



TRIAL OF ANWAR RASLAN and EYAD AL-GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 11

Hearing Dates: September 2-3, 2020¹

CAUTION: Some testimony includes descriptions of torture.

Summary / Highlights:

Trial Day 28 – September 2, 2020

- Manuel Deußing, an inspector for the German Federal Police Office (BKA), was part of the team that initially investigated torture in Syria connected to Anwar Raslan. He explained how he delved into reports by Human Rights Watch and Amnesty International, and received confidential information from the Commission for International Justice and Accountability, including a classified interview conducted with Raslan in 2012.
- Henning Lindemann is a criminal chief inspector for the BKA. He explained how, prior to Raslan's arrest, he studied and summarized a Human Rights Watch report entitled [Torture Archipelago](#) which detailed specific detention facilities in Syria, their locations, and methods of torture used on detainees.

Trial Day 29 – September 3, 2020

- Alexander Frey, a high commissioner for the BKA, made the call to officially arrest Eyad Al-Gharib. He described Al-Gharib's distress and shock during his first moments in custody.
- As a chief commissioner for the BKA, Hans-Jürgen Schneider testified how he was supposed to drive Al-Gharib to the examining magistrate in Karlsruhe, but how a turn of events led to Al-Gharib's proceedings being held in a health clinic.

Day 28 of Trial—September 2, 2020

The audience consisted of four spectators and five members of the media. The proceedings began at 9:30AM.

Testimony of Manuel Deußing

Manuel Deußing is a 37-year-old inspector for the German Federal Criminal Police Office (BKA) in Meckenheim.

Questioning by the Judges

Judge Kerber asked Deußing how his investigation was related to NGO reports. Deußing said that he and his colleague evaluated a Human Rights Watch (HRW) report published in December 2017 about the Caesar photos. They tried to arrange a meeting with Caesar but were unsuccessful. The report was

¹ [Information located in brackets are notes from our trial monitor]. (Information located in parenthesis is information stated by the witness, judges or counsel).

based on interviews with former detainees, their family members, and defectors. Photos in the report were categorized into three groups: (1) detainees, (2) soldiers, and (3) crime scenes. According to HRW, detainees had a code consisting of three numbers: (1) the detainee's number, (2) the branch, and (3) the examination. Most of the victims were from Branches 215 and 227 operated by the military intelligence service. Some were from the air force intelligence branch, the fourth division, and Sednaya (صيدنايا) prison. The report said that Caesar was a photographer who worked between May 2011 and August 2013 in the military hospitals of Mazzeh (المزة) and Tishreen (تشرين). Caesar could not obtain all the photos because there were missing numbers. This was confirmed by forensic physicians.

Judge Wiedner asked Deußing if he could describe the procedures following a person's death. Deußing said that corpses lay there for two or three days before they were transported to military hospitals.

Judge Wiedner asked when the corpses were given numbers. Deußing said they were given numbers in the military hospital when they were examined by forensic physicians.

Judge Wiedner asked about the official cause of death. Deußing said heart failure and respiratory arrest.

Judge Wiedner asked about the real cause of death. Deußing said that HRW's report re-evaluated the Caesar photos and found that many people died from violence, like beatings and suffocation. Deußing said that the next report was "It Breaks the Human" by Amnesty International in 2016. The report was based on interviews with 60 people. Deußing and his colleague made a summary of it.

Judge Kerber clarified that the report was published on August 18, 2016.

Deußing said that the detainees were brought before military courts. Sometimes, trials only lasted for a few minutes. The statements of informants were accepted as facts. There were several military prisons in Syria, including Sednaya and Tadmor (تدمر) [palmyra], in addition to the intelligence service's detention facilities. The conditions facing detainees were bad. They had little food, no medical care, and faced "welcome parties." The Amnesty report discussed the methods of torture used during interrogations, including: Falaqa (فلقة), Doulab (دولاب), Shabh (شبح), Flying Carpet (بساط الريح), fingernail removal, and beating with plastic sticks or electricity cables. Amnesty International coordinated with other NGOs to come up with an estimate of 50,000 deaths between 2011 and 2015.

Judge Wiedner asked about the reported causes of death. Deußing said suffocation and overcrowding, to which Judge Wiedner confirmed with a quote from the transcript.

Judge Wiedner asked about food and drinks given to detainees. Deußing said that nutrition was insufficient and detainees were not allowed to start eating until the guards said they could eat. Sometimes, detainees had to sit for long periods of time in front of food.

Judge Wiedner said that most of the cases were from Sednaya where many people died from malnutrition. He then asked about medical care. Deußing said that it was insufficient. Judge Wiedner said that Amnesty International did not report on medical care and that "five or six detainees died regularly every day due to torture and infection. Faeces lay in the cell and caused diseases to develop."

[Three pictures depicting methods of torture were shown. Deußing described them.]



[Picture 1: Doulab]



[Picture 2: Shabh]



[Picture 3: Flying carpet]

Judge Wiedner asked if electric shocks were used. Deußing confirmed and noted that water was applied before electric shocks.

Plaintiff Counsel Scharmer asked if psychological mock execution was used. Deußing said yes.

Deußing wanted to add something from the HRW report. Caesar photos depict the situation in Al-Mazze (المزة) and Tishreen (تشرين) military hospitals. They also referred to Harasta (حراستا) Military Hospital. In interviews with people who worked at Al-Khatib Branch, interviewees suggested that corpses were transferred to Harasta Hospital. However, HRW could not find the hospital in Caesar's photos. Deußing said that he made an information request to CIJA [Commission for International Justice and Accountability] after Raslan was first questioned by the State Office of Criminal Investigations (LKA) in November 2017. The request was for information regarding Raslan, Branches 251 and 285, the structure of the Syrian intelligence service, and crimes committed by the Syrian intelligence service between 2011 and 2012. Deußing also interviewed CIJA representatives who saved and smuggled documents out of crisis areas.

Judge Kerber asked about the investigation Deußing conducted. Deußing said that the first report addressed Raslan, Branch 251, and Branch 285. CIJA provided the second report in April 2018 which was given the codename "Czech." Deußing had the impression that CIJA dealt with Raslan before. He asked CIJA about the source of their document. CIJA had an interview signed by Raslan dated October 2012. Deußing received the final report in July 2018. CIJA used code names to protect their informants. Deußing asked whether it would be possible to interview the informants, but the Federal Prosecutor's Office said no because most of the informants were in Syria and Turkey.



Judge Kerber asked Deußing if he knew about the founding of the Central Crisis Management Cell (CCMC). Deußing said that there was a government resolution which created CCMC. Its function was to coordinate the efforts of the Syrian intelligence service and the military against the demonstrators. Its members were high-level officials. CCMC announced its first resolution on April 24, 2011.

Judge Wiedner asked if the “Czech” report was drafted because of BKA’s request. Deußing said no. BKA was surprised how detailed the report was. However, after consultation with the Federal Prosecutor’s Office, they requested specific information from CIJA.

Judge Wiedner asked if the documents were given to CIJA digitally or personally. Deußing said that CIJA invited his team to a meeting where the documents were given to CIJA.

Judge Kerber then turned to Deußing’s proposals stemming from his investigation. Deußing explained that HRW had another report called “If the Dead Could Speak.” He and his team made written requests to the Federal Prosecutor’s Office asking for permission to make more requests about the case. They were granted permission to submit requests to HRW and Amnesty International. HRW published a report on torture as well. The Federal Prosecutor’s Office did not grant permission to summon victims as witnesses.

Judge Wiedner asked if he received a response from HRW or Amnesty International. Deußing said no.

Judge Wiedner asked why CIJA was willing to respond, but HRW and Amnesty were not. Deußing said that he did not receive a response from them.

Judge Wiedner noted that Deußing’s suggestion to put forth the CIJA request was made on February 15, 2019 and the final request was submitted by the Federal Prosecutor’s Office on March 6, 2019. Deußing said that CIJA’s response and its assistance was expected because it is an NGO that aims to help national authorities. Regarding HRW and Amnesty International, Deußing said that he could only speculate. They did not respond to the request and Deußing did not ask again.

Judge Kerber asked if the reason why Deußing did not pursue access to CIJA’s witnesses was because the witnesses were located in Syria and Turkey. Deußing confirmed and said that the witnesses were either abroad or unwilling to be questioned.

Defense Counsel Böcker asked how the photo-array of Raslan that was shown to the witnesses was created. Deußing explained that the BKA in Baden-Württemberg has a special department responsible for [creating photo-arrays]. Deußing sent them a photo of Raslan, then received the templates with dummies.

Judge Kerber asked for the meaning of “dummies.” Deußing said that he does not know, but they are not real people.

Judge Wiedner asked how dummies had birthdates. Deußing did not know how these were made.

Böcker wondered how non-living people could have birthdates. Deußing did not know.

[The witness was dismissed.]

[10-minute-break]

The second witness was Henning Lindemann, a 33-year-old criminal chief inspector at the German Federal Criminal Police Office (BKA) in Meckenheim.



Testimony of Henning Lindemann

Judge Kerber asked Lindemann if he knew about the HRW report entitled “[Torture Archipelago](#)” published on July 3, 2012. Lindemann confirmed and said that he summarized the report in a note.

Judge Kerber recalled that this report was used as a source in the “[structural investigation](#)” of crimes committed in Syria. Judge Kerber then asked how Lindemann summarized the report’s content. Lindemann noted that he [was working as a criminal inspector and] was a candidate for criminal chief inspector when he translated and summarized the report. The report was based on interviews with victims and perpetrators (torturers), and all interviewees and detention facilities were listed in the annex of his note.

Judge Wiedner recalled a paragraph from the summary of the report which said that one method of torture was to burn people with acid. Judge Wiedner asked Lindemann if this was correct. Lindemann confirmed, but noted that he does not remember every method of torture described in the report.

Judge Wiedner referred to the annex of Lindemann’s note [on the HRW report] which listed several intelligence branches, including Branch 285 and Al-Khatib Branch. It also listed regional branches, other relevant places, heads of branches, and methods of torture used in these branches. Judge Wiedner recalled that Branch 285 was in Damascus and that Ali Mamlouk was the director of the general intelligence service. Judge Wiedner said that sexual and gender-based violence and torture (including the use of electricity) took place at Branch 285. Judge Wiedner noted that some branch officers were mentioned in the report. He asked Lindemann if he and his team could identify the head of Branch 251 based on the HRW report. Lindemann mentioned Ali Mamlouk (علي مملوك) and Ibrahim M’alla (إبراهيم معلا), but said that they could not identify the head of Branch 251 based on the report.

Judge Kerber asked if there were further questions for the witness. There were none and the witness was dismissed.

The judges started to read aloud a 2011 [report](#) of the Independent International Commission of Inquiry on the Syrian Arab Republic.

[Lunch break]

The judges continued to read aloud the 2011 [report](#) of the Independent International Commission of Inquiry on the Syrian Arab Republic.

The judges read aloud part of a 2012 [report](#) of the Independent International Commission of Inquiry on the Syrian Arab Republic.

[The building’s alarm went off, so the session was stopped and everybody was instructed to leave].

Trial Day 29 – September 03, 2020

The audience consisted of seven spectators and four members of the media. The proceedings began at 9:30AM.

Testimony of Alexander Frey



Alexander Frey is a 32-year-old high commissioner at the Federal Criminal Police Office in Meckenheim.

Questioning by the Judges

Judge Kerber asked Frey if he was familiar with the day's topic. Frey said yes, it concerns the arrest of Al-Gharib on February 12, 2019.

Judge Kerber asked Frey to tell the Court what happened in his own words. Frey said that he contacted the Foreigners' Registration Office and asked them to summon Al-Gharib. Frey did not want to arrest Al-Gharib at his home because he did not want Al-Gharib's children to see. The office agreed, then summoned Al-Gharib on February 12, 2019 at 8:00AM. Frey and a colleague informed Al-Gharib about the Federal Prosecutor's Office preliminary proceedings. Frey's interpreter translated the first two pages of the arrest warrant to Al-Gharib who was surprised by the charges. Al-Gharib was searched, as was his apartment. Al-Gharib was handcuffed. His hands were in front of him and were covered by a jacket. He smoked a cigarette and was driven to Zweibrücken Police Station, followed by the Federal Court of Justice [in Karlsruhe]. He arrived at the Federal Court of Justice between 11:00AM and 12:00PM. At 1:00PM, Al-Gharib's legal counsel arrived and accompanied him to a room where they could talk privately. After that, Al-Gharib was brought before the examining magistrate, then to the detention facility in Zweibrücken.

Judge Kerber asked Frey if Al-Gharib was informed of his rights. Frey confirmed and explained that Al-Gharib was given a paper in Arabic informing him of his rights. The paper was not read aloud. An interpreter was present.

Judge Kerber recalled Frey's statement that Al-Gharib was surprised by the charges. Judge Kerber asked if Al-Gharib verbalized that he was surprised. Frey explained that Al-Gharib looked surprised. He kept saying that there was a misunderstanding and that he did not do anything.

Judge Kerber asked if Al-Gharib was cooperative during the arrest. Frey said yes.

Judge Kerber asked if Al-Gharib was informed of his rights in Karlsruhe. Frey said that Al-Gharib was asked if he wanted to eat something. Judge Kerber clarified that her question referred to the beginning of the trip. Frey asked for clarification. Judge Kerber quoted the police transcript which said, "Al-Gharib was brought to Karlsruhe by officers Schneider, Hofbauer and Frey. At the beginning of the trip, it was explained to him that he had a right to avoid self-incrimination. During the trip, the search warrant and the other documents were translated to him." Frey confirmed.

Judge Kerber asked if Al-Gharib made any statements. Frey said that Al-Gharib repeated that there was a misunderstanding. On the way to Karlsruhe, Al-Gharib seemed convinced that he would be going home afterwards. After Karlsruhe, Al-Gharib was distraught. On the way back, he repeatedly said that he did not do anything.

Judge Wiedner asked if Al-Gharib was calm, friendly, and cooperative. Frey said yes, but Al-Gharib was distraught.

Judge Wiedner asked if anybody was informed about the arrest. Frey said that Al-Gharib wanted to call his wife, but he did not have his cell phone and did not know her number. Eventually, Al-Gharib's sons were informed.

[The witness was dismissed.]



Testimony of Hans-Jürgen Schneider

Hans-Jürgen Schneider is a 47-year-old chief commissioner at the Federal Criminal Police Office (BKA) in Meckenheim.

Schneider said that he and his colleagues went to Zweibrücken police station on June 24, 2019. They intended to take Al-Gharib to the examining magistrate in Karlsruhe. Al-Gharib's son served as the interpreter. Al-Gharib said that he felt ill. He was then transferred to a local clinic. After some tests were performed, the magistrate decided to hold the procedure at the clinic, so the magistrate drove there from Karlsruhe. The arrest warrant was upheld. Al-Gharib was taken back to the detention facility in Zweibrücken.

Judge Kerber asked about Al-Gharib's behaviour. Schneider said that Al-Gharib was cooperative and his family members were there.

Judge Kerber asked if Schneider spoke about the matter with Al-Gharib. Schneider said that they did not, according to his recollection.

Judge Kerber quoted the minutes which said that "during the entire procedure, Al-Gharib was not questioned as a suspect and said nothing with regard to this matter." Schneider confirmed the quote.

Judge Wiedner asked if Witness Frey was with Schneider in Zweibrücken. Schneider confirmed and noted that they did not have an interpreter which is why Al-Gharib's son had to translate. Then Al-Gharib said he had health issues.

Judge Wiedner asked if Al-Gharib had symptoms. Schneider said no. Al-Gharib complained about heart and respiratory problems, but he smoked.

Judge Wiedner asked if Schneider was familiar with the case. Schneider said yes.

Judge Wiedner asked if Schneider was aware that this was Al-Gharib's second arrest. Schneider said that he was aware. He was present at the first arrest.

Judge Wiedner asked how Al-Gharib reacted. Schneider said that Al-Gharib was confused, but cooperative.

Judge Wiedner asked if Al-Gharib said anything to him regarding his case. Schneider said no.

[The witness was dismissed.]

Judge Kerber announced the [schedule](#) for the upcoming sessions, then the judges started to read aloud parts of [a Human Rights Council report](#) and a [report of the Federal Office for Migration and Refugees](#).

[Lunch break]

For approximately 50 minutes, the judges continued to read aloud parts the [Human Rights Council report](#) and [report of the Federal Office for Migration and Refugees](#).

Judge Kerber mentioned that a verdict in Al-Gharib's case could be reached by the end of the year.

The proceedings were adjourned at 2:35PM. The next hearing will be on September 09, 2020 at 9:30AM.