



TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 57
Hearing Date: January 6, 2022

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 109 – January 6, 2022

On this day, the Defense team provided their closing statements, then Defendant Anwar Raslan had his personal interpreter read out a written statement on his behalf. Both Defense Counsels requested that their client be acquitted. According to the Defense, Raslan was not one of those most responsible for crimes against humanity committed by the Syrian government. The charged crimes cannot be attributed to Raslan, said his Defense Counsels, adding that he cannot be held liable for what happened at Branch 251. They further stated that Raslan had no authority at the Branch and tried to help detainees whenever possible. The Defense also claimed that it was impossible for Raslan to defect and safely flee the country with his family at an earlier time.

In his written statement that was read out by his interpreter, Raslan again claimed that he had no power at Branch 251, that Hafez Makhlouf and Division 40 were the ones in control of the Branch, that as a Sunni, he had to follow orders by his Alawite superiors, and that he tried to help detainees whenever possible since he was supportive of the opposition. Lastly, Raslan addressed the “entire Syrian people and victims” apologizing for being unable to help more people and saying that he sees himself as a victim who is now separated from his home and his family.

Trial Day 109 – January 6, 2022

The proceedings began at 9:34AM with six spectators and nine journalists in the audience. Three cameramen took videos and photos before the start of the session. The prosecution was represented by Prosecutors Klinge and Polz. Two Plaintiffs attended the session alongside their Counsel.

Presiding Judge Kerber left the floor to the Defense Counsel to deliver their closing statements.

Closing Statement by Defense Counsel Fratzky

Defense Counsel Fratzky started his closing statement by saying that the Court has reached this point after 103 days of taking evidence. 103 days that showed unimaginable suffering. 103 days of a trial conducted during a pandemic. Fratzky said the latter point demanded a lot from everyone, especially the Judges. Fratzky thanked all parties in the case for their professional and collegial interactions.

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.

He went on to explain that this trial also happened outside the courtroom. It was an international trial, because it was conducted pursuant to § 1 VStGB which provides for universal jurisdiction. Fratzky said that it is important to have such trials due to the U.S. and Russia, as the [Tiergarten Trial in Berlin](#) recently showed.

Fratzky added that his and his colleague's closing statements are not intended to diminish the suffering of the victims or deny that torture occurred. Nor do they oppose the concept of universal jurisdiction and other indispensable values. The crimes in Syria that are also committed by others, including the U.S., are cruel and must be prosecuted. No one can allow the Syrian government to have dust set on it and continue normalization efforts. Injustice continues and Bashar Al-Assad is still in power. Fratzky explained that injustice and innocence are, however, two different things. The latter focuses on an individual perpetrator. Fratzky stressed that systematic torture did indeed happen at Al-Khatib Branch. But in terms of an individual perpetrator, individual contribution to the execution of the crimes must be given. Fratzky said it seems easy to simply consider this in light of the generally existing injustice.

Fratzky recalled Plaintiff Counsel Dr. Oehmichen reading out a statement from her client P22 who said that Bashar Al-Assad should be the one on the defendant's bench. Fratzky said it is questionable whether Anwar Raslan can be tried as a substitute for Bashar Al-Assad, and concluded that this is not in line with existing laws.

Fratzky explained that, according to the law, individual liability must be given. Nonetheless, things are a bit different in this trial. § 25 (2) StGB on co-perpetration and § 27 StGB on aiding and abetting cannot be applied with existing thresholds. In this case, additional factors must be considered as well. Fratzky said that such factors are: the accused's 'point of view;' the accused's ethnicity; considerations on the scope of action of employees of totalitarian regimes; and dangers for [the employees] and their families. Regarding the latter aspect, Fratzky recalled that the Prosecutors argued that it would have been bearable for Raslan to defect and leave Syria without his family. According to Fratzky, this conclusion cannot be drawn from the testimonies that the Court heard. In addition, one must only look at the issue of witness protection in this trial to find that the same standards and concerns are applicable to Anwar Raslan as well. If Raslan left Syria without his family, his family would have faced a high risk of being subjected to repression and other threats.

Fratzky concluded that one must evaluate Raslan's individual, personal actions. Liability is not a normative concept, according to Fratzky. He referred to jurisprudence from the [German Federal Court of Justice that found in 1952](#) [rn.17] on the issue of culpability and duress that a person is not culpable when the circumstances in which he finds himself prevent him from recognizing the illegality of his actions. Fratzky added that it is questionable how much freedom Anwar Raslan had in determining the legality of his actions. His superiors and colleagues were all acting based on experiences that cannot be compared to what people are used to in states governed by the rule of law.

Liability in international criminal law

On the issue of modes of liability in international criminal law, Fratzky referred to a [publication](#) [p.414, incl. fn. 40] by Professor Dr. Stefanie Bock on liability in international criminal law, by saying that international criminal law was designed to hold those most responsible for crimes accountable and that one must always consider the actual margin of influence of the individual accused. Fratzky argued that Anwar Raslan, however, was only the head of a sub-division at Branch 251 for some time. Neither Bashar Al-Assad nor Hafez Makhoul, who Fratzky identified as those most responsible, were on trial in Koblenz said Fratzky.

He further referred to jurisprudence from the German Federal Court of Justice relating to [liability of administration officers](#) when shooting people at the inner-German border. According to Fratzky, Raslan did not act himself. The trial did not find anything to support such a finding, said Fratzky. He added that according to international criminal law standards, certain points of connection [between the perpetrator and the crime] are required. However, Raslan did not belong to any relevant group. He had no organizational power, said Fratzky. This power was with Tawfiq Younes and Hafez Makhlof. Fratzky concluded that many aspects contradict a finding of criminal liability in Raslan's case. To the contrary, Raslan helped people, was punished for this help by the actual perpetrators, defected, and changed sides.

Fratzky said Raslan never denied that he knew about torture. The question was rather about what he was able to do on his own. One must answer this objectively. Fratzky recalled the Prosecutors and Plaintiffs Counsel saying that in terms of orders, explicit orders to torture detainees were not necessary at Branch 251, and that Raslan only disagreed with torture when it hindered his investigative work. Fratzky said that especially the phrase 'explicit orders were not necessary' was problematic since silence only constitutes a limited declaration of intent.

Fratzky added that in Syria, torture is generally considered a crime and punished. [He also made a reference to an [article](#) on Syrian Intelligence Services by the German Federal Center for Political Education (BPB)]

Anwar Raslan's Role at Branch 251

Fratzky went on to elaborate on Anwar Raslan's role at Branch 251. He said that starting in 2008, Anwar Raslan was the head of the Investigation Division at Branch 251. The Branch was headed by Tawfiq Younes. Fratzky recalled Raslan telling the Court that officers from the Republican Guard and the 4th Division were tasked with suppressing demonstrations, according to an order by the CCMC. However, Raslan was not a member of the CCMC. According to Fratzky, Raslan also told the Court that in April 2011, Tawfiq Younes called him to his office because of the demonstrations in Houla. Raslan said that when Younes told him that he considered the demonstrator to be traitor, Raslan understood that as a direct threat toward himself. This was the moment when Raslan was convinced that he had to defect. According to Raslan, the Republican Guard then increasingly intervened. He twice complained to Younes about arbitrary detentions but was told to remain silent. Fratzky further recalled that Raslan told the court that some officers filed a complaint against him in July 2011 because of his origin and because he released prisoners. Younes then told Raslan that he wanted to reform the Branch and Raslan was deprived of his powers already in June 2011. Fratzky concluded that Raslan was not in a leading position and was under surveillance.

Eyad Al-Gharib's statements regarding Anwar Raslan

Fratzky referred to CCI Deußing's statements about his questioning of Eyad Al-Gharib on August 16, 2018. Fratzky said that Al-Gharib worked at Division 40 for a short period and was considered an insider according to the police questioning from 2018. During this questioning, Al-Gharib said that Raslan was the head of the Interrogation Division at Branch 251 until August 2012, had an office on the first floor, was superior to the Prison Director, and was also called to Branch 285 sometimes due to his expertise in investigations. Fratzky added that the Prosecutors already extensively elaborated on this point.

Fratzky said he wants to make a few comments on Al-Gharib's statements: Al-Gharib said that he worked at Al-Khatib Branch starting in February of 2010, then worked in Az-Zabadani starting in June of 2011, and starting in July of 2011 worked at Division 40 in Al-Jisr al-Abyad before he defected in January of 2012 and went to hide in Deir ez-Zor.



Fratzky said Al-Gharib's statement on Al-Khatib Branch during the time from March until May 2011 and up to August 2012 is therefore not credible. After his defection in January 2012, Al-Gharib was more than 500 kilometers away from the Branch in an area where the regime was in conflict with the FSA. Fratzky therefore concluded that Al-Gharib's statements do not contradict Raslan's own statements. Fratzky added that even if Anwar Raslan was formally the superior of employees at the Branch, this does not contradict the finding that he had no more power after the re-structuring.

Fratzky said that there was nothing more to say on Thurmann's expertise other than what the Defense had already stated in their requests for evidence.

He went on to explain to the Court that, contrary to certain expert statements, the trial showed that soldiers were frequently punished. According to Fratzky, it is common practice that people who are no longer trusted are put in key positions where they cannot cause harm. Just like Raslan was a member in a committee deciding on pension matters.

Fratzky went on to depict Al-Gharib's police statement. He referenced page ten of the transcript according to which Al-Gharib said that he had been at the prison of Al-Khatib Branch only once in October 2011 when he visited a friend who worked at the Branch at that time. Al-Gharib further told the police that there was mistrust among all intelligence Branches. Fratzky concluded that Raslan therefore was not the superior of the Prison Director at the Branch, and even if he was, he had had no influence as Al-Gharib also told the BKA that the prison guards were free to do whatever they wanted. Fratzky added that at the end of 2011, Tawfiq Younes prevented an inspection of the prison facilities at Branch 251 by the Arab League. According to Fratzky, this circumstance further proved that Raslan had now power over the prison or the prison staff. Rather, this was the task of Tawfiq Younes. Fratzky added that Al-Gharib also told the police that Tawfiq Younes and Habib Fadel are the ones responsible for torture at the Branch. In terms of hierarchy, Fratzky said that Al-Gharib merely told the police that Abdul Ghani [the Prison Director at Branch 251] 'was of course subordinate to Anwar Raslan, since the latter was the boss.'

Fratzky concluded that beyond that, Al-Gharib made only general comments about Raslan, saying that Raslan was consulted on investigation matters and that he was very professional. Fratzky questioned how Al-Gharib knew that, since before, he only said that these matters are widely known. Fratzky concluded that one cannot draw any conclusions from Al-Gharib's statement with the German Police, since he only made general comments. For example, Al-Gharib was never at Raslan's office, but located the office in a sketch of Branch 251 that he provided to the police. According to Fratzky, Al-Gharib's statement regarding Raslan also contradicted Al-Gharib's own background as he was working at a different area in Damascus at that time. Fratzky said the Prosecutors' referred to Al-Gharib's police statement despite all that and despite the fact that Al-Gharib had not been to Al-Khatib Branch since June or July 2011. Al-Gharib can therefore not know what happened at the Branch after that. Fratzky said the BKA did not question Al-Gharib's statements, especially relating to the fact that he defected in January 2012 yet said that Raslan was the Head of Interrogations at Branch 251 in August 2012.

Fratzky said that, nonetheless, Al-Gharib also told the BKA that he never saw Raslan participate in the arrest of demonstrators. Al-Gharib further said his colleagues told him that 'Raslan punished soldiers for beating demonstrators without questioning them.' Fratzky added that according to Al-Gharib, Raslan was unable to do anything because he is a Sunni. This was also confirmed by Raslan himself in his plea.



Fratzky went on to say that in terms of intent, the Prosecutors' argued that it is irrelevant whether Raslan wanted people to be mistreated or whether he was opposed to it because it hindered the collection of information. Fratzky found the contrary, arguing that according to the principle *in dubio pro reo*, one must assume that Raslan only used this argumentation to protect himself and to not disclose the actual reasons for his opposition to torture people.

Fratzky went on to address the issue of reforms and restructuring at the Branch, about which Al-Gharib also spoke to the BKA on page 22 of the transcript. Fratzky recalled that he explained to the Court on several occasions that Hafez Makhoulf was the actual head of Branch 251. According to Fratzky, Al-Gharib confirmed this view in his police questioning when he said that Hafez Makhoulf was subordinate to Ali Mamlouk [head of the General Intelligence Directorate at the time], but only on paper. Al-Gharib recalled an instance when Hafez Makhoulf did not even dare to pull down the window of his car when he was driving past Ali Mamlouk. Fratzky added that when Al-Gharib was asked by the BKA whether the power structure at Branch 251 was that Tawfiq Younes was the head of Branch 251 and that all staff are subordinate to him and must adhere to his orders, other than Division 40 and Hafez Makhoulf who reports to Ali Mamlouk. Al-Gharib denied this and said Hafez Makhoulf reported directly to Bashar Al-Assad. Fratzky concluded that it was Hafez Makhoulf who had the power over torture at the Branch because he was not subordinate to Tawfiq Younes. It was Division 40 that used the prison at Al-Khatib Branch without being subordinate to the Branch.

Fratzky added that, within this frame, Raslan not only served as a Sunni and punished soldiers, but also released detainees. Consequently, the defense of duress pursuant to § 35 StGB is applicable in his case. The Prosecutors are therefore wrong when arguing that Raslan could have defected without his family. Fratzky recalled that multiple witnesses in this trial were anonymized to protect their families. The same was applicable for Raslan, said Fratzky. It was impossible for him to leave Syria without his family. It would have meant their certain death.

[10-minute break]

Presiding Judge Kerber reminded Defense Counsel Fratzky to be aware of the difficult work that the interpreters have been performing for two years and asked him to speak slower.

Fratzky went on to explain that Anwar Raslan is from Houla where many of the opposition were killed in a massacre, and which had been an opposition stronghold even before the massacre. Doubts about Rasan's loyalty [to the government] are consequently relatable, said Fratzky. In addition, Raslan helped some people in Houla, planned his escape at the same time, left the country together with his family, and immediately afterwards started to work for the opposition. According to Fratzky, Tawfiq Younes and Hafez Makhoulf were the ones in power. They were happy about people being detained and interrogated. Hafez Makhoulf belonged to Bashar Al-Assad's inner circle and was therefore sanctioned by the U.S. as early as 2007 and again in May 2011. He was also sanctioned by the EU in September 2011. Fratzky concluded that there are rumors that Makhoulf found refuge in Belarus. Fratzky said he would not be surprised if these rumors were true.

Witnesses in this Trial

Fratzky went on to elaborate on the witnesses who testified in this trial. He said there were three categories of witnesses:



- 1) Witnesses who only heard about Raslan or were shown his picture by Anwar Al-Bunni at a later point. For these witnesses, one cannot rule out that Al-Bunni played a role with regard to their testimonies.
- 2) Witnesses who actually experienced Raslan back in Syria and told the Court that Raslan was kind and helped them.
- 3) Witnesses who claimed to have met Raslan back in Syria because they recognized his voice or saw him when their blindfolds moved.

Fratzky said that almost all of these witnesses had one thing in common: for them, it was all about Syria. They used the trial as a political trial and a stage to oppose the regime. Fratzky said this is not a criticism that witnesses found closure through their testimonies. Nonetheless, one must also filter testimonies like P22 who told the Court that he does not personally know Raslan. Fratzky said detainees in Syria and at Al-Khatib Branch suffered unimaginable horrors. However, this trial is about legal responsibility and not moral responsibility. In this vein, one must consider the following testimonies:

Not one sentence from Eyad Al-Gharib's statement to the BKA can be used to convict Raslan. To the contrary, Al-Gharib's descriptions are in favor of Raslan.

Nothing in [P18's](#) testimony can support a conviction of Raslan. According to Fratzky, it is questionable why P18's intermediary did not personally facilitate the release of his cousin and instead forwarded him to Raslan. P18's perceptions of his meeting with Raslan in Raslan's office cannot be used against Raslan. Having to wait a long time before an appointment at a public entity is nothing unusual, said Fratzky, and added that every person living in Berlin can relate to that. He concluded that the message that P18 perceived from this waiting time was subjective. Further, P18 was unable to allocate the name Anwar Raslan with certainty. He said the scene happened on the first floor, then he spoke about the ground floor. He first said he did not hear noises, then he described noises. "Suddenly" P18 also described interrogation rooms next to the waiting area, said Fratzky. Fratzky recalled that during P18's testimony in Court, Presiding Judge Kerber at one point advised P18 to listen to his counsel who tried to save the situation. [Kerber said she could not remember saying that.] Fratzky continued, saying P18 also used the "often-heard excuse" that the police interpreter made mistakes. Fratzky noted that the BKA considered their interpreter to be so good that he accompanied the investigators to interviews abroad. Fratzky concluded that, regarding P18's descriptions, it was rather the case that Anwar Raslan was told that a person died in detention and that he had to take care of that. P18's in-court testimony was not stringent and when he was confronted with his previous statements to the police, he provided contradictions. Anwar Raslan said he does not know P18.

Fratzky recalled that according to [Reuter](#), Raslan was not deprived of his power as he was able to influence proceedings in Deir ez-Zor in June 2012 when he facilitated the release of a detainee. However, there are several other reasons why Raslan was able to facilitate the release. The reason for the arrest is unknown; it is unclear whether the officers in Deir ez-Zor knew that Raslan was deprived of his power. Fratzky said he knows from another 60-day-long trial that in June 2012, the Syrian regime was under pressure by the FSA in Deir ez-Zor, one could read the relevant [Wikipedia entry](#) on the 'Deir ez-Zor clashes'. According to Fratzky, it is more likely that when Raslan called to facilitate the release of the prisoner, no one of the officers in Deir ez-Zor made enquiries about who exactly was calling from the Intelligence Service in Damascus.

Fratzky went on to recall that [P11](#) was unable to remember and therefore had to be confronted with his police statements in Court. According to Fratzky, P11 said the transcript of his police interview had not been re-translated to him, but it was re-translated at least in parts.



P11 did not recognize Raslan's picture and claimed to be able to recognize his voice. He was further unable to locate the Branch on a map. Fratzky said Raslan admitted he knew P11 and made enquiries about him to put his name on a list of detainees who were supposed to be released and forwarded this list. P11 was detained several times. Fratzky said it was remarkable how detailed P11's descriptions of this particular detention were with the police, while in Court, his memory had to be triggered by recalling almost his entire police statement. Fratzky concluded that P11 claimed that the voice that he said was Raslan's, had no accent, while Raslan is from Homs and has the relevant accent.

Fratzky said that the Prosecutors found that [P41](#) showed no eagerness to incriminate the Defendant. However, his second sentence in Court was that "then the torture, led by Anwar Raslan, began." Fratzky went on to compare P41's in-court testimony and his previous statements with the police. In Court, P41 said that An-Na'saan mentioned the name Anwar Raslan. When asked about how P41 knew the name, he added that An-Na'saan introduced Raslan and that there was also a sign with Raslan's name on it. P41 then pointed at Anwar Raslan in Court when asked whether he was able to identify someone in Court as the person he was told was Anwar Raslan. Fratzky added that during his police interview, however, when P41 was asked about whether he knew someone in the photo array, P41 pointed at picture no.2 after he hesitated for a while and said that he knew this person and that he saw him in Syria [Raslan is in picture no.2 of the BKA's photo array]. P41 then told the police that it was difficult for him to remember exactly. He saw this person in detention at the General Intelligence Service's Al-Khatib Branch during interrogations. When the BKA asked P41 when he saw this person, P41 said he assumed it was in October during his detention. He added that he thought this was the person responsible for the Branch, but he was slimmer back then. P41 also said that he only saw this person briefly two or three times. When the BKA then asked P41 whether he was able to look around during interrogations, P41 said he had to look on the floor but 'the responsible person stood behind a desk.' Fratzky concluded that P41 only identified a person after he hesitated for some time, and that the BKA had to ask several times about how he identified this person. According to Fratzky, it is interesting that P41 said he only had a brief look but was still able to locate the person behind a desk. He neither mentioned in Court that he had to look down on the floor, nor that he had read a sign with Raslan's name on it. Fratzky concluded that P41 did not mention the name Anwar Raslan but merely spoke about the "responsible person;" even during his police interview. During the trial in Court, however, P41 immediately pointed at Anwar Raslan sitting on the defendant's bench when asked to identify the person. Fratzky said it was obvious that Raslan was the one sitting on the defendant's bench. "Who else should have been sitting there?" asked Fratzky. However, it could also be the case that before his in-Court testimony, P41 was already shown a picture of Anwar Raslan, said Fratzky. In any case, he never mentioned the name Anwar Raslan.

Fratzky further recalled that [P49](#) told the Court two things. First, interrogations conducted by Anwar Raslan were "completely free of violence." Second, detainees could only be released with the permission of Tawfiq Younes. Fratzky concluded that the actual power [over the Branch and releases] therefore laid with Tawfiq Younes. He further recalled that Raslan confirmed in Court that lists with names of detainees who were supposed to be released had to be approved by Tawfiq Younes. Fratzky added that according to P49, Raslan allegedly apologized to him via Facebook and told him that someone else had denounced P49 at the head of the Branch. Referring to P49's description of Raslan's office and a picture of Hafez Al-Assad hanging there, Fratzky said it was mere speculation that Raslan allegedly said 'such things would have not happened under Hafez Al-Assad.' Fratzky concluded that Raslan did apologize to P49 and had to follow orders coming from his superiors.

Fratzky said that due to [P16's](#) testimony, the Prosecutors found that Raslan had decision-making power at the Branch. However, P16's description of Raslan complaining to the guards because he had told them multiple times to take of detainees' blindfolds, indicates that Raslan had no decision-making power at the Branch. It also indicates that Raslan conducted his interrogations without detainees being blindfolded. One therefore has to doubt every testimony of witnesses who said they were blindfolded during an interrogation with Raslan, said Fratzky. He added that the phrase "sidi" with which guards addressed Raslan was only an empty phrase. Fratzky recalled that P16 was not tortured during the interrogation with Raslan, was not insulted, was offered coffee and cigarettes, and eventually released one day after that. P16 further met with Raslan in Jordan, and he had already asked her about a way to Ghouta [to leave the country] at their first meeting [at the Branch]. P16 also told the Court that it was not easy for government officials to defect, said Fratzky. In her interviews with the German police, P16 said she and Raslan spoke about general things when they met in Jordan and that Raslan was relieved. In terms of position towards the regime, Fratzky concluded that P16 also said she assumes that Raslan stopped supporting the regime from the moment when it started bombing civilian population.

Fratzky went on to explain that another witness, who declined to testify in Court and whose testimony was therefore introduced by inspector [Knappmann](#), also allegedly met Raslan at the Branch but did not experience torture. The witness told Knappmann from the BKA that Raslan did not voice any allegations against her in their conversation. Referring to the witness' descriptions of how a guard who had pulled up his sleeves entered the room and told Raslan that he executed the order, Fratzky found that one cannot conclude that this scene referred to an incident of torture. Fratzky said that the witness' statements with the BKA confirmed what Raslan said in his first plea. The fact that the witness was not tortured at Division 40 was apparently due to phone calls by Anwar Raslan. However, the witness was not asked about Hafez Makhlof, unless this was part of the structural investigation to which the defense had no access, said Fratzky. He added that unfortunately, the witness did not testify in Court. Her in-court testimony would have been interesting, and many aspects required further clarification, particularly in light of P33 describing Division 40 as a "reception Division."

Regarding [P33](#), Fratzky recalled that the Prosecutors found her release to be an indicator for Raslan's decision-making power at the Branch. Fratzky recalled that P33 described three people being present at a meeting in Al-Khatib Branch: one man, Anwar Raslan, and the head of the Air Force Intelligence [Jamil Hassan]. P33 told the court that in this meeting, she and her husband apologized for their daughters and one of her daughters was consequently released. However, as P33 told the Court, her other daughter's release was denied by the President Bashar Al-Assad himself. Fratzky found that this instance showed that the Air Force Intelligence had influence over proceedings at Branch 251 and even the president himself was involved in the release of one of P33's daughters. Fratzky added that this meeting happened shortly after the beginning of the revolution and that only ten days later, P33 was able to arrange another meeting without involving an intermediary or paying bribes.

Referring to P33's daughter, [P32](#), Fratzky said she told the court that Raslan was not harsh and did not beat her. She was released after her meeting with him, according to Fratzky. He added that P32 did show eagerness to incriminate Raslan by, amongst other reasons, saying that money was paid and that he 'wanted to get rid of the problem.' Fratzky said that while P33 identified the head of the Air Force Intelligence Service, P32 did not and instead only identified Anwar Raslan.



Fratzky then turned to [Anwar Al-Bunni](#), recalling that he had testified in Court as an expert on June 4, 2020. However, his name was mentioned throughout the trial despite the fact that he had not been detained at Branch 251 after 2011. Fratzky said Al-Bunni believes he heard Raslan's voice in 2006. According to Fratzky, Al-Bunni's description that Division 40 received orders from Branch 251 was incorrect since it was "rather the other way around." Fratzky further recalled that according to what Al-Bunni said in Court, higher-ranking officers were afraid of Hafez Makhlouf. Al-Bunni told the police that he was beaten in 2006. In Court he said he was not beaten. On his second day of testimony, he said he "endured physical violence" recalled Fratzky. He added that Al-Bunni's role in this trial was, however, interesting for several other reasons as well.

Fratzky explained that he was now at page 90 of 119 of his closing statement and suggested a short break.

[12-minute break]

Fratzky went on to lay out the reasons for why Al-Bunni's involvement in this trial was noteworthy:

- a) On August 25, 2021, [P46](#) testified in Court. His colleague made a film about Al-Bunni and put him in contact with the latter.
- b) Another witness with connections to Al-Bunni declined to testify in Court and his testimony was introduced in Court by CCI Deußing in [February 2021](#).
- c) [P30](#) told the Court that Al-Bunni made a public call to all people who were detained at Al-Khatib Branch in 2011 and 2012 to contact Al-Bunni.
- d) In Court, [P47](#) stated that he was not sure whether he had seen Anwar Raslan. When confronted with his police statement, saying that he saw Raslan's picture on the internet and that he was in contact with Al-Bunni for work reasons, he told the Court that it was known that many witnesses in this trial came through Al-Bunni and that he spoke with Al-Bunni about the picture of Anwar Raslan.
- e) [P48](#) told the Court that he did not see Anwar Raslan in detention but refused to look right to identify the Defendant. When P48 was asked about his connection to Anwar Al-Bunni, he immediately said he knew that this issue would come up.
- f) [CCI Schmidt](#) from the LKA Berlin was summoned to testify in Court about his questioning of P46. Schmidt told the Court that P46 told him that Al-Bunni collects witness statements and showed pictures of Anwar Raslan to P46. Fratzky concluded that P46 lied in Court.
- g) [P57](#) [Fratzky mentioned the name of this witness, despite anonymization] said Al-Bunni documented his testimony during a call. However, the information in the document that Al-Bunni created and sent to the court was contradictory to P57's in-court testimony.

Fratzky concluded that Al-Bunni is "obviously working behind the investigations" and creating false documents. He further showed pictures of Raslan to potential witnesses and told them Raslan's name. He also made public calls for potential witnesses while the trial was already running. Fratzky said Al-Bunni should make the same intense efforts to search for the actual perpetrators. Fratzky concluded that Al-Bunni and other witnesses' testimonies were completely unusable because they had all been influenced.

Fratzky went on to recall that [Al-Labwani](#) told the Court that because Raslan is Sunni he "was treated as such." Regarding Branch 251, Al-Labwani told the court that the Director of the "State Security Branch" was "only pro forma."



It would always be an Alawite with direct connection to the President. According to Al-Labwani, Hafez Al-Assad turned State Security into “a criminal institution.” Fratzky added that according to Al-Labwani, Raslan managed to get detainees released by Tawfiq Younes, in the beginning [of the revolution], whenever he noticed that unarmed people were arrested. However, he could not continue doing this from June 2011 onward because he was then deprived of his competencies.

[P22](#) told the Court that he had “nothing personal against Raslan” and that it was good that Raslan defected “relatively early in 2012” recalled Fratzky.

Fratzky further recalled that [P56](#), a former employee at the Syrian Ministry of Interior told the Court about a committee in which Raslan participated. P56 also said that Hafez Makhoulf was the actual head of Al-Khatib Branch because he is Bashar Al-Assad’s cousin. Fratzky said that according to P56, Tawfiq Younes might have been the head of the State Security Branch, but at the Ministry of Interior it was clear that Hafez Makhoulf was the Head of Al-Khatib Branch. Regarding Raslan’s work, P56 testified that Raslan tried to talk to the head of the Branch to help detainees but was not always able to help. Raslan therefore had an argument with Tawfiq Younes about releasing detainees.

Conclusion

Fratzky said that in conclusion, one must acknowledge that most of the witnesses who had actually seen Raslan, said that he helped them, that they did not have to suffer or that at least Raslan did not harm them. And then there were witnesses who claimed to have met Raslan because someone told them so, said Fratzky. He added that from these testimonies, one cannot find any liability for Raslan. Fratzky said there were also witnesses who encountered Raslan who did not harm them but blamed Raslan for everything [that happened at Branch 251].

To the contrary, Raslan did not approve of torture and one must acknowledge that he acted under duress pursuant to § 35 StGB as his family was in danger. Fratzky concluded that even if one found that Raslan is liable for what happened at the Branch, he acted without any guilt pursuant to § 35 StGB.

Fratzky added that he can relate to some witnesses and plaintiffs. They are of the opinion that a defendant who worked for a criminal system must not be free. However, Raslan defected, supported the opposition in Geneva, and risked his own life to do all that.

Fratzky stressed that this trial must not be a political trial. Even if some people might not consider this to be just, Raslan must not be convicted instead of the entire regime. According to Fratzky, Anwar Raslan’s conviction cannot be a mere consequence of Eyad Al-Gharib’s conviction because Al-Gharib confessed what he did. Raslan, however, neither approved nor carried out torture. Fratzky said one must instead clearly name the actual perpetrators and responsible persons, just like the Berlin *Kammergericht* did in its verdict in the [Tiergarten Trial](#). One must send a clear signal against torture and war crimes. However, this signal must be sent to those who are actually responsible. Fratzky said Raslan is not one of them. Fratzky demanded the Judges acquit Raslan.

Closing Statement by Defense Counsel Böcker

Defense Counsel Böcker started his closing statement by saying that he has a few sidenotes and conclusionary notes to add. He said he does not work for the Syrian regime, but instead for Anwar Raslan as an individual, who was born and raised in Syria and lost his home country, like all other Syrians who engaged in this trial. Böcker said they all shared the same general fate: the Syrian state of injustice [*Unrechtsstaat*].

According to Böcker, he and all other parties in the trial, including the defendant, are dismayed in the face of this situation [state of injustice, state-led violence]. He added that the line of defense was never intended to negate the Syrian system [of violence] but to defend Anwar Raslan personally.

Personal Remarks

Böcker said that the situation in Syria and German history taught him to be grateful to be living in a state governed by the rule of law, including all its rough edges. If people want to demonstrate against Covid-19 restrictions, they are allowed to do so [in Germany] although not everybody shares their opinion. If one is accused in a criminal case, s/he can choose a counsel. Böcker said it is a great fortune to be able to live [in Germany]. The prosecution [of crimes committed in Syria] is therefore of immense importance for Syrian society.

Question of Criminal Liability

Böcker added that, nevertheless, the political circumstances are irrelevant for this trial. This trial is only conducted against one person. Böcker recalled that the Court already elaborated on the situation in Syria during the indictment period. The Defense has no contrary opinion in this regard. His findings therefore, first and foremost, relate to the individual liability of his client, said Böcker. He concluded that this trial is therefore not entirely suited to address the full situation in Syria, although Syrian human rights activist wish for something different.

Böcker said the question is whether the defendant, between the start of the widespread and systematic attack against the Syrian civilian population on April 29, 2011 until his transfer to another branch on September 7, 2012, was working as a state servant in a position in which he ordered torture and had power. The question is if he was a murderer until his defection or if he stopped [having relevant intent] the moment he decided to defect.

Shortcomings

Böcker described that the presentation of evidence in Court took place ten years after the alleged offence and 3,901 kilometers away from the crime scene without the possibility of accessing the crime scene or having comparable intense connection to it. Böcker said he asked himself the question of how much time has been spent since April 23, 2020 dealing with the Defendant individually. For him the answer is: almost none. He added that witness testimonies related to the defendant individually can also be counted on two hands.

Böcker explained that Raslan was, however, not one of the defendants who used their right to remain silent. CCI Deußing told the Court that Raslan provided information on the subject matter of the case at an early point in investigations. According to Böcker, Raslan's testimonies with the LKA Baden-Wuerttemberg in 2017 and with the LKA Berlin in 2015, which were confirmed by the relevant investigators, support this view. Böcker concluded that Raslan always openly provided information. His statements were all voluntary. Böcker said that due to the time pressure of the trial, one might have come to a different conclusion which he wants to correct.

According to Böcker, Raslan's statements that he provided during the trial were confirmed and remained unrefuted. He denied the accusations and provided information about his personal and professional life. Böcker explained that this information is crucial to understand the [Syrian] system and the background [of the charges]. Böcker recalled that Anwar Raslan was born in 1963 in Houla, Homs Governate, Syria. He is a Sunni Muslim and studied law at the University of Damascus. In his fourth year at law school, he was allowed to participate in a police training which he conducted while he studied until 1986.



Raslan started working at the Directorate for Emigration and Passport Matters as a sergeant in Aleppo, Harasta, and Tartous. After the successful completion of his studies, Raslan conducted another training until 1992 when he was promoted to the rank of First Lieutenant and completed the course as second best in his class. In 1995, Raslan was the third best in his class and was called to work at State Security for whom he did patrols, including near the embassy quarter in Damascus. In 1996 he was promoted to the rank of Major. From 2006 until August 8, 2008, he worked at Branch 300 until he started working as the head of investigations at Branch 251.

Böcker said the situation in Syria before March 2011 was not sufficiently clarified in this trial. He recalled that [Reuter](#) said the situation significantly changed in early 2011. According to Böcker, Reuter said that there was no real opposition in Syria before 2011 and torture and killing only started after March 2011. Böcker added that, in an [article in Der Spiegel](#) on October 2019, the authors describe the fear of returning foreign ISIS fighters in light of potential terror attacks in Germany. A fear that proved to be valid, said Böcker, referring to the attack on [Breitscheidplatz in Berlin in 2016](#). Böcker said that Raslan had similar fears when things were changing in Syria in 2011. Böcker said that one can only guess what really happened at that time. Nonetheless, one must acknowledge that Raslan, as a police officer with a legal background, must have found himself in a situation that was dominated by the desire for revenge. After the massacre in Houla and after a conversation with Tawfiq Younes who declined Raslan's request to be transferred to another place of work, in April 2011 Raslan decided to defect.

Böcker said Raslan's first plea remains unrefuted. In this plea, Raslan also said that he tried to help wherever possible [by releasing at least unarmed detainees]. However, from June 2011 onward this was no longer possible because Raslan was deprived of all his [power]. Böcker recalled that Raslan then wanted to be transferred to work with the police, but Tawfiq Younes declined his request and threw the document in the bin. Nonetheless, Raslan tried to help detainees until he was eventually transferred to another Branch. Böcker further recalled that in April 2011 Raslan decided to defect and was able to carry out his plan in December 2012. According to Böcker, Raslan "did not have the slightest chance to defect safely with his family any sooner." His family would have otherwise been left in Syria without protection.

Böcker recalled that throughout this trial, there was speculation about the reasons for Raslan's defection. Some said he only defected when he was afraid that the regime would collapse, others said he was still working for the Syrian government as a spy. Böcker found that all these assumptions were "speculations into the blue, cheap propaganda, and voiced by political-trial-professionals." Böcker said allegations that Raslan only helped artist detainees are mere speculation as well. He suggested that these detainees might have simply been those who Raslan was able and willing to help. According to Böcker, this was a more likely explanation [for Raslan's help for detainees focusing on artists]. Böcker concluded that this [explanation] was not constructed and no contrary evidence was introduced during the trial.

Opposition Work

Regarding Raslan's work for the opposition, Böcker said he and his colleague are aware that [the fact that Raslan worked for the opposition does not undo the crimes he committed]. Nonetheless, evidence introduced throughout the trial shows that Raslan's plea was correct in this regard as well. Böcker said the plaintiffs and the prosecutors often neglected this aspect. "His post-offence-behavior is of course irrelevant regarding his motivation," said Böcker, nonetheless it indicates that Raslan's statements are true and that he recognized the pointlessness of his work at the Branch from 2011 onward, but simply had no way out. Böcker went on to say that overall, there were many speculations but no concrete findings regarding his client.

“What did the evidence then reveal?” asked Böcker who then answered that evidence led to the certain conclusion that Raslan’s plea remains unrefuted.

Evidence against Raslan

Böcker then turned to the Caesar Files, calling them “a manifestation of evil.” He said the “precise motivation of Caesar and his friends remains unclear.” Despite the great importance of the Caesar Files to the overall proceeding and the great media attention that they received, they are entirely irrelevant regarding Raslan because they do not show a single detainee from Al-Khatib Branch who died at the Branch during the indictment period, said Böcker.

He referred to [P4](#) who told the Court that at least 45 people died at Al-Khatib Branch. Böcker said P4 is a bragger and a disgrace to all other witnesses who testified after him. His testimony “was obviously false testimony. The 45 deaths obviously never occurred” said Böcker. Regarding Eyad Al-Gharib, Böcker said that he had no knowledge of the subject matter [Al-Khatib Branch] and his statements with the BKA are exculpatory for Raslan. Böcker concluded that other testimonies were irrelevant in terms of the question of guilt and merely related to the context of a systematic or widespread attack.

However, Böcker preferred to have learned more about the situation in Syria than what expert [Thurmann](#) told the Court. While this might not be particularly relevant for Raslan’s case, Böcker had still hoped for more, he said. He had also hoped to know more from witness [Becker](#) regarding Raslan’s escape to Germany. Böcker said her testimony was surprisingly a “zero-enlightenment-act” because he heard from the German Foreign Office, off the record, that Becker was involved in all every-day aspects of Raslan’s move to Germany. Böcker added that the witness from the German Office for Migration and Refugees apparently did not have any clue about how Raslan ended up in Germany. Böcker concluded that witnesses Drechsler and others only left question marks regarding international efforts in Raslan’s asylum-seeking procedure. He said this was unfortunate due to the overall political component, and he had hoped for more [information and effort] from the German authorities.

Böcker asked which testimonies are actually supposed to incriminate Raslan regarding the charged murders and are supposed to prove that his plea was a mere protection assertion. He concluded that there was not much [incriminating information] left from all the testimonies in this trial.

Böcker said [P1](#) behaved completely different inside the courtroom than outside where he was constantly being followed by cameras. Böcker said he personally did not like the media involvement but regardless of what one thinks about that, one must acknowledge that “P1’s contribution to this trial was almost zero.” Böcker added that the Defense already elaborated on Anwar Al-Bunni who claimed to have identified Raslan in 2006. Nonetheless, he did not make any statements on the charged crimes at heart of the trial, concluded Böcker. He added that Al-Bunni’s role in this trial was different from the role of a witness and he significantly complicated reaching a verdict. Böcker said the Prosecutors “will soon again come across Al-Bunni’s striking stationary in another trial in Berlin.” According to Böcker, the elderly male witnesses in this trial (Böcker added he assumes he can call them [elderly] since he himself is an elderly man) did talk a lot, however, most of it was unrelated to the events in the indictment period. Regarding “so-called lawyer,” Anwar Al-Bunni, Böcker recalled that Al-Bunni showed a picture of Raslan to [P46](#) and “significantly hindered the general evaluation of evidence in this trial.” Böcker added that the extent of Al-Bunni’s actions relating to this trial is still unclear. Böcker mentioned “keyword: structural investigation” in this regard.



Böcker went on to address the death of [P17's](#) brother and how P17 said that Raslan is the one responsible for the death of his brother. Böcker said that apart from that, P17 did not provide further information. The evidence presented in Court thereafter rather indicated that P17's brother was beaten to death by fellow detainees [at Branch 251]. According to Böcker, P18 [Böcker mentioned P18's name despite anonymization] did not deliver any information in this regard. The relevant Facebook chat that was read out in Court confirmed that P17's brother was beaten to death by a fellow detainee.

Böcker further said that [P31](#) allegedly recognized Anwar Raslan at a demonstration but also said that "[he] imagined stories that will help him during his interrogation." Böcker said such statements are a red flag for him. Someone who makes up stories cannot be trusted. Böcker added that P31 only identified Raslan at a later point.

Turning to [P20](#) [whose name Böcker mentioned despite anonymization], Böcker recalled that P20 was 90% certain that he saw Raslan on the internet and that he was the interrogation officer who beat him. Böcker said the only transparent thing about this testimony is that P20 was uncertain, and that he only got a glimpse of the interrogation officer when his eye was injured and while he was blindfolded. Böcker concluded that P20's descriptions were inconsistent, and one can therefore not come to any conclusions.

[10-minute break]

Raslan's Character

Böcker concluded that there was much more one could say about witnesses incriminating Raslan. However, [Böcker mentioned a few witnesses] were unable to contribute anything to this trial.

Böcker then turned to [P49](#) [Böcker mentioned P49's name despite anonymization] saying that he told the Court that the interrogation with Raslan was friendly. [P58](#) also said that Raslan facilitated his release, said Böcker. He added that P56 also credibly confirmed the picture that Raslan had painted of himself in his first plea.

Böcker recalled that [P32](#) also told the Court that she was taken to meet with Raslan while in detention who granted her request to be transferred to another cell for psychological reasons to which anyone can relate, added Böcker. P32 also told the Court that it was Raslan who hit one of her sisters in the face so that her headscarf was covered in blood when the family met Raslan at his office. However, there are significant doubts about P32's descriptions, and it remained unclear what she meant by saying that it took 11 days for her sister to be released. Böcker said it was rather the case that P32's sister was released after Raslan facilitated the release, as [P33](#) told the Court.

Böcker went on to say that CCI [Knappmann](#) from the BKA also introduced the testimony of a witness who preferred not to testify in Court. Böcker said that while her reasons not to come to Koblenz were relatable, it was still unfortunate that she did not testify in Court. Böcker recalled that the witness had told the police that Anwar Raslan was friendly, offered her coffee, and was not violent toward her, and was loyal toward the 'old regime.' Böcker said it would have been interesting to ask this witness more questions in Court.

He then turned to [P21](#), an insider witness, who was under enormous distress during his in-court testimony. Böcker said this distress made it impossible to assess whether P21 was telling the truth. Nonetheless, he said one credible thing: Anwar Raslan was in permanent fear of Taleb Hassan [an Alawite employee at Branch 251].

Böcker further recalled [P16's](#) testimony in which she told the Court that Raslan was friendly and offered her coffee and allowed her to have a cigarette. In addition, [P5](#) who worked at Branch 251 as a security guard, told the Court that Raslan did not mistreat detainees and ordered other staff to refrain from violence toward detainees. [P9](#) also said that Raslan was a friendly interrogator. [P10](#) told the Court that anyone at the Branch was free to do whatever they wanted to, and that Anwar Raslan had no control over the people at Branch 251 who were given a free hand [to treat the detainees], and that many people who died at Division 40 were taken to Al-Khatib Branch. Böcker added that [P52](#) also said that Raslan facilitated his release, which was similar to what [P53](#) experienced.

Böcker went on to say that, by describing his own situation and defection, [P54](#) confirmed Raslan's statement regarding his difficulty to safely defect and leave Syria. P55 then described Raslan as a kind and good person, said Böcker. He said that although P55 belonged to the inner circle at the Intelligence Services, he was unable to provide details about Raslan's transfer [from Branch 251 to 285] because he was not given any information on the matter. In light of an intelligence officer who had been working for the Intelligence Services since 1983 and still being unable to elaborate on inner workings at the Intelligence Services, Böcker asked how anyone else without a relevant position at the Intelligence Services could be able to make any assumptions about Raslan's position and competencies. Böcker concluded that all assumptions regarding this topic are therefore mere speculation. He said that all that happened in "a closed and far away state."

Böcker concluded that the trial lacked reliable incriminating evidence against Raslan and lacked exculpatory evidence. One can therefore not find institutional [superior] responsibility in Raslan's case. Böcker said this might also be the reason for the Prosecutors to simply find that explicit orders to torture were redundant at Branch 251.

Defense Counsel Böcker demanded that the Judges acquit Anwar Raslan and order monetary compensation for the time he already spent in prison.

Böcker concluded his closing statement by citing [P56](#) who told the Court that he trusted Anwar Raslan and if he trusted the wrong person, 'it could have cost me and my children's lives.'

Defense Counsel Böcker explained that Anwar Raslan wrote down his closing statement in Arabic. The Arabic text was then translated into German by the Defense's interpreter who will also read the German version. According to Böcker, the court interpreters should re-translate the German statement into Arabic for Raslan to follow and confirm its originality. Presiding Judge Kerber agreed to the proposed proceeding and handed over to Raslan's interpreter.

Closing Statement by Anwar Raslan

[The following statement was read out in German by Raslan's interpreter.]

Raslan started his closing statement in the name of Allah, saying that in this closing statement he will not only defend himself but also tell the truth. According to Raslan, it was already clear on the very first demonstration in Damascus that the government would [allocate] resource to violence. He said that counterdemonstrations were supposed to be staged. After violent disputes involving the use of thrust weapons, the behavior of security officers changed, according to Raslan.



He said that tsunami-like arrests happened, and chaos and fear spread amongst the officers. Raslan explained that he tried to keep the number of detainees [at Branch 251] as low as possible by trying to transfer them [to other detention facilities] or release them. Nonetheless, it always depended on Tawfiq Younes.

Raslan went on to explain that Hafez Makhoul was the head of Division 40 that was in control of Damascus and the surrounding areas. According to Raslan, Makhoul had “great power and influence.” Raslan said that this [Division 40 led by Makhoul] was the reason that a high number of detainees in “miserable condition” were brought to Al-Khatib Branch and were received with the welcome party. Raslan added that Basel Hakim was the head of the Student [Affairs] Division and responsible for the arrest of many students who were alleged opposition members. Raslan said that when he once condemned the violence against detainees, he was told that all of them were terrorists.

Raslan recalled that, in early April of 2011, Tawfiq Younes called Raslan to tell him that people demonstrated in Al-Houla, Raslan’s hometown. This conversation took place at Kamal Al-Ahmad’s office and Raslan was told that he was now considered a traitor. Raslan said that this was the moment when he decided to defect. He added that the Republican Guard and the 4th Division formed a commission, which also included Tawfiq Younes, Mohammad Al-Abdallah, Mohammad Khaddour, Ali Nayyuf, and Mohammad Ali, the entire 4th Division, and 4th Division Colonel an-Na’saan and its members.

Raslan said that arbitrary arrests were conducted for months, and he was given interrogation transcripts every day. In order to reduce the number of detainees, he twice mentioned that there was not enough space [at the prison]. When he rose the issue a third time, he was told to be silent and not talk about it again. Raslan said that the commission that he just mentioned started to meet every day, in the evenings. The following mornings, signed orders [from this commission] were handed out. Raslan said he made two unsuccessful attempts to defect.

Raslan further told the Court in his closing statement that he received a phone call from Ahmad Noah and Khedr Kaddour on May 11, 2011 during which an employee told him to get P39 for interrogation, that the employee had permission to interrogate this person, and that members of Division 40 were also allowed to be present during the interrogation. Raslan therefore went to get P39. When Raslan started to talk with P39 about his family, Ahmad Noah and Mohammad Abdallah started insulting P39. Raslan told this employee that he should not do that, but the employee replied that someone else ordered him to do so. Raslan said that when he later asked for written orders to conduct this interrogation, he was simply told that there were orders.

According to Raslan, the “prison and the investigation division were open to anyone from this point onward and the head of the division had no more [power].” He further recalled that in the summer of 2011, two people came to his office to invite him to the office of the head of the Branch because members of the Republican Guard complained about him. Raslan said that Omar Shannan and Abdelmon'em An-Na'saan were present as well. According to Raslan, this was when the restructuring of the Branch started. There was no longer a real head of investigations. Every officer behaved like his own superior. Raslan said that from this moment on, he merely checked some of the investigation results. The [above-mentioned] commission met at the office of the head of the Branch every evening. They discussed how to handle demonstrations, hospitals, and coordination points. Raslan said that [the Head of the Branch] signed [orders] which were then decided.



Raslan said his task was to forward [investigation] results. One time, Tawfiq Younes and Omar Shannan went on a mission to Az-Zabadani. Due to the results of the investigation [at Branch 251], similar missions were conducted west, east, and in parts of the area north of Damascus, and in Damascus city. During these missions, the Head of the Branch told Abdelmon'em An-Na'saan and Raslan that the two of them were the officers in charge of Al-Khatib Branch for the time. Raslan explained to the Court that when he was in charge of two categories of detainees, while Abdelmon'em An-Na'saan and three close employees were in charge of hospital staff, armed demonstrators, and terrorists. According to Raslan, Abdelmon'em An-Na'saan and the three others “tortured [detainees] day and night” and forwarded the information from these sessions directly to the Head of the Branch [without involving Raslan]. Raslan, on the other hand, forwarded transcripts of the interrogations for which he was in charge to the head of the office of the Head of the Branch.

Raslan further recalled that, once when he came [to Al-Khatib for] work, he heard screams from the prison. He went to his office and called the prison because he was the officer in charge of the Branch at this time. Raslan said that the person on the other side of the line told him that Division 40, Makhlouf's division, as well as Mohammad Abdallah and Ahmad Mon'em, were torturing people at the prison.

Raslan said this was when the Syrian Army advanced to Al-Houla. He assumed it was in August 2011. He recalled that when he heard about the artillery bombing and executions, he was unable to find rest for three days. Raslan said that one of his relatives died during the massacre at twenty years old, as well as one of his sister's grandsons. However, his family told him not to come and look after them due to the dangerous situation. Raslan described another situation that happened around New Year's Day of 2012. At this time, several people were arrested by the Syrian Army and Division 40 and [...] in a [manner] similar to what he described earlier. Raslan said he was tasked with conducting preliminary investigations into these cases. Around 170 people, mostly fieldworkers who had nothing to do with the opposition were arrested, according to Raslan. He told the Court that around 30 of them, or even less, had previously violated the narcotics law, participated in demonstrations, or were accused of illegally owning weapons. Raslan said he demanded that the relevant transcripts were forwarded to the head of the office of the Head of the Branch. He ordered all 170 people that he was in charge of to be released. According to Raslan, he was then called to Tawfiq Younes' office one or two days after this incident because Hafez Makhlouf had told Tawfiq Younes that Raslan had released terrorists. Raslan therefore showed Younes the relevant files. Younes then told Raslan to stop [going through the files] and called Hafez Makhlouf. Raslan was told to wait for ten minutes while the call lasted. When the call ended, Younes informed Raslan that he was “in the middle of the storm” and that Hafez Makhlouf wanted to start investigations against Raslan and hold him accountable. Raslan told the Court that this was when he requested to be transferred to the police. He said that a copy of this request is attached to his written closing statement.

[Below is a recreation of Raslan's transfer request based on what the Trial Monitor was able to hear in Court.]



From: Brigadier General
To: General Intelligence Directorate

Request for Termination of Contract and Secondment to the Police Service

Anwar Raslan, currently working at Branch 251 requests to be transferred to the Ministry of Interior.

To be signed by:

Brigadier General at Branch 251

Decision of the Head of the General Intelligence Directorate

Raslan went on to explain to the Court that when [Younes] read this request, he told Raslan to go back to his office and that everything would happen at its time. Raslan said he then sent his son-in-law to Az-Zabadani to make arrangements with the Free Syrian Army [FSA]. Then the massacre happened, and people were “executed, stabbed to death, and slaughtered” by Alawites and Shiite militias. Raslan said he was called to Tawfiq Younes’ office two days later. Two representatives of a Russian TV channel, an interpreter and [REDACTED] were there as well, and Raslan was told to give them an interview and state that Islamic terrorists conducted the attack. When Raslan refused, Younes replied that Raslan “put all [his] cards on the table and they are all losing cards.” Raslan said he then contacted [PW2_97/PW2_100](#) but he was followed by the security offices like anyone else [who defected]. Raslan told the Court that PW2_97/PW2_100 now lives in [REDACTED], knowing his opinion [against the arbitrary detentions and torture] and can confirm that Raslan helped him.

Raslan went on to explain that the number of demonstrations decreased since 2012 and the situation “rather turned into an armed civil war.” He added that he never gave orders to torture or mistreat anyone. These orders came from Division 40, An-Na’saan, and Ahmad Noah, as well as from the Prison Director and three of his employees. Raslan said their motives [for ordering torture] was that they were subordinate to and identified themselves with two people: Tawfiq Younes and Hafez Makhoulf. Raslan added that one must understand that he never participated in any actions, such as arrests at demonstrations, raids, or any other actions outside of Branch 251

Dead People

In terms of deaths at Branch 251, Raslan let his interpreter read out that:

- 1) One person was taken to Al-Khatib Branch where Doctor [REDACTED] examined him in the yard. As a result, the detainee was sent to the Red Crescent Hospital where he died from internal bleedings. The person was previously beaten on his head by a member of the Republican Guard. Everything happened on orders from the Republican Guard.
- 2) Following an incident in Idlib, the Republican Guard brought around 45 people to Al-Khatib Branch. One of them, a man from the [REDACTED] family in Harasta, was carried on a stretcher. Raslan noticed a fracture on the man’s left leg. When Raslan asked who caused the fracture, he was told that the head of the checkpoint in Harasta injured the man in revenge. From Al-Khatib Branch, the man was taken to the hospital. Thirty minutes later, he died from a lung embolism because he had lost a lot of blood. Tawfiq Younes, the head of the Branch and Hafez Makhoulf are the ones responsible for this, as they are the ones responsible for the mass crimes.



- 3) Once, Mohammad Al-Abdallah brought a detainee with a bullet wound to Al-Khatib Branch. He got the wound in Damascus and was taken to the hospital upon his arrival at the Branch.
- 4) Yousef Ibrahim from Division 40 once brought a detainee to the yard of Al-Khatib Branch. The detainee bled from his nose and mouth. He was taken to the hospital where he died thirty minutes later. Raslan later learned from [PW1_95](#) that this person was beaten and robbed of 2,000 Syrian Pounds [by authorities at Division 40]. When Raslan informed the head of the Branch, he was told to remain silent.
- 5) When Raslan was ordered to merely check investigation results, An-Na'saan and members of Division 40 were interrogating detainees who had to be taken to the hospital. However, the results of these interrogations were not forwarded to Raslan.
 - a. The grievances at the Branch are mainly a result of the tenfold occupancy [of the prison]. People were malnourished. The Branch's doctor tortured detainees, as did the officers and Prison Director. This amounted to the overall conditions at the Branch. Raslan did not approve of that, but was unable to do anything about it, as witnesses testified.
 - b. Tawfiq Younes and Hafez Makhoulf are the ones responsible for injuring and arresting opposition members who they considered "enemies of the regime."
 - c. People were enforcedly disappeared. Despite the law prohibiting such interactions between families of the missing and Intelligence Services, Raslan provided the families with information via telephone. Once the anti-terrorism law was passed, a central list with the names of all detainees was created. The list was available at the Office of the Prosecutor in Damascus. Family members of missing persons were able to go to the Office of the Prosecutor and check the list of detainees, including those detained by the police and security forces.

Raslan further explained to the Court that Syrian law lists three elements to a crime:

- 1) will and intent, the mental element
- 2) the material element
- 3) success [completion of the criminal act]

Raslan said that there must be a causality link between all three elements.

Raslan told the Court that he never gave orders. On the contrary, he tried to help people the best he could. He said that he had no authority over officers who decided torture should be performed. In terms of Division 40, he had to be silent. According to Raslan, the head of Division 40 [Hafez Makhoulf] was a danger for Branch 251 and other Intelligence Services because he received a lot of information.

Raslan described how usually, people from outside had no access to Branch 251 and its prison. Only when Hafez Makhoulf started his work did the head of the Branch give in and allow the Division to enter the Branch.

Raslan said his reasons for defecting were confirmed by several witnesses: P5, P10, Christoph Reuter, P15, P49, P53, P54, and P55. All of them confirmed that Raslan had to give up many privileges when he defected. Raslan added that he lost seven relatives. Two of them died under torture and one of his grandsons was also killed.

Raslan recalled that, at the end of Ramadan in 2012, people from Az-Zabadani were taken to Al-Khatib Branch. All of them were mistreated. Raslan found out that none of them were officially wanted people, so he tried to help them. This was when he was punished and transferred to another post.



He was transferred to Branch 285 where he stayed for less than three months. Raslan said that this was not an official secondment. The leading employees did not know his name and he was merely a member in a committee. After that, he defected.

Raslan said that due to the situation in Syria, many people like [REDACTED], [REDACTED], and [PW4 100](#) were unable to appear in Court. PW2_97/PW2_100 and other renowned people would have been able to talk about Raslan's great help [to detainees] for which he often took many risks. Raslan said he reached a point where he had no more influence because he was against Tawfiq Younes and Hafez Makhlof who considered him to be a terrorist because he was from Houla. Raslan said he already explained that before.

Raslan then turned to the entire "Syrian people and the victims" and said he feels sorry for having been unable to help more people and having been unable to stop "the death machinery". He wrote, as his interpreter read out, that he bemoans "the extinction of this great [Syrian] people." Raslan added that he and his family are also victims. He recalled that seven of his relatives died through government acts as well. Two of them died "the martyrs' death" and his ten-year-old grandson died through "a bullet that hit his head and basically blew up his head." Raslan said it was very painful for him to hear about what happened in his hometown. Nonetheless, he did whatever possible to help others until he defected. He said he opposed that innocent people were injured and killed. According to Raslan, one still heard bad news from northern Syria until today.

Raslan further described how, now that he is almost 60-years old, chronic diseases and the separation from his family and homeland tear him apart in detention, where he has had to spend the last three years. He addressed the Court by saying that he wishes for a just judgment and fairness, which would stand above all things. Raslan quoted a paragraph from the Quran (5:32) saying that "if one kills one human being, it is as if he had killed the entire human race. If one helps one human being, it is as if he had helped the entire human race."

He concluded that there were many detainees who he could not help back then and who could now be among the pictures in the Caesar Files. Raslan said he believes in German law and the judiciary and will accept the Court's judgment.

Presiding Judge Kerber announced that the trial day scheduled for January 12, 2022, is cancelled and that "if the sky does not fall down on us" the verdict in the trial of Anwar Raslan will be announced on Thursday, January 13, 2022. Kerber explained that on [January 13th], there will be an additional 15 seats for journalists in a separate room where they can listen to the German and Arabic language audio transmitted from the courtroom. The final trial day will start at 10AM with the courthouse opening at 7AM if nothing contrary is announced in a relevant press release.

The proceedings were adjourned at 1:53PM

The next session will be on January 13, 2022 at 10AM when the verdict against Anwar Raslan will be announced.