



TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 21

Hearing Dates: December 9 & 10, 2020

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 50 – December 09, 2020

The court heard the testimony of 38-year-old, P22, who was a doctor in Syria. He recounted the day when he was detained by two plain-clothed officials at the hospital where he worked and accused of organizing his friends to demonstrate. He spent 77 days in Al-Khatib Branch, then was transferred to Kafar Souseh. P22 described the physical conditions of his fellow detainees and his inability to address their medical needs as a detainee himself.

Defense Counsel Schuster read a statement from Eyad Al-Gharib in which the defendant said he was filled with “pain and grief” after seeing photos from the Caesar Files during the court session on November 4, 2020. He explained that his only option for defecting was to wait until the Syrian/Jordanian border opened and he could flee with his family.

Trial Day 51 – December 10, 2020

The witness was P23, a 31-year-old who managed a carwash/repair shop in an area of Damascus frequented by government officials and their families. He emotionally recalled the brutality he faced throughout his detention: from the 10th Division in Qatana to Al Khatib Branch to the Military Hospital in Harasta. Shortly before P23 was thrown into the street by officials and found by a taxi driver, he had been chained to a bed where he laid in excruciating pain caused by relentless beating.

Trial Day 50 – December 09, 2020

The accused arrived late and the proceedings began at 9:40AM. There were five spectators and two individuals from the media present. Plaintiff Counsel Kroker did not attend. Attorney Foerster-Baldenius appeared for Plaintiff Counsel Mohammad.

Defense Counsel Böcker read aloud a statement about the alleged death of P17’s brother. It included statements from [P17](#), [P18](#), and [P21](#). He then requested: (1) a translation of a message from P18, (2) that the interrogator from the Federal Criminal Police (BKA) be summoned as a witness, (3) that the BKA officer who analyzed the letter/Facebook chat be summoned as a witness, and (4) a translation of the Facebook chat.



Testimony of P22

P22 is 38-years-old and was a doctor in Syria. He was accompanied by his attorney, Dr. Anna Oehmichen.

Judge Kerber asked if she should address P22 as Doctor [redacted]. Oehmichen clarified that P22 is not yet an accredited doctor in Germany.

Instructions were read, and P22 was informed of his rights as a witness.

Judge Kerber said that P22 was questioned on May 1, 2020. She asked P22 to say who he was, how he was detained, and his experience in detention [in Syria]. P22 explained that he studied medicine from 2001 to 2007 in Damascus. After that, he specialized in urology at Al-Mojtahed المجتهد Hospital until [redacted]. Then he worked in the nephrology surgery department at Ibn An-Nafis ابن النفيس Hospital until he was detained.

Judge Kerber asked how, when, and for what reason was he detained. P22 said that he was detained on [redacted]. He was working in the emergency department of the nephrology unit at Ibn An-Nafis Hospital. Judge Kerber interrupted to ask which year P22 was referring to. P22 clarified 2011. He was summoned by the [female] hospital manager. In the office [of the manager], there were two people wearing civilian clothes. They told P22 that he participated in the operation of a [female] patient who died, and her family filed a complaint. He knew about this [female] patient whose name and story was known throughout Al-Mojtahed Hospital, but he did not participate in the operation. The two authorities told P22 “yes, you did. Some doctors said that you participated and we want to question you for a quarter of an hour. Please come with us!” There was a car 50 meters away from the hospital. In the car, there were two people, one of whom had a Kalashnikov. They took P22 without tying up his hands. He sat between them in the backseat, and they told him that they were going to a criminal security branch. In Damascus, everyone knew that there were two criminal security branches: one in Bab Mosalla باب مصلى and another in Customs Square ساحة الجمارك. P22 anticipated a certain route. They went down from Ibn An-Nafis Hospital [unclear to the Trial Monitor if the witness meant down from the hospital or the street]. P22 thought they were headed to Bab Mosalla in the direction of the Al-Thawra الثورة Tunnel.

Judge Wiedner asked if P22 was blindfolded. P22 said no. When they arrived at Al-Thawra Street, they took another route [toward the street on which there was a well-known mosque] at a roundabout. P22 had a feeling [that something was wrong] and asked the authorities where they were going. They said that it would not take long [to reach the destination]. After that, they took the Al-Adawi العدوي [Street] route and arrived at a building that P22 did not know. Outside the building there were many military people and guards. P22 got out of the car [he was not blindfolded or tied up at this point]. The authorities told him to climb down the steps [the Trial Monitor did not know if the steps were inside or outside of the building]. An authority [downstairs] asked the authorities [who detained P22] how they brought P22 [to detention] without blindfolding him. One replied that they “[just] took him [referring to P22].” At the end of the stairs to the right, there was a small room. A person came in, frisked P22, and took his belongings. P22 stripped down to his underwear. The authority screamed at him and told him to take his [underwear]



off. Another authority held P22 by his neck and lowered his head downwards, then took him to a solitary cell. P22 remembered that there were one or two military blankets (as they were known in Syria). He waited two or three hours, then was taken to his first interrogation after they tied his hands and blindfolded him. He heard the interrogator, but could not see him. The interrogator started with general questions (name, age, etc.). The interrogator said, “if you want to study medicine in Jordan (a neighbouring country), how much would you pay?” P22 responded that it might cost half a million Lira/pounds. The interrogator said, “then this means that Mr. President gave you a certificate of six years for 3 million Lira/pounds as a gift, and after all of that, you talk bad about the government?!” The interrogator explained what P22 had discussed with [redacted] and [redacted]. P22 initially denied everything. He was very afraid because he was standing in front of an [interrogator] who could do anything [to him] and because he did not want to implicate other people. The interrogator told him that he would not do anything [to P22] and then [ordered guards to take P22 back to the cell]. As far as P22 remembered, the second interrogation was on the second or third day [there were many details that P22 said he did not remember precisely]. As always, he was blindfolded and his hands were tied. The interrogator said, “you met with [redacted] and [redacted] in the cafeteria of the university [dormitory] and told them that they must protest.” The demonstrations had only started in Dar’a درعا at that time. The army was there. P22’s friend was from Dar’a and wanted to do something for his family. The interrogator mentioned details that P22 did not remember [during the interrogation]. He then told P22 to lay down on the floor and raise his [feet] upward. The interrogator beat P22’s feet. P22 did not see what was used to beat his feet, but he thought it was a cable. During the interrogation, the interrogator asked P22 which contacts he had outside of the country. The interrogator mentioned Borhan Ghalyoun برهان غليون (a known [opposition figure](#)). P22 told the interrogator that he did not know Borhan or have contact with him. [Before he was detained] P22 talked with his friends and told them that anyone who was detained would inform on the others [under torture]. They established small cells, each with only a few [members], so that if one person was caught, he would not inform on [everyone else] under torture. The interrogator told him that P22 came up with this idea. P22 did not know how they knew this. The interrogator said that these were ideas from outside [the country] and from the Israeli Mossad. When one says Mossad, it is a big [accusation]. [The authorities] try to make a big accusation so that one says “no, I am not. I only participated in a demonstration.” After the beating, the interrogator ordered P22 to be taken back to his solitary cell. P22 remained there for a few days. His friends were detained, but he did not know that until after he was released. [The interrogator] had interrogated each one of them separately to collect information. P22 did not remember how many times he was interrogated. Perhaps it was 6 – 10 times. On the 25th day, they transferred him to the group dormitory/chamber. The solitary cell was like a grave. There was no contact with others. In the solitary cell, he heard other prisoners (also in solitary cells) talking to each other. P22 did not have the guts to talk to them because he would be beaten [by the guards] if he was heard. There was someone who always insisted on talking to him. P22 thought the man was in [cell] number 25. But P22 was afraid. When he felt that nobody was around, he spoke with the man who told P22 that he was part of the [redacted] family and was a relative of [an opposition figure]. In another solitary cell, there was a person named [redacted] from Duma دوما (P22 could only hear his voice). Most of the detainees in Al-Khatib were from Az-Zabadani الزبداني, Madaya مضايا, Duma and Harasta حرستا. [Redacted] was well-known to the demonstrators. He told P22 that this was his fifth detention. P22 noted that there were



usually around 25 [detainees] in the group dormitory/chamber which was considered a low number of people. When they brought people from demonstrations, the number was 35-40 detainees. During the time when P22 was in this dormitory/chamber, he was summoned for interrogation two or three times. During the interrogations, he was beaten. One time, they asked for his Facebook account password. In fact, he forgot it. During the interrogation, he was sitting on his knees and the [soles of his feet were upwards]. When he said that [he did not know the password], [the interrogator] hit P22's feet. P22 remembered the password, then gave it to the interrogator. He was taken back to the chamber. The new detainees said that there would be a resolution from the president to terminate the state of emergency in less than 60 days. [They were hopeful that in] 60 days the torture and the interrogations would end. Around day 61 or 62, P22 was summoned to interrogation. [In the interrogation room,] he faced the wall. The officials were interrogating someone. P22 recognized the person by his voice: it was [redacted]. [Redacted] confessed that they were participating in demonstrations. At the end of [redacted] interrogation, [the interrogator] said: "did you hear that [redacted], [redacted], and [redacted]?" (as if the interrogator was speaking to P22 and the others). After that, P22 was not interrogated. He had a feeling that it had been 61 – 62 days [since he was detained] and that something would happen, but he stayed 77 days in Al-Khatib Branch, then they transferred him to a state security Branch in Kafar Souseh كفر سوسة. When P22 was in the solitary cell, he asked about his whereabouts and was told that he was in Al-Khatib Branch. In the group cell, a detainee said that he was a journalist (P22 was not sure whether to mention the journalist's name, so he did not). It was around the middle of September [2011]. The journalist told the other detainees that there were statistics about the number of people who died under torture in different branches and, according to him, only one person died in Al-Khatib Branch in comparison to other branches. P22 saw many people who were detained.

Judge Kerber asked if P22 was interrogated up to 16 times. P22 said no.

Judge Kerber asked how many times he was interrogated. P22 said that he could not remember exactly because of [the fear he experienced while he was detained], but he thought 7 – 10 times.

Judge Kerber asked if P22 was blindfolded. Oehmichen asked when Judge Kerber was referring to. Judge Kerber clarified that she meant during the interrogation. P22 said that he was blindfolded during all interrogations.

Judge Kerber asked if P22 could see anything while he was blindfolded. P22 said no, his head was always downward. Maybe he could see a bit from [the bottom of the blindfold], like the tiles or the floor.

Judge Kerber asked if P22 saw the interrogator. P22 said no.

Judge Kerber asked if P22 was interrogated by the same person each time or by different interrogators. P22 said it was always the same person, but the interrogation about his Facebook account could have been another person.

Judge Kerber asked if P22 was always interrogated by Abu Ghadab. P22 clarified that all the prison guards were called Abu Ghadab.



Judge Kerber asked what the name Abu Ghadab means. [The interpreter explained this. In English, the literal translation is father of anger/rage]. P22 said the detainees could hear [the guards] voices and knew where the guards were from based on their dialect.

Judge Kerber asked about the dialect of the interrogator. P22 said the interrogator was not from the coast. He was likely from Damascus or Homs.

Judge Kerber asked whether the interrogator hit P22 or if another person hit him. P22 said that sometimes [he was hit by] the interrogator and sometimes by the prison guard. One time, the interrogator questioned P22's friend (this was funny). P22's friend had bought a new mobile phone that did not use Arabic. An SMS appeared in symbols, not in Arabic. The interrogator wanted him to confess that it was an English code. He [the Trial Monitor was unsure if P22 was referring to the interrogator or the prison guard] beat P22's friend with a cable. Then the friend told the prison guard that the cable was not [hurting him] and asked the guard to bring "wood." The position during beating was always laying down on the floor. When the guard hit with wood, the floor shook.

Judge Kerber asked how P22 knew this. P22 noted that he was blindfolded, but he heard [the conversation and the hitting].

Judge Kerber asked if P22 was in the same room. P22 confirmed. There was another person who was being interrogated and beaten.

Dr. Oehmichen explained what P22 said.

Judge Kerber asked if P22 was always on his knees when he was being interrogated. P22 said that sometimes he was on his knees and his feet were backwards. Sometimes his feet were upwards. Sometimes his face was to the wall.

Judge Kerber asked if P22 was hit on an area other than the feet. P22 said he was only hit on his feet.

Judge Kerber asked how many times P22 was beaten. P22 said he was only beaten once.

Judge Kerber asked if P22 was slapped. P22 said he was slapped one time. The interrogator had asked him a question and P22 did not answer.

Judge Kerber asked about the general conditions in detention and the condition of the detainees. P22 said that the solitary cell was like a grave, but you could sleep there. Whereas in the group cell, this was not always the case. In the group cell, the number [of detainees] was high. One night, they brought many detainees and no one could sleep on their back. P22 lost weight. The quantity and the quality of food was bad, especially when the number of the detainees increased.

Judge Kerber asked about the health conditions. P22 said that he was detained in August. There were some blankets (two or three in the dormitory/chamber). When it was cold [later during his detention], [the guards] brought blankets with lice, then the detainees all got lice.



Judge Kerber asked if there were signs of torture on the detainees. P22 said that the people who were beaten in Al-Khatib Branch returned from interrogations with redness on their arms/hands and legs/feet. He saw many people beaten outside at the checkpoints. In Al-Khatib Branch, there was only beating/hitting. He did not see more than that (*e.g.*, he did not see people with wounds or who were hit on the head). Maybe they were beaten outside. One time, he saw a “psychopath” beaten in the group cell. The person’s behaviour was not balanced. He used to scream and put his feet in his food. He did not let the other detainees rest. Two or three prison guards came, laid the detainee on the floor, tied his hands and feet to the back and started to beat him. His head was on the floor and they beat him.

Judge Kerber asked how the detainee was beaten. P22 said he was beaten with a cable on his feet/legs and with the guards’ hands.

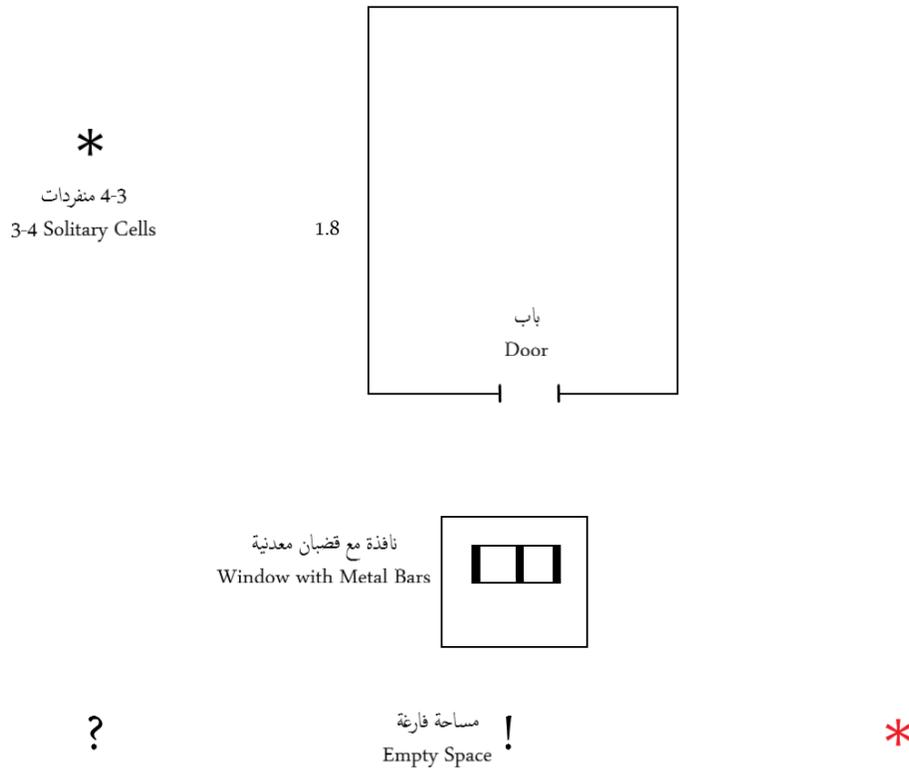
Judge Kerber asked if P22 saw corpses in Al-Khatib Branch. P22 said no.

[15-minute-break]

Judge Wiedner’s Questioning

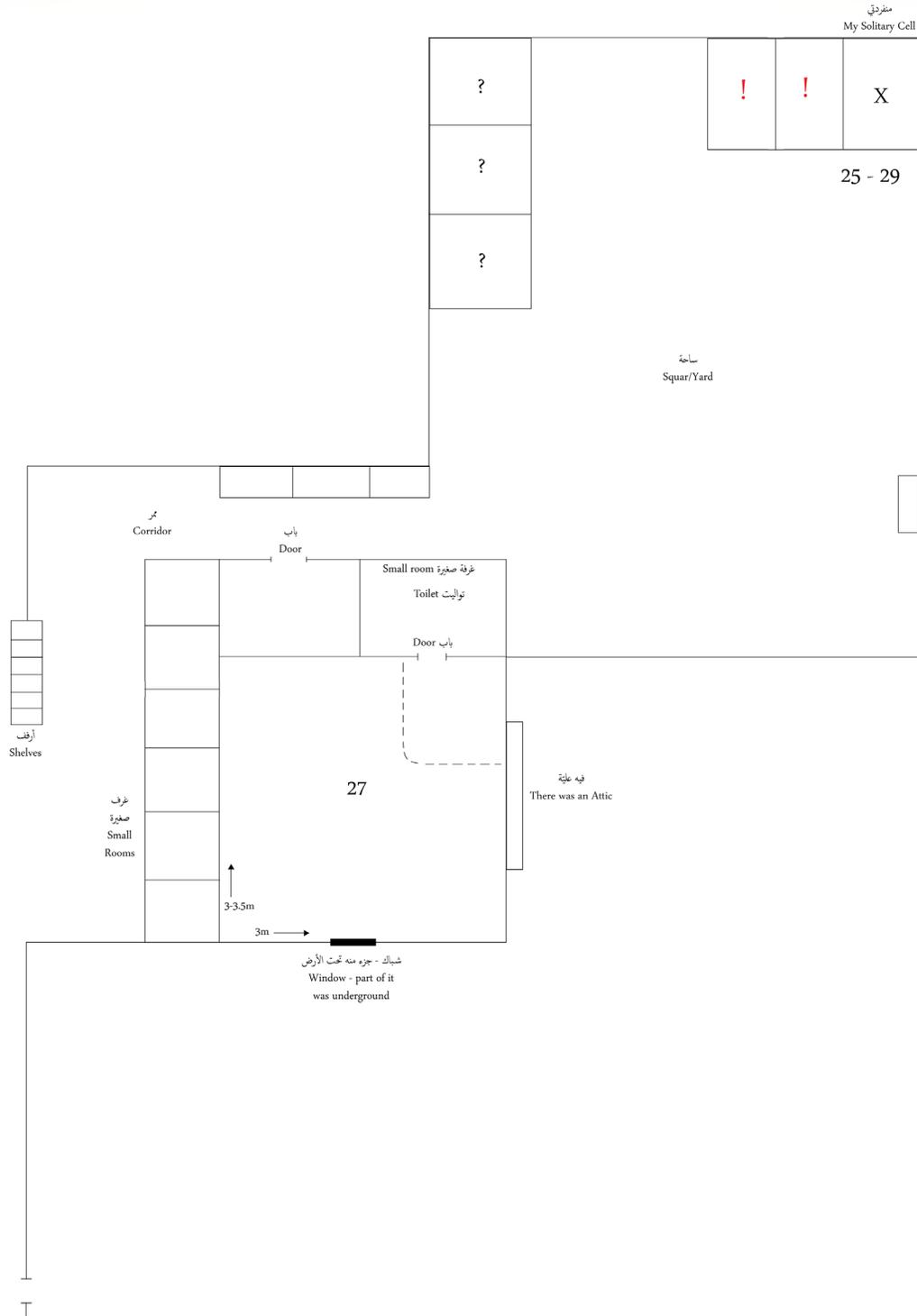
Judge Wiedner asked about the solitary cell and its size. P22 said the cell’s length was 160-180cm and its width was 80-100cm. It had a metal door. At the top of the door, there was a small [hatch]. Outside, there was a yellow light that was on for 24 hours. The light reflected onto the metal bars on the door.

Judge Wiedner asked whether P22 remembered that he drew a sketch when he was questioned by the police. P22 confirmed.



P22 said there were three or four solitary cells with prisoners to whom P22 talked [marked with black *]. The sketch showed that the length of the cell was 1.8 meters, but P22 thought that he could lie down and stretch his legs. He thought there was a TV whose sound he used to hear [marked with red*]. Perhaps it was a resting area for the prison guards and whenever new detainees were brought, that area was empty. P22 showed the spot where he was first detained [marked with ?], before they told him to go downstairs. The external cell had a window, part of it was above ground [level].

Judge Kerber asked what the shape [in the sketch] under the cell indicated. P22 said the shape indicated the cell door so he could show the window/hatch.



P22 said that the window had a sill that was used to climb up to an “attic” where some detainees laid down. He used to talk with people in cells [marked with?]. The dashed-line showed where P22 thought the toilet was located.



Judge Wiedner asked about ventilation in the solitary cell and in the group cell. P22 said that ventilation was better in the solitary cell because the person was alone. In the group cell, ventilation was initially bad because of the number of detainees and their sweat. There was only a fan on the window. Then a ventilation system (turbines) was installed, so it got better (the detainees could hear the workshop).

Judge Wiedner recalled that P22 mentioned an incident during [BKA] police questioning regarding a short circuit. P22 said the detainees were using the fan. They had no clothes except the ones they were wearing. They would wash their clothes, hang them on the window, and use the fan to dry them. Some of the young men were electricians and knew how to switch the fan on using the wires. They could hear the Azan [prayer call] sometimes and knew the time. One time, at dawn, a person washed his clothes and wanted them to dry. He connected the wires, a short circuit happened, and the alarm was triggered. The prison guards moved in a terrifying way. They wanted to know what happened. They opened all the rooms until they reached P22's cell. They smelled the odour and knew [the problem came from] his cell. No one confessed. Around 7:00 – 8:00AM, "Abu Ghadab" ordered all [the detainees in P22's cell] to bend their knees, face the wall with their backs to the door, put their hands behind their heads and raise their buttocks [as if they were half-way squatting]. They formed two lines. The guards took two people from the back line outside the cell and beat them to confess. Then it was time to for the guards' shift rotation, so the punishment stopped.

Judge Wiedner asked how long the punishment lasted. P22 said it lasted from 1-1.25 hours.

Judge Wiedner recalled P22's statement during [BKA] police questioning that the punishment lasted for two hours – until 8:00AM. P22 clarified that he could not estimate the time [back then]. Some of the men urged, "come on guys, confess."

Judge Wiedner asked P22 how the detainees slept. P22 said they slept in a well-known position called "Tasyeef تسييف" ["swording"- the term was used in TR#09]. You lay on your side with one arm under your head and the other arm on the side. They slept in two lines and their legs were interlocked (a line near the wall and a line opposite to it).

Judge Wiedner asked if people slept while sitting. P22 confirmed that sometimes new detainees slept while sitting with their backs against each other for support if there was no place for them to sleep.

Judge Wiedner asked about signs of torture and malnutrition from P22's point of view as a doctor. P22 said that most of the wounds belonged to people who were tortured outside of Al-Khatib Branch, but care for wounds was poor inside of Al-Khatib Branch. One person entered [prison] with a fractured hand that went untreated. Another person from Az-Zabadani الزباداني had Type 1 Diabetes. He was taken outside to get insulin. It was his second detention. He told P22 that he had complications (ketoacidosis) during his first detention and was transferred to the hospital, then he went out [the Trial Monitor did not know if "went out" referred to leaving the hospital or being released from prison]. A 19/20-year-old had a severe toothache and [the guards] gave him a cup of water and salt (to alleviate the pain). The detainees could not trim their fingernails, so they used their teeth and scraped their nails against the wall.



Judge Wiedner asked P22 if there was medicine. P22 did not remember. He mentioned something that he thought might be irrelevant: in the state security directorate, there were people with chronic diseases like blood-pressure, etc. Those detainees used to routinely stand by the window so the guards could give them medicine. One person had pain in his abdomen and asked for a doctor several times. When a doctor came, they took the person to him. P22 was unsure if he mentioned this during [BKA] police questioning.

Judge Wiedner asked about nutrition and recalled P22's statement that he lost weight in prison. P22 said of course. The quantity of food was better in the solitary cell. In the group cell, nutrition changed according to the number of people in the dormitory/chamber. It was not enough. [The guards] used to bring a plate that was only enough for five or six people. It was insufficient. Some people hid pieces of bread, which was prohibited. Food came at 6:00AM and 6:00PM. If the detainees were hungry, the guards sometimes gave them pieces [of bread]. If one dared to ask [for more], sometimes the guards gave more, like lentil soup (it depended on who the prison guard was).

Judge Wiedner asked about the nutritional state of the other detainees. P22 said that he did not see people who stayed [in detention] for a long time. He became the oldest one [the person there for the longest time]. Other detainees were in and out.

Judge Wiedner recalled a line from the police transcript which said that "food was insufficient. P22 lost 12 kg, but did not see extreme cases of other detainees." P22 confirmed the statement and reiterated that other people went in and out, but he stayed. After he was released on [redacted] [2011], P22 weighed himself. His pants were loose, so he fixed them with a [plastic] bag.

Judge Wiedner asked if this was the case for other detainees too. P22 referred to himself personally.

Judge Wiedner asked if P22 heard screams or the sounds of abuse. P22 said yes, several times.

Judge Wiedner asked how often he heard this. P22 said he heard this daily - during interrogations and sometimes at night when [the guards] brought new detainees to the yard at the "welcome party" which took place in front of the dormitories/chambers. He heard the voices of the prison guards insulting [the new detainees] and beating them. One time, he heard what sounded like [redacted] voice in front of the dormitory's/chamber's door. During the interrogation, he heard sounds from other rooms, including screams.

Judge Wiedner asked if P22 was beaten on his way to interrogation. P22 said no.

Judge Wiedner asked if there was beating in the chamber. P22 said no.

Judge Wiedner asked about the toilet. P22 said there was no toilet in the solitary cell. He had a certain amount of time to run to the toilet with his head downward. He had to put his plate in a certain place, then go to the toilet and drink water. There was no water inside the solitary cell.



Judge Wiedner recalled P22's statement during police questioning that "we were allowed to go to the toilet twice a day. If one wanted to go to the toilet [at a different time], [the guards] insulted him on his way to the toilet and hit him on the back of his neck." P22 said that the guards normally told them "quickly!" [to make him hurry up]. During the day, other than these two times, one had to ask several times to use the toilet.

Judge Wiedner said that P22 mentioned a story about someone who had a relative. P22 said that he would mention the story if he recalled it.

Judge Wiedner asked if there were beatings. P22 said there were no beatings inside the chamber, only during interrogation. Perhaps there was one time when someone knocked several times on the door and then the guard opened the door and kicked him in the chest.

Judge Wiedner recalled P22's earlier statement that a journalist mentioned an incident of death in Al-Khatib Branch. Judge Wiedner asked if P22 knew how the journalist got that information, if it was official for example. P22 did not know. He thought the journalist was a legal activist who heard that information from somewhere, but he did not know from where.

Judge Wiedner asked if, as a doctor, P22 thought there were detainees who needed immediate medical intervention. P22 said no. There were no [detainees with severe conditions] who needed immediate treatment.

Judge Wiedner recalled P22's testimony that he was hit on his feet. Judge Wiedner asked P22 if he meant on the soles of his feet. P22 confirmed. The guards told people to run in place [to control] the swelling.

Judge Wiedner asked if this was the case for P22. P22 said [a guard] only beat him one time, then told him to run in place. P22 went one step forward or backward [he was not running in the same spot], so the guard told him "it seems that you haven't done your military service."

Judge Wiedner asked if [running in place] relieved the pain after the beating. P22 said of course.

Judge Wiedner asked if P22's relatives were informed of his detention. P22 found out after his release that his family tried to find him. Through connections and money, they figured out where P22 was held. He was detained during Ramadan (he did not remember when exactly, but the Eid [feast] was soon). P22 was in Damascus and his family was in the village. They wanted to know where he was. They called and P22 did not answer, but somehow, they were able to connect.

Judge Wiedner said that [communication with P22's family] was not official. P22 said no.

Judge Wiedner asked how long P22 stayed in Al-Khatib Branch. P22 asked if Judge Wiedner meant the whole period of his detention. Judge Wiedner said yes. P22 said he was detained on [redacted]. After that (it was the time of Eid Al-Adha [Al-Adha feast]), he was transferred to Kafar Souseh one day before Eid Al-Adha, around [redacted] [a note from the Trial Monitor: the first day of Al-Adha feast in 2011 was on November 6].



Judge Wiedner asked what happened after that. P22 said he and others were transferred to the state security branch in Kafar Souseh. They were gathered, their hands were tied behind their backs, and they were taken on a small bus. They were blindfolded, but someone on the bus told the military person to [remove the blindfolds]. Outside was the "welcome party". On the first day, the detainees took off all their clothes except for their underwear. They were then blindfolded and left standing there. From beneath their blindfolds, the detainees could see that the floor had tiles and that there was water [on the floor]. [The weather] was very cold. It was 9:00PM – 10:00PM. They sat on their knees with their hands tied behind their backs until around 11:00AM – 12:00PM the next day.

Judge Wiedner asked how long P22 stayed in Kafar Souseh. P22 said 15 days.

Judge Wiedner asked what happened and how P22 was released. P22 said that he was interrogated once in Kafar Souseh. The conditions in Kafar Souseh were more difficult than in Al-Khatib Branch. Sometimes, the detainees could sleep during the day in Al-Khatib, but that was impossible in Kafar Souseh. They woke up at 6:00AM (the guards banged on the door), then they went into sitting position until they were told to sleep [at sleeping time]. The guards looked at the detainees [checked on them] every two minutes, but that did not happen in Al-Khatib. Also, in Kafar Souseh, if one's voice was louder than a whisper, then the detainees faced collective punishment. Al-Khatib was more comfortable.

Judge Wiedner asked if P22 was released on [redacted] [2011]. P22 said correct. After 15 days in Kafar Souseh, he was transferred to Adra Prison where he stayed another 15 days until he was released.

Judge Wiedner asked P22 if he could recognize the accused to his right. P22 said no.

[60-minutes break]

Prosecutor Klinge's Questioning

Klinge said that P22 was brought to Al-Khatib Branch and had to take off his underwear. Klinge asked P22 if he knows why he had to do that. P22 had no idea, but he heard that one could hide a sharp object or an object used to commit suicide [in his underwear].

Klinge asked P22 what he had to do. P22 had to take off his clothes so the guards could see if there was anything there.

Klinge asked if P22 thought this was humiliating. P22 said of course.



Klinge asked why P22 was initially in the solitary cell before being transferred to the group cell. P22 thought this happened to prevent him from having contact with his friends and so he and his friends could not agree on something specific [to collectively say].

Klinge asked if P22 joined his friends in the external cell. P22 said no, they were separated.

Klinge said that P22 was interrogated in the presence of other people who could have been his friends. Klinge asked if P22 knew why. P22 thought this happened so that his friends would be put on the spot and confess if they heard P22 confess to something. Maybe his friends had denied something to which P22 was confessing.

Klinge asked if there was abuse during the group interrogation. P22 said the only time there was abuse in the group interrogation was when [the guards] beat [redacted] with a cable and wood. This happened during the second interrogation.

Klinge asked if P22's friend was beaten in front of them. P22 heard the beating, but could not see.

Klinge recalled P22's statement that, after a few hits, one does not feel anymore. Klinge asked how long P22 was beaten. P22 said the beating did not exceed one or two minutes, around 15 – 20 [hits].

Klinge asked if it was painful. P22 said of course.

Klinge asked P22 if his feet were swollen. P22 said they were red and lightly swollen.

Klinge asked if it was painful when P22 stood up afterwards. P22 said yes.

Klinge asked how long the pain lasted. P22 said that [the pain] was not easy. It lasted one or two hours. When he returned to the external cell, he massaged his feet and put them on the floor tiles which were a bit cool.

Klinge asked if there was a difference between the interrogator and the prison guard and how they interacted with each other. P22 said that there was an interrogator and a prison guard. The guard followed the orders of the interrogator.

Klinge asked if other detainees talked about torture. P22 said of course.

Klinge asked what methods of torture the detainees mentioned. P22 said "the same thing, on the feet." One person from Duma was accused of "carrying arms." According to him, they beat his whole body, not only his feet.

Klinge asked about other methods of torture, like the German chair and the flying carpet. P22 said he did not hear about those in Al-Khatib Branch. In Kafar Souseh, he heard about Doulab [tire]. Regarding the German chair, it is generally known in Syrian society that it exists.



Klinge asked if there were other group cells in Al-Khatib other than the one P22 was in. P22 said that the detainees in his cell knew there was another group cell. [They got the information from other detainees.] They heard sounds when the guards opened the door and took people to interrogation.

Klinge asked if P22 knew about the conditions there. P22 said no.

Klinge asked if P22 had the impression that he was privileged and was treated better than others. P22 said yes, perhaps because he was not accused of “carrying arms” like others.

Klinge asked if P22 saw or heard sexual violence. P22 said no.

Klinge asked about the psychological condition (like fear) in detention. P22 said the condition was psychologically difficult. He [had a total mental breakdown]. The detainees always thought about what they said [during interrogation] or if someone informed on them. They thought about their families and how their mother or father felt. Parents knew that, when someone was detained by the intelligence services, no one knows what will happen to him. In Syria, pardons were usually granted by the president during the holidays. P22 was detained during Ramadan, so there was Eid Al-Fitr [Al-Fitr feast] and Eid Al-Adha. The two holidays were separated by two months and ten days. P22 and the other detainees anticipated a pardon and expected to be released. The prison guards played with the detainees’ emotions. When the detainees asked the guards if pardons would be issued, they said yes. There was always hope and fear.

Klinge asked what the detainees were afraid of. P22 said that they did not know how long they would be in prison or when they would be released. This was especially the case for political detainees because [the accusations facing them were] against the government.

Klinge asked if P22 was subjected to insults. P22 said yes. He was called a “traitor” and other insults.

Klinge asked if P22 was subjected to threats. P22 recalled that the interrogator once asked him about P22’s medical specialty, to which P22 said urology. The interrogator asked if P22 was married. He said no. The interrogator then asked P22 “don’t you need children?” P22 was afraid because he perceived the interrogator’s question to be an indirect threat that he would cause damage to P22’s genitalia and P22 would not be able to have children.

Klinge asked if P22 was afraid. P22 said of course. He was intensely afraid.

Foerster-Baldenius asked if P22, as a doctor, helped other detainees. P22 said that other detainees asked him what to do when they had abdominal pain, a sore throat, etc. But P22 did not have the tools to help them. He helped by reassuring them that [the issue] was not bad or serious. He advised the young man with the toothache to speak with the guards so they would do something.

Foerster-Baldenius asked if P22 was afraid to talk to the other detainees and advise them. P22 said that one time, he advised someone (he forgot what was the person's problem). The person asked [the guards] for help. He spoke with the guards and told them that P22 talked with him. A guard came to P22 and nicely told him not to give people advice.

Oehmichen showed a document.

Document 1 [was shown in Arabic]

بيان
20/11/2011 تاريخ [redacted] تحقيق أول بدمشق. موضوع الادعاء رقم [redacted] بالرجوع إلى الإضبارة رقم أساسي ، بجرم النيل من هيبة الدولة وإذاعة أخبار كاذبة من شأنها أن 1983 يحق المدعى عليه [redacted] والدته [redacted] تولد ولا [redacted] 2011 وتم إخلاء سبيله بتاريخ 2011 [redacted] توهن من نفسية الأمة وللتظاهر ، علما أنه تم توقيفه بتاريخ تزال الدعوى قيد النظر
21/12/2011
أديب الأحمد
القاضي أحمد السيد

Notice
With reference to [case]file basic No. [redacted] first Investigation in Damascus. The subject of case/lawsuit No. [redacted], dated November 20 2011, against the defendant [redacted], his mother, [redacted], born in 1983, of the offense of undermining the prestige of the state and broadcasting false news that would undermine the psyche of the nation and for demonstrating, noting that he was arrested on [redacted], 2011 and was released on [redacted] 2011 and the case/lawsuit is still pending.
December 21, 2011
Adeeb Al-Ahmad
Judge Ahmad As-Sayyed

Judge Kerber asked P22 to explain the document. P22 said that he tried to work again after he was released from prison. Because he was absent from work for three months, the hospital asked P22 for an explanation [as to why he was gone for so long]. P22 went to the court in Damascus and asked for proof that he was detained. The court gave him this document.

[The interpreter translated the document and read it out loud.]

P22 said that Judge Ahmad As-Sayyed became the Syrian Minister of Justice.

Document 2

وزارة العدل
مجلس إدارة صندوق التعاون

إلى السيد المحترم قاضي التحقيق الأول بدمشق

مقدمه: [redacted]، تولد 1983
مقيم: [redacted]
2011 نوفمبر/تشرين الثاني] 20 تاريخ [redacted] سيدي الموقر، أرجو من سيادتكم الموافقة على إعطائي بيانا بالدعوى رقم
وذلك لتقديمه إلى مديرية صحة دمشق
وذلك للحاجة الماسة

ولكم جزيل الشكر

21/12/2011

ديوان
إجابة الطلب أصولاً

Ministry of Justice
Board of Directors of the Cooperation Fund

To the Honorable, first Investigating Judge in Damascus,

Applicant: [Redacted] son of [redacted], born in 1983
Resident in: [Redacted]

Distinguished Sir, I request your consent to be given a statement regarding case/lawsuit No.
[redacted], dated [November 20] 2011, to be submitted to the Damascus Health Directorate.
And that is for urgent need

Most profound thanks

December 21, 2011

Court Administrative Office
The request was duly answered

[The interpreter translated the document and read it out loud.]

P22 said that the document was an urgent request. Every year, he had to provide a deferral request so he would not be conscripted. His deferral was going to expire in March 2012. He only had three months left, so he wanted a statement that said he was working again.

Oehmichen asked her client about the professions of the people who were detained with him. P22 said that most of them were doctors. They did not know each other personally. He recalled there being five doctors and a journalist.

[There were no more questions from the parties.]



P22 asked if he could say something. Judge Kerber agreed. P22 said that he was in court to obtain the truth. He did not have anything personal against Raslan. Before he participated in the trial, he talked with his friends to get their opinions on whether he should participate. It was a moral matter because he left his job in 2012 and he left [Syria] in a relatively early phase [of the conflict]. However, “we” decided to participate to obtain the truth.

Judge Kerber thanked the witness.

Defense Counsel Fratzki asked P22 who he was referring to when he said “we.”

Oehmichen did not want to say the names for security reasons, but agreed to write the names down. Oehmichen asked which names were relevant to the defense.

Fratzki suggested writing down all the names, then the judges could sort them.

Judge Kerber said that, as a witness, P22 had to share names.

Böcker said that he would talk with [Fratzki] to determine which names were relevant to them.

[10-minute-break]

[P22 and his attorney returned and handed in a paper.]

Fratzki said that they wanted the names related to the trial.

[The witness was dismissed.]

Defense Counsel Schuster wanted to read a statement from his defendant, Mr. Al-Gharib. Judge Kerber asked how much time he needed. Schuster suggested ten minutes. Fratzki also wanted to read a five-minute statement.

[Schuster read the following statement out loud:]

On November 4, 2020, the painful photos from the Caesar-files were examined and displayed in court. The presentation by Prof. Dr. Rothschild was very clear and provided excellent explanations. I want to thank Prof. Dr. Rothschild for his remarks on psychological and physical torture. I also want to pay my respect and gratitude to the hero, Caesar, for his fight against the Assad regime.



I want to explain what I felt while seeing these photos; they broke my heart. I had to think of all the innocent victims of these bestial acts. The human mind cannot understand how humans can do such things to each other. I trembled during the entire presentation. Anger and hatred against Assad and his accessories filled my mind and heart. 99% of the pictures, I have not seen before. I only saw those that Al Jazeera and other news agencies already published. During the entire presentation, I had to think of all my relatives that are still in detention. Seven relatives, several friends and hundreds of people from my home town were arrested and their fate is still unknown. I was searching for familiar faces on the Caesar photos while at the same time, I was afraid to recognize anyone.

After this painful session when I was alone in the van back to the prison, I could no longer control myself and started to burst in tears. I was filled with grief and pain. I had to think about my family and tried to understand why people get arrested only because they demand equality, freedom and justice at demonstrations. I painfully realized that Bashar Al-Assad and the members of his [sect] are criminals that are still committing thousands of crimes, while the whole world knows about it but is only watching. The international community did not do anything about it.

I love my country and the people, that is why I hope to see the criminal regime, particularly the criminal and dictator Bashar Al-Assad, in front of an international court. As all Sunnis, I was entirely powerless. 90% of the revolutionists are Sunnis. After the outbreak of the revolution, there was mistrust against Sunnis and we were constantly threatened. The first month after the revolution, we were degraded and they took away our arms and ID's. We were under constant surveillance and they were only hoping for the smallest sign of partisanship to arrest us. I only had the following options:

- 1) Openly disobey orders, which would have led to my arrest and arrest usually ended with execution.*
- 2) Defect and flee. That would have been foolish and sheer madness. They would have tortured my family until I returned to Syria.*
- 3) The right option was to wait and prepare until the border was open, to then defect and flee together with my family.*

I chose this option on January 5, 2012, as many others did.

Is the love for my family – my wife and four children – a fault for which I deserve punishment? I hope this court will find an answer that will also serve as an answer for future soldiers who find themselves in a civil war in their home countries.

I want to thank all parties to this trial and everyone involved, and pay my respect to them.

*Tuesday November 10, 2020
Eyad Al-Gharib
[signature]*

Schuster said that the defendant wrote the letter alone, without his lawyers' assistance. Judge Kerber asked Eyad to confirm this. Schuster said that his client would remain silent. Schuster had no copies of the statement. Judge Kerber ordered a two-minute break to make copies of the statement and asked the parties to stay in the courtroom.



[2-minute-break]

Klinge said that a sample for the graphology expert was needed for a comparison, but was not available.

Judge Kerber said that a witness was invited from France to testify on January 6 and 7, 2021 but the witness was no longer willing to do so.

Fratki read a statement in which he referred to the plaintiff counsels' statement regarding sexual violence. He said that there is insufficient proof of the systematic nature of sexual violence (contrary to plaintiffs' [redacted] claim).

The proceedings were adjourned at 2:35PM.

The next trial will be on December 10, 2020 at 9:30AM.

Trial Day 51 – December 10, 2020

The accused arrived late and the proceedings began at 9:40AM. There were seven spectators and two individuals from the media present. Plaintiff Counsel Kroker was not present. However, Plaintiff Counsel Bahns was there. Attorney Foerster-Baldenius appeared for Plaintiff Counsel Mohammad.

Testimony of P23

Instructions were read, and P23 was informed of his rights as a witness.

Judge Kerber's Questioning

Judge Kerber asked P23 his age. P23 said that he was born on January 1, 1989. Judge Kerber asked if that meant the witness was 31-years-old. P23 said that 31 was his age approximately. He then apologized. His birthday was October 2, 1989. [A note from the Trial Monitor: it is common for birthdays to be registered as January 1 in Syria, regardless of when the person was born].

Judge Kerber asked about P23's current job. P23 said that he works in a supermarket.

Judge Kerber noted that P23 was interrogated by the criminal police in Oslo. She asked P23 if he was related to the accused by blood or marriage. P23 said no.

Judge Kerber asked if P23 was interrogated twice [by the BKA]. P23 confirmed.



Judge Kerber asked if he was interrogated by the criminal police in Oslo and the BKA. P23 said yes.

Judge Kerber asked if the transcript of P23's questioning by the police in Oslo was re-translated. P23 thought so.

Judge Kerber noted that the transcript was not read aloud, so she assumed that it was not re-translated. P23 did not remember.

Judge Kerber said that P23 was detained in Branch 251, then transferred to a hospital. Judge Kerber asked about P23's detention, what he experienced, and how he was treated.

P23 said that he was in his workplace—a car shop [for washes and repairs]. He did not remember the date, but it was around 1:00 – 2:00PM. He was the manager and there were workers. He was sitting inside the office. Many security and military cars arrived. They entered the shop, then shouted and beat him. They flipped his t-shirt over his head [covered P23's head with his t-shirt] and put him in the car. They took him to the 10th Division in Qatana قطنا [a note from the Trial Monitor, the witness referred to a military "division," such as the 4th Division under the command of Maher Al-Assad, not a division like "section" 40]. Over four days, he was beaten and interrogated. He was asked questions, the answers to which he did not know: "what were you doing in Aleppo and Homs?" and "what place did you blow up?" P23 responded that he worked a lot, so he did not leave Damascus and did nothing of which he was accused. He had never left Syria in his life. P23 explained that his workplace was in a sensitive location. It was at a crossroads of security [forces and sites]. He told the interrogator that security officers, their wives, and their children left their cars at his shop and he delivered the cars back to their houses when he finished working on them. P23 told the interrogator to ask the officers if he ever caused problems; they all were his customers. He also knew a brigadier general عميد whose car needed repairs and who called P23 to see if P23 could send a worker to repair it. P23 sent people to help. The brigadier general thanked him the following day. P23 explained to the interrogator that he did not cause problems, and he served in the army. He was still in contact with the officer responsible for him – a colonel. He gave the interrogator phone numbers and said to contact them. There were also the numbers of officers in his phone. He told the interrogators to speak with his neighbours and ask them if he went to Aleppo or Homs. Each day after he was beaten, P23 said that he did not do anything [of which he was accused]. In prison, there was a military official who frequented P23's workplace. The official saw P23 from a distance as P23 was beaten. The official was surprised and asked P23 why he was [detained]. P23 said that he did not know. The official talked with the guards and told them not to hit P23 or get close to him. He then washed the blood off P23's clothes, took him outside [the witness did not say where], and brought him food. The official told P23 to hide [in that place] and that he could not do anything for P23 other than to wash his clothes, bring him food, and prevent him from being beaten. After two hours, the official returned with a blanket and told military personnel not to get close to P23.

Judge Kerber asked if [the official's word helped] and if P23 stayed [in that place]. P23 said no, he was returned to prison.

Judge Kerber asked if P23 was beaten again. P23 said that the beating continued at night.



Judge Kerber asked how P23 was beaten. P23 said that his mouth (his teeth) were broken. [The guards] hit him with a boot. They hit him on every part of his body. The following day, the [official who knew P23] told him that he could not help, but he knew that P23 was going to be sent to another place. He did not know which place. P23 asked if the officer could tell his family, his workplace, or his neighbours. The officer said that he would try, God willing. The following day, guards took [the detainees] in buses and put eggplants in their mouths. Their heads were down while they were on the bus.

Judge Kerber asked if [the detainees] were standing or sitting. P23 said that they were sitting with their heads down. It was prohibited to raise their heads. They were blindfolded and beaten on the bus until they arrived. They arrived at a place that P23 did not know was a Branch. He learned this later.

Judge Kerber asked which Branch. P23 said Al-Khatib Branch. The detainees were taken off [the bus] and laid down. The officers stepped on the detainees for approximately one or two hours. The detainees heard people coming and going in their cars. After that, the detainees went down to the branch one by one. When P23 went inside, he was hit and fell on the staircase. As a result, the blindfold was a bit displaced and he could see four people eating. When he fell, he was unable to adjust the blindfold. A person came, hit him, adjusted [the blindfold] and told him to take off his clothes. After each piece of clothing was removed, the man hit P23 and said, “next one.” P23 was put in prison with the other people. His hands were untied and his blindfold was removed. Nothing happened on the first day. On the second day, the guards took him outside/upstairs [a note from the Trial Monitor: the Arabic word used by the witness could mean either “outside” or “upstairs”] and told P23 that he was going to be interrogated. They tied up his hands and blindfolded him. The interrogator asked, “how did you blow up the convoy in Homs?” P23 told the interrogator that he never went to Homs before. The interrogator told P23 that he signed a statement in which he said this. P23 told the interrogator that he was beaten every day and was instructed to sign the paper while he was blindfolded. The interrogator asked, “what were you doing in Aleppo?” P23 gave the same answer—that he did not know what the interrogator was talking about. The interrogator accused P23 of lying and told the guards to take him outside. The guards beat P23 until he [almost?] fainted and brought him back to prison.

The following day, the guards took him upstairs/outside and P23 was asked the same questions. P23 explained his whole life [story] in details. The interrogator asked P23 who beat him. He was very bloody. He explained that the beating happened at the 10th Division. The interrogator told the guards to wipe the floor (of P23’s blood). He also told them to take P23 upstairs/outside to breathe some air. P23 smelled bad. After an hour or two (during this time, people stepped on P23 and more detainees arrived in cars), the guards took P23 back to the prison. The next day, many new detainees arrived. P23 asked them why they were there. They were wearing clean clothes. They explained that it was Eid [feast], so they were [in the streets]. A security bus came, [detained them] and brought them [to the Branch]. P23 asked them where [they were being held] and they said Al-Khatib Branch. At night, P23 smelled bad. In prison, there were many people and whenever he was slightly touched, it was immediately painful. He was in the corner beside the wall, so that no one would touch him. The [detainees] knocked on the [cell] door and said, “get this one out, his smell is too much.” The detainees could not always sit because there were too many people. Pus and black blood oozed from P23. The following day, the guards took P23 to



interrogation. The interrogator asked the same questions and P23 gave the same answers. The interrogator could not stand P23's smell and told the guards to take P23 outside. They took P23 to another place (he did not remember what time), supposedly to get treatment because he was sick. But they continued to beat him daily.

Judge Kerber asked P23 the name of the place where he was taken. P23 said Harasta حرسنا, a hospital in Duma دوما. He did not remember its name. They took him to that place and told him that his name was "17" and that if they called him [redacted] and he responded, then he would be beaten. Beating happened constantly. Detainees were tied to beds with chains. The guards brought a whip and beat the detainees while they were tied up. At night, someone came (while the guards were changing shifts) with a knife and stabbed P23's back.

Judge Kerber asked it was a regular knife or a surgical knife. P23 thought it was a regular knife or a razor. After that, P23 was beaten with hoses/tubes for three days.

Judge Kerber asked P23 how he got out of the hospital. [P23 remained silent]. Judge Kerber asked if P23 wanted a break. P23 asked for 5 –10 minutes.

[10-minute break]

Judge Kerber asked P23 how he got out of the hospital. P23 said that detainees fainted sometimes because of the constant beating and torture. [When] one said that his arm hurt, the guards took him, cut it off and returned him. Many people died. P23 thought this place was where they took detainees to die. There were many wounded people and no medical care. It was a hospital only for torture. Every day, a guard asked P23, "what's your name?" P23 told him "17." The guard continued to beat P23 and ask about his name. Eventually, P23 asked the guard if he wanted to know P23's real name or his number. The guard said, "the real one" while he continued to beat and insult P23. P23 told the guard his name, then the guard replied, "didn't I tell you not to say your name, only the number?" and beat P23. The torture was severe. [There were no words to] describe it. From the time when they detained P23 until he went to the hospital, he was tortured using many methods.

When he first entered Al-Khatib Branch, he heard screaming and beating. He reached a point where he could not bear the beating. They hit him on his head and he fainted, then he could not remember anything [a note from the Trial Monitor: this sentence was not interpreted because P23 used colloquial words which the interpreter did not understand]. The guards splashed water on everyone and beat them. Anything that happened to P23 also happened to the person next to him [meaning that everyone was subjected to the same things]. P23's condition was critical in terms of his head, back, and blood [loss]. P23 remembered that someone said, "this man is done. Get rid of him [using the same term used for garbage]." They threw P23 somewhere (he did not remember where). Flies were on him while he laid on the ground and he could not get them off him. He wished he would [sink into] the ground so no one would



see him. He wanted to disappear. A taxi came. The driver lifted P23 slightly and asked what happened, who he was, and the location of his house. P23 wanted to speak, but he could not. The driver brought a bottle of water, washed P23's face, and took P23 into the taxi. P23 said that he knew his mother's phone number. The driver called P23's mother/family and told them that he found P23. They told the driver to bring P23 to them and that they would pay the driver whatever he wanted. The driver took P23 home. P23's brother, paternal uncle, and siblings were there. They carried him from the car to the house and thanked God that he was alive. P23 was unable to talk. They immediately took him to the doctor who told them that he could not do anything and that P23 had to go outside the country [for treatment]. The doctor gave P23 an injection, pain-killers, and medicine. The following day, P23 and his family went to Jordan by car. They went directly to a speciality hospital where P23 stayed for three months. He had many injuries to his back. He had a video and pictures.

Judge Kerber asked if P23 was photographed by the Norwegian police. P23 did not remember that much, but he had a video from before the operation (that his family filmed) and after the operation. [Judge Kerber showed a picture of P23's back which had scars and signs of injuries.]

Judge Kerber asked P23 if he could confirm that the picture was of him in 2017. P23 confirmed.

Judge Kerber asked when P23 was detained. P23 said in 2011 approximately.

Judge Kerber asked if P23 remembered when his mother was called [by the taxi driver]. P23 did not understand the question.

Judge Kerber noted that P23 mentioned the date of his transfer during police questioning in 2019. She wanted to know if P23 remembered that date. P23 said in 2011, there was an Eid [feast], but he did not remember the date. P23 knew this because he asked the new detainees when they arrived. They told him it was Eid and that they were in the market [when they were detained].

Judge Kerber said that August 26, 2011 was mentioned in the transcript. P23 thought that date might be correct because it was Ramadan and after Ramadan, there was an Eid. [A note from the Trial Monitor: in 2011, Ramadan ended on August 29 and Al-Fitr Eid was on August 30.]

Judge Kerber asked if [the date mentioned] could be that feast. P23 said correct.

Judge Kerber asked if P23 could continue because she noticed that he seemed unsettled. Judge Kerber asked [if P23 wanted a break]. P23 said [no, he did not want break].

Judge Wiedner's Questioning

Judge Wiedner asked if there was an occasion when people were detained with P23. P23 said that many people were detained with him.

Judge Wiedner asked P23 if he knows how long he stayed in Al-Khatib Branch. P23 said approximately four or five days.



Judge Kerber told P23 to let her know when he wanted a break. P23 said okay and thanked her.

Judge Wiedner asked if P23's injuries shown in the picture were inflicted at Al-Khatib Branch. P23 said that not all the injuries were from Al-Khatib Branch.

Judge Wiedner asked which injuries were inflicted at Al-Khatib Branch. P23 noted [the injuries caused by the] beating on his back and [from when he was] hit in the flank when he went down the stairs.

Judge Wiedner asked when P23 was beaten (e.g., on the stairs, in the interrogations, etc.). P23 said that [a guard] stood behind him during the interrogation and beat him. When [the interrogator] did not [hear the answer he wanted], he told [the guard] to take P23 outside, discipline him, and then bring him back.

Judge Wiedner asked what happened. P23 said [the guard] took him outside, beat him, then took him back to interrogation. He was taken [to interrogation] again the following day.

Judge Wiedner asked what P23 was wearing in Al-Khatib. P23 said that he was not wearing [clothes]. His clothes were full of blood and smelled, so he took them off.

Judge Wiedner asked if P23 was naked when he was beaten. P23 confirmed.

Judge Wiedner asked whether P23 was beaten in Al-Khatib Branch on his wounds. P23 confirmed and said that [the detainees] were beaten and taken outside. People stepped on them.

Judge Wiedner asked if that happened during interrogation or in the cell. P23 said that there were a lot of people in a small room. P23 was unable to sit unless he tucked his legs and somebody else's legs were over his. It was crowded and no one could enter, so [the guards] did not beat people inside the cell. If they wanted somebody, they called him and took him outside.

Judge Wiedner asked how [the guards] dealt with P23 and his injuries when they took him upstairs/outside. P23 said they took him upstairs/outside because of his smell. When he was upstairs/outside, everyone who came in or out beat him. They knew that he was a detainee and that he was waiting [to go back inside].

Judge Wiedner asked if that happened outside. P23 confirmed.

Judge Wiedner asked if P23 saw detainees outside and how they were treated. P23 said that he was laying down and could see a little from underneath the blindfold. People were taken out of the vans. The [van] stopped far away and the door was opened. The guards kicked and insulted the detainees.

Judge Wiedner asked how many times P23 was interrogated. P23 said he was interrogated two or three times.



Judge Wiedner asked how often P23 was beaten during interrogation. P23 said he was beaten twice: each time he was interrogated. The guards took him upstairs/outside, the interrogator did not like P23's answers, then they took P23 outside and beat him.

Judge Wiedner asked if the interrogator hit P23 or if P23 was beaten in the presence of the interrogator. P23 said that there was a person standing behind him who once said, "it appears that you are not understanding and not going to confess." He then hit P23 from behind on his back and hauled him outside. P23 was not standing. He was always on the floor.

Judge Wiedner asked where the interrogation took place (e.g., the floor above his cell or the floor below it). P23 said he was taken upstairs. He remembered an office that was two steps to the left. Once, they hauled P23 to the kitchen.

Judge Wiedner asked if P23 was interrogated in the kitchen. P23 said that he was questioned there and then was taken back to interrogation.

Judge Wiedner asked what floor the kitchen was on and if there was a window there. P23 said that he was unable to see because of the blindfold. There would be a big problem if the guards saw that the blindfold was displaced.

Judge Wiedner asked if the cell was underground. P23 confirmed and noted that the detainees could not differentiate between day and night.

Judge Wiedner asked how many people were in P23's cell ["10 or 15 for example?"]. P23 said there were approximately 400 people. One could not sit down. People were on top of each other. If one wanted to go to the toilet, one had to step on people.

Judge Wiedner asked if there was a window or a ventilation system. P23 did not remember any windows, but many people went to the toilet to breathe. All the windows were internal, but he did not remember.

Judge Wiedner recalled P23's statement during police questioning that "in the cell, there was a window, but one could not see light. There was no place to sit. It hurt if someone touched me." P23 said yes, there was a window. He remembered trying to look [through] the window to know the time [a note from the Trial Monitor: it seems that there was a clock on the wall in the room behind the window, but vision was blurred because of the window itself].

Judge Wiedner asked about food. P23 did not remember 100%, but he recalled eating soup and apples. He then said, "no actually, it was boiled potato maybe."

Judge Wiedner asked about the condition of other detainees (if they had injuries). P23 said that not all of them had injuries, but some people were beaten. There were new people who came from the street to the cell. Not all [the detainees] were the same.



Judge Wiedner asked if [the guards] called for injured detainees. P23 said that there were injured people who were called. One time, [the guards] called for someone and gave him two pills through the hatch.

Judge Wiedner asked if P23 talked with other detainees about their interrogations. P23 did not remember that. But they talked about how many days they were detained and what happened to them. When P23 was initially put in the cell, another detainee advised him to confess [during interrogation] so [the guards] would not beat P23 and kill him [“confess and talk, before they beat and kill you”].

Judge Wiedner asked P23 if he heard people being tortured. P23 explained that he heard beating and screaming when he went downstairs. He also heard [talk from other detainees] that so-and-so was being tortured.

Judge Wiedner asked if P23 heard those sounds in the interrogation room. P23 did not remember hearing the sounds in the interrogation room, but he recalled hearing screams when he was downstairs.

Judge Wiedner asked if P23 was detained in the 10th Division, Al-Khatib Branch, and Harasta Military Hospital. P23 confirmed.

Judge Wiedner asked P23 if he saw dead bodies and, if yes, where. P23 said that he saw dead bodies daily while in the hospital.

Judge Wiedner asked how many dead bodies P23 saw. P23 said there were many dead bodies in the hospital.

Judge Wiedner asked if P23 saw dead bodies in the 10th division. P23 said no, only in the hospital in Harasta.

Judge Wiedner asked if P23 saw dead bodies in Al-Khatib Branch. P23 said that he did not see any dead bodies in Al-Khatib Branch. He only saw torture.

Judge Wiedner asked P23 if his family was informed about his detention. P23 said no. There was an officer who knew his father. His father went to the officer who told him that “your son is with us and is well.” But P23 was not [at the officer’s Branch], nor was he well. When P23 arrived home, his mother told him “your father was going to an officer and was giving him money, so that they would take care of you.” [P23’s father paid the officer who was lying about P23’s location and condition.]

Judge Wiedner asked if P23 fainted in Al-Khatib Branch. P23 remembered one time when the other [detainees] knocked on the door [and told the guards to] “come and see [P23].”

Judge Wiedner asked if P23 wanted a break. P23 said yes.

Judge Kerber asked how much time P23 wanted. He said 10 minutes, then started to cry. He apologized and said that he remembered his father who died last year and who he had not seen in a long time.



[30-minute-break]

Judge Kerber said that she hoped P23 calmed down and was refreshed during the break. P23 said thanks and apologized for the disturbance.

Judge Wiedner asked how long P23 stayed in the 10th Division. P23 said approximately three days.

Judge Wiedner asked if P23 or the other detainees received treatment in Harasta Hospital. P23 said there was no treatment.

Judge Wiedner asked how many people were with P23 in the hospital. P23 said that each bed had two people [chained to it]. He thought there were 20 beds and approximately 40 people.

Judge Wiedner asked if others were abused like P23 was abused. P23 said yes. If one asked for something, they replied [to the question] with pain [if someone asked for medicine, they beat him instead].

Polz thanked P23 for coming to court and said that the Prosecution had no questions. Böcker said that the defense shared the same opinion. Scharmer said the same too.

The witness was dismissed.

The proceedings were adjourned at 11:00AM.

The next trial will be December 16, 2020 at 9:30AM.