he identified himself due to his years-long work. He wanted to fight the regime critics who he called 'scum' and accepted acts of murder to preserve the totalitarian regime and consequently remain in his position as a Colonel at the Intelligence Services, and to keep his wealth of power and privileges.

4,000 people were tortured in his custody, amounting to torture as a crime against humanity pursuant to § 7 (1) no. 5 VStGB. Kerber added that all 4,000 people were severely deprived of their liberty in violation of general rules of international law, amounting to severe deprivation of liberty as a crime against humanity pursuant to § 7 (1) no. 9 VStGB.

Further, one person, [P1](#), suffered particularly severe rape and two people, [P42](#) and [P19](#), suffered sexual assault. All three instances amount to sexual violence as a crime against humanity pursuant to § 7 (1) no. 6 VStGB. Judge Kerber explained that the frisking and undressing of detainees could amount to sexual violence pursuant to § 7 (1) no. 6 VStGB. However, the Judges did not come to this conclusion. The Judges found that frisking, including the frisking of body openings, although it might be humiliating, is a usual procedure in detention. The Judges did not find there to be a sexual connotation. This is in line with the fact that women were frisked by women and were not exposed to male guards.

[Plaintiff Counsel Dr. Kroker returned the courtroom.]

Kerber went on to explain that, along with the above-mentioned crimes, the following crimes were committed in relation to the Plaintiffs:

Rape and particularly severe rape in P1's case pursuant to § 177 (1) no. 1, (2) no.1 and (4) no. 1 StGB (old version).

Sexual assault in cases of P42 and P19 pursuant to § 177 (1) no. 1 StGB (old version).

Kerber added that the actions in violation of the Plaintiffs' rights also amounted to sexual assault of detainees pursuant to § 174a StGB in three cases.

Dangerous bodily harm through the use of a weapon or other object pursuant to § 224 (1) no. 2 StGB (1) and dangerous bodily harm were committed in coordination with another person pursuant to § 224 (1) no. 4 StGB. (2). Kerber explained this was applicable in relation to:



- (1) P48; P39; P34; P1; P22; P50; P11; P41 in three cases; P12; P25 in two cases; P19; P38; and P42 in multiple cases because she was allowed to leave the Branch several times. However, in favor of the Defendant, three cases are considered.
- (2) P30; P27; P32; P33; P28 in two cases due to his transfer to another branch and back to Branch 251; P47; P44.

In cases where detainees were detained for more than a week, severe deprivation of liberty pursuant to § 239 (3) no. 1 StGB was applicable. This was the case for P39; P34; P1; P22; P50; P41 in two cases due to his transfer to another Branch and back to Branch 251; P12, P25; P38; P30; P32; P33; P28. In total it adds up to 14 cases of deprivation of liberty lasting for more than one week.

There were two cases of hostage taking pursuant to § 239b StGB, relating to P1 and P47.

Presiding judge Kerber explained that enforced disappearance as crime against humanity was not applicable in this trial since German law stemming from of § 7 (1) no. 7 VStGB requires, contrary to the Rome statute, an inquiry. This only leaves the cases that Plaintiff Counsel Bahns mentioned in his closing statement: P32 and her two sisters, as well as P17's brother. However, both of P32's sisters were detained prior to the indictment period, one of them on March [REDACTED], 2011, and the other one in late March or early April 2011. Their cases can therefore not be considered. Kerber explained that, for P17's brother, it could not be determined that he died, nor that Anwar Raslan knowingly provided false information to the relatives who made inquiries about P17's brother.

Sentencing

Kerber explained that the German legislator stipulates life imprisonment for murder (§ 211 StGB) and murder as crime against humanity (§ 7 (1) VStGB). The Judges therefore impose this sentence.

The Judges refrained from finding a particular severity of guilt. Judge Kerber explained that one can indeed hold against the Defendant that he is an accomplice in 27 cases of murder and 4,000 cases of torture constituting crimes against humanity. One can also hold the inhumane detention conditions and the length of the indictment period spanning over sixteen months against him. Kerber said it can also be held against the Defendant that he fulfilled the element of the crimes of two murder provisions by committing murder as a crime against humanity pursuant to § 7 (1) no.1. VStGB and murder as ordinary domestic crime pursuant to § 211 StGB.

However, according to the Judges, one must also hold in favor of the Defendant that the crimes were committed a long time ago and that, as far as the Judges were able to determine, he did not commit any crimes after that. In addition, one must hold in favor of the Defendant that he did not commit the crimes with his own hands and one can only find limited intent with regard to the killings. The Defendant also helped some detainees getting released and treated some of them well. The Judges also found that Raslan was not a keen supporter of the regime. While he did believe in the justification of the regime as an instance of order, he wanted the privileges that came with his position. The Judges consider him to be an opportunist, which they also associated as the reason for his defection. Nonetheless, there is nothing that indicates that he only defected in pretense. Raslan delivered a partial confession and showed some remorse. Weighing in on all these factors, the Judges did not find an exceptional case that required a ruling of particular severity of guilt.

The trial of Anwar Raslan at the Higher Regional Court in Koblenz ended at 3:35 PM.

Presiding Judge Kerber announced the following Judges' Decision:

The arrest warrant of the Investigative Judge at the Federal Court of Justice dated November 18, 2019 and amended on March 20, 2020 is to be upheld.

Kerber asked Raslan and his Defense Counsel Fratzky whether they would renounce to be informed about their applicable legal means. Defense Counsel Fratzky said he renounces. Raslan said he follows his Counsel. Kerber asked Raslan whether that means that he renounces to be informed about his applicable legal means. Raslan nodded.

Presiding Judge Kerber wanted to get a rough overview of which Plaintiff Counsels and Plaintiffs wanted to be informed about their legal means. Since no one affirmed the question, Kerber went on to ask each of them individually whether they renounced to be informed about their legal means. Plaintiff Counsel Dr. Oehmichen renounced and Dr. Kroker renounced on behalf of two of his clients.

The court interpreter intervened, saying that most of the Plaintiffs were confused because he only had time to translate the legal terminology [Verzicht auf Rechtsmittelbelehrung]. He asked Judge Kerber to give him a moment in order to explain to the Plaintiffs what that actually means. Judge Kerber explained that the parties to the case had certain means to legally proceed against this judgment. If Kerber read these means out to them, she would inform them of these legal means. She added that the question she asked only referred to the renouncement of being informed about these means, not the renouncement of using the means. [The interpreter translated everything that Judge Kerber explained.] Judge Kerber went through the list of names of present Plaintiffs and their Counsel. All of them renounced to be informed about their applicable legal means. The Prosecutors also renounced.

Judge Kerber concluded by thanking “the always loyal interpreter for completing today’s mammoth task.”

The Trial of Anwar Raslan at the Higher Regional Court in Koblenz ended at 3:43PM on Thursday, January 13, 2022. The Judgment is not yet final.³

³ Note from the Trial Monitor: In the press conference following the announcement of the verdict, Anwar Raslan’s Defense Counsel Fratzky said he, his colleague Böcker, and Raslan agreed to appeal the judgment to the Federal Court of Justice.