



TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 7

Hearing Dates: July 29, 30, & 31, 2020

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 19 – July 29, 2020

- **P7, a 30-year-old man, testified about his detention at Al-Khatib and Kafar Souseh branches and being falsely accused of funding the Free Syrian Army (FSA). Over approximately three weeks, P7 was strip-searched, repeatedly beaten on his feet, subjected to torture by cables, and had gasoline poured over him. His testimony specifically sheds light on the harsh conditions facing detainees in Al-Khatib Branch, including: overcrowded cells, poor sanitation, inadequate meals, limited access to water, and dire medical concerns. P7 was released on the day that the Syrian National Security Bureau was bombed. There was some dispute as to whether P7 was detained at Branch 251 or another branch.**

Trial Day 20 – July 30, 2020

- **P8, 39-year-old man, also testified about his detention at Al-Khatib and Kafar Souseh branches. Over the course of four interrogations, P8 was questioned about his affiliation with demonstration coordinating committees. He sustained beatings, particularly to his feet. Moreover, P8 estimated that four people died during his time in the jail, including one man who was deposited next to him in a courtyard. At Kafar Souseh, guards named a torture device after UN Special Envoy Lakhdar Brahimi which they used to beat detainees.**

Trial Day 21 – July 31, 2020

- **P9 was a government employee who owned an internet café in Syria. He was detained on orders of a brigadier general, then held in the Fourth Division. Much of his testimony focused on his first interrogation in which his interrogator allegedly recognized him. P9 explained how his status as a government employee likely led to his release. He suggested that Defendant Raslan could possibly be the man who interrogated him. When P9 was asked to attempt to identify Raslan in court, Raslan waved to him. There was a question about the fairness of photo arrays the police used to see whether P9 could identify Raslan's photograph.**

¹ Throughout this report, [information located in brackets are notes from our court 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.

Day 19 of Trial – July 29, 2020

The audience consisted of twelve spectators and six members of the media. Proceedings began at 9:30AM.

Testimony of P7

P7 is a 30-year-old male. He works at a restaurant and attends a B2 language class. He was summoned as a witness and is unrelated to the defendants.

P7's Detention

P7 explained that, in July 2012, he was detained from between 3PM-4PM on Nisreen Street (شارع نسرین) in the Damascus district of At-Tadamon (التضامن) by pro-Regime *Shabiha*. He thought that he might die at any moment. P7 said that he was detained because his identification card indicated that he was from Aleppo. The *Shabiha* looked at his identification card and asked what he was doing in Damascus. P7 told them that he was born in Damascus and that his identification card was issued there too. The *Shabiha* flipped P7's t-shirt over his head and instructed him to keep his head down. He was then beaten while unable to see the aggressors.

P7 was taken to the basement of a building, and was hurled into a cell with such force that he fell on other individuals. Either diesel or gasoline was poured on the detainees.² P7 recalled that the *Shabiha* began to talk amongst themselves. "It seemed as if a person's conscience had woken up, but another person told him no, he wanted to throw the cigarette." The *Shabiha* then led the detainees outside of the cell to a seemingly airless corridor where they stayed for approximately two hours. During this time, the *Shabiha* asked the detainees who needed water and gave some to the detainees. They also asked who was willing to pay money to be released from detention. Several individuals offered between 100,000-200,000 SYP. P7 noted that those people who were released were not seen again.

Around 2AM-3AM, the *Shabiha* brought a vehicle in which they sought to transport 29 individuals.³ The *Shabiha* then formed two queues, each with ten people, spanning the space from the detainees to the vehicle. Detainees had to pass between the queues of *Shabiha* who beat them until the detainees boarded the vehicle. P7 recalled that the vehicle smelled as if it was used to transport meat. En route to the next location, the vehicle stopped by three checkpoints where, each time, three military personnel entered the vehicle and beat some of the detainees "as a way to let off steam."

The vehicle arrived at Al-Khatib Branch⁴ and the detainees were escorted downstairs, strip-searched, then escorted to their cells.⁵ P7 recalled seeing many people when he entered his cell; there was no place for him to sit on the floor, and people lost their spot if they stood up. He stayed there for two weeks.

² P7 could not recall whether the substance poured on the detainees was diesel or gasoline. Later in the proceedings, Plaintiff's Counsel Oehmichen refers to gasoline.

³ P7 recalled that the number of individuals (29) is based on what he overheard the *Shabiha* discuss.

⁴ Al-Khatib is also known as State Security Branch 251.

⁵ P7 specifically recalled the staircase where the detainees were frisked, as well as a door to the left. He went through a corridor, then turned right. The Trial Monitor noted that P7 used his hands to describe the scene.

During the first week, P7 was taken to an interrogation room where he was forced to kneel on the floor with his head down and his face covered. There were two people in the room: an interrogator who stood in front of P7 and a guard who stood behind P7. When the interrogator was unsatisfied with P7's answers, the guard hit P7 with a cable. On one occasion, the interrogator asked P7 why he was in detention, to which P7 responded that he lived and worked in Damascus, but was detained because [his identification card stated that] he was from Aleppo. P7 believed that the interrogator wanted him to provide a false confession. He told the interrogator to check his criminal record and that he would accept his detention if the record indeed showed a criminal history. He was eventually led back to his cell.

P7 went on to describe the prison conditions. According to him, detainees could not differentiate between day and night, or whether they were sitting or standing. The bodies of some people were covered in rashes,⁶ including the body of a boy. They were granted access to a toilet once per day. People had to queue in advance if they wanted to use the toilet, which was difficult for the elderly inmates who reminded P7 of his father. Detainees were also forbidden to shower. P7 mentioned how one person went to the toilet and poured water on himself because he was "disgusted with himself" and was subsequently beaten as punishment. P7 recounted that food was given to the detainees on a tray meant to serve 15 people, but was only sufficient to feed three people.

Two weeks after P7 arrived at Al-Khatib, he and other detainees were taken by bus to a different branch in Kafar Souseh (كفرسوسة). P7 recalled that the transfer took place around 2PM on a hot day. He also remembered being barefoot. The detainees were taken to a yard where forces [عناصر] awaited them. When the forces saw the detainees from afar, they rushed toward the detainees and began to beat them. P7 noted the confusion he felt during the attack; he found it strange that the detainees were taken to this branch. P7 was then taken to his new cell, which he described as being relatively more spacious than his cell in Al-Khatib.

He recalled overhearing a conversation amongst the forces, who were hovering near the cell, in which they asked each other why the detainees were brought to the branch. They said that P7 should be one of them. P7 was then beaten by one of the forces. He noted that the aggressor was approximately 1.5m [4'9 ft] while P7 is 1.92m [6'3 ft]. P7 felt that the force had a grudge against him, but did not know why. They stayed in that place for three hours then were taken back to the branch.

They remained at the branch for two or three days, then were taken outside to the branch's yard. According to P7, the goal of the forces was to nurse the detainees back to health, but only to the extent that the physical signs [of torture] were concealed. As such, they were given food and saw a doctor.⁷ They were also asked if anyone wanted to make a phone call. P7 did not accept the offer, however, because he did not feel safe.⁸ They were then taken to the yard where they spent the night. P7 said that it was an indescribable feeling to sleep with his legs stretched out.

The next day, the detainees were told that they would be released. His wallet and money were returned, then P7 walked through the street barefoot, horrified at his appearance. P7 was unaware that the Syrian National Security Bureau was bombed on the day of his release. P7 arrived home to his family and told

⁶ P7 used the Arabic word "حبوب" to describe the skin condition that he saw on his fellow inmates. It was defined by the Court's translator as "rash," but was later recognized to be "chicken pox" (see note 11).

⁷ P7 testified that he lost 12kg (around 26 lbs) during his detention.

⁸ Detainees often suspected that the recipients of their calls would be tracked.

them “may God not preserve me, if I stay in this country” [meaning that he would not remain in Syria]. He left Syria on May 20, 2013.

Judge Kerber’s Questioning

Judge Kerber noted P7’s statements that he was not detained by military forces. She asked if P7 remembered the number of *Shabiha*, whether they were armed, and if they wore uniforms. P7 explained that the *Shabiha* were wearing military uniforms.⁹ He went on to say that “[w]e [Syrians] know them. They are not official volunteers,” and that “these people used to loot the private properties of civilians.” They were pro-regime and had no jobs. They entered that field and acquired authority to control. In terms of weapons, P7 said that they had AK-47s.

Judge Kerber asked what P7 saw when he was taken to the square. P7 said that his head was covered by his t-shirt and was positioned downward, otherwise he would have been beaten.

Judge Kerber addressed P7’s testimony that he was shocked because he never saw such a large tank in reference to the vehicle he rode in with the other detainees. P7 acknowledged this to be true.

Judge Kerber asked if P7 saw 300 forces there. P7 said that he saw around 200 to 300 forces [عنصر].

Judge Kerber asked how P7 was beaten while he was stopped at At-Tadamon. P7 said that he was beaten with hands, legs, and with the buttstocks of rifles.

Judge Kerber asked for the name of the second branch at which P7 was detained. P7 did not know the name of the second branch and noted that there are many branches in Syria that are simply numbered.

Judge Kerber asked if P7 knew the branch’s number. P7 did not know the branch’s number. He only knew that it was located in Kafar Souseh.

Judge Kerber asked if P7 knew where he was detained prior to his transfer to Kafar Souseh. P7 said he was in Al-Khatib.

Judge Kerber asked how P7 knew he was in Al-Khatib. P7 explained that Al-Khatib is in a neighborhood called Al-Qosour in which there is a [well-known shop](#) that sells fruit salads. He often went to the shop with his friends.¹⁰

Judge Kerber asked if other detainees told P7 where they were being held. P7 said that none of the other detainees discussed where they were because they were each afraid that an informant was among them. P7 explained that they were detained on Nisreen Street and went to Al-Khatib. He then asked if he could

⁹ When answering this question, P7 initially referred to “civil defense” (الدفاع المدني). In his next sentence, P7 said “national defense” (الدفاع الوطني). The Court Monitor interpreted the usage of “civil defense” in the first sentence to be a mistake on the part of P7, and that he meant to say “national defense.”

¹⁰ The Court Monitor noted the confusion surrounding this question. P7 said that he saw the area during the time when the detainees were being transported to the second branch, and that he could tell from the buildings that it was a residential area in Al-Khatib. But Judge Kerber meant to ask P7 about his recognition of the area in which he was finally released, Kafar Souseh.

re-enact his actions when he got off the vehicle. [He knelt down and turned his face to the left] and said that he turned his face leftward to glance at a building.

Judge Kerber noted P7's statement that Al-Khatib was well-known to Syrians and that a detainee told him that it was Al-Khatib. She asked if that statement was correct. P7 clarified that he recognized the area and was told about the name.

Judge Kerber asked about the number of people in his cell. Defense Counsel Böcker, interjected and asked that the text be read aloud. Judge Kerber granted permission. Counsellor Böcker said that a satellite image was shown to P7 during a previous questioning. At that time, P7 was asked if he was able to recognize the buildings in the image. Böcker asked for P7's answer. P7 said that Syria did not have GPS back then. His logic told him that when he sees similar thing that is not available/working for the public, he could not recognize it and actually was not able to say what it was. However, it is a nice place and one can recognize the area without a GPS.

Judge Kerber asked again about the number of people in P7's cell. P7 said that he was more shocked by the condition of the people in his cell, not so much the number. He was a 22-year old healthy person. But when he saw the condition of others, they were different. He could not give a definite number of people, but he thought there were many people, perhaps around 300 individuals. P7 demonstrated how he used to sit down in his cell by squatting and holding his shins with his arms against his chest. He mentioned that some people slept on the laps of others. The cell was so crowded that a person would lose his spot on the ground if he stood up.

Judge Kerber asked about the number of toilets. P7 remembered three toilets. They were at the right corner upon entering the door. If someone wanted to use the toilet, he needed to queue in the line where people were waiting, sitting, and standing. Some detainees had been imprisoned for six months and had deteriorating health, so they had the right to sleep lying down to stretch their legs.

Judge Kerber mentioned P7's testimony about skin rashes. She asked if detainees had broken limbs. P7 did not see any broken limbs. [In relation to the rashes] He said that, in Syria, the rash is called chicken pox.¹¹ He did not see any blood.

Judge Kerber asked P7 if he saw corpses. P7 said no.

Judge Kerber asked about the food. P7 said that the food was given to the detainees on a tray which was placed on the floor. Whoever wanted to eat, ate. Meals consisted of potatoes, bulgur, and stale bread.

Judge Kerber noted that P7 was beaten. She asked where and how he was beaten. P7 said that he was beaten during interrogation, at Al-Khatib, and when he was frisked. "The guard who takes someone inside, greets him with beating." During the interrogation, he did not see the interrogator who beat him because his head was down. Whenever P7 said something with which the questioning interrogator did not agree, P7 was beaten with a cable on his toes [soles of his feet]. When the interrogation ended, the interrogator instructed P7 to sign a document which he was not permitted to read.

¹¹ Later in the proceedings, the translator clarified that P7 mentioned "chicken pox" but that he did not originally translate the word correctly.

[10-minute break in proceedings.]

A YouTube video was shown. P7 commented that [YouTube video #1](#) depicts Baghdad Street.

A note from the Trial Monitor: the building that appears in [YouTube video #1](#) at 00:05 is located [here](#). If one clicks on the photo of “Al-Khatib Laboratory” in the link, one will find the photo of the same building (same staircase and balconies). If one watches the extended version of the video [here](#), one would clearly see at 00:01 the fruit salad shop (Ramez) that P7 was speaking about. In addition to the previous explanation, one can see at the original video at 00:29 a street sign that indicates that Bab Touma and Baghdad Street were on the left. These two points mean that this was not Baghdad street, but rather Morshed Khater.



[Coordinates 33.519945, 36.311260]

[YouTube video #2](#) was shown. P7 recalled reaching a point where he was not allowed to continue by vehicle.

A note from the Trial Monitor: the building that appears in [YouTube video #2](#) at 00:00 is the same building [here](#). If one clicks on the photo of “Star center radiographic Specialist” in the link, one will find the photo of the same building (same banner and appearance). The radiology center and the roundabout are both to the right side of the videographer, which means that the course of the movement was as shown below.



[Coordinates 33.521858, 36.310198]

Judge Kerber asked P7 if he recognized the entrance. P7 said that, [after he was released],¹² he remembered visiting the area often. He did not know that a branch was located there.

Judge Kerber asked if [YouTube video #2](#) showed Al-Khatib Branch. P7 could not be 100% sure. He said that it is [now] 2020 and he did not research the subject matter. He also mentioned that his psychological condition after he was [released from detention] was so bad that he hated the country where he was born.

Judge Wiedner's Questioning

Judge Wiedner asked how long P7 stayed in Al-Khatib. P7 could not remember the number of days, but guessed that he was there for two to three weeks. The detainees could not differentiate between day and night. There was a yellow light that was always turned on and it was underground. When the detainees felt tired, they slept.

Judge Wiedner asked P7 if he was unable to estimate the time because he could not see daylight. P7 confirmed that he could not see daylight.

Judge Wiedner asked P7 if he was interrogated in Branch 251. P7 confirmed.

Judge Wiedner noted P7's claim that he was interrogated at Al-Khatib. He then asked if the interrogation was on the same floor or if he went upstairs. P7 remembered that one person held him while another person dragged him. He and other detainees went seven steps up stairs, were placed in a room, then were interrogated one-by-one. He did not see the interrogator who questioned him or the person behind him who beat him.

Judge Wiedner asked if the interrogation occurred on the same floor as P7's cell. P7 was interrogated on a different floor than his cell.

¹² P7's words were "بعد ما طالعونا من المكان" which literally translates to "after we were taken outside the place," but the phrase is correctly understood as "after we were released."

Judge Wiedner asked if he was interrogated in a different building than his cell. P7 was interrogated in the same building as his cell, and that the interrogation room was approximately one floor away from his cell.

Judge Wiedner asked P7 to clarify whether P7's claim that he was beaten on his "toes" meant that he was beaten on the soles of his feet. P7 said that by "toes," he meant that he was beaten on the soles of his feet, which is where the interrogator concentrated the beating. He thought he might be shot and killed, in which case his [suffering] would end and he would be relieved.

Judge Wiedner asked if P7 wanted to die as a result of the beating. P7 said that he wanted to die because of the insults and the treatment. He characterized the people detaining him as ignorant, and he mentioned that insults against his family were more humiliating than the beating.

Judge Wiedner asked if P7's feet were swollen and if they had lasting damage because of the beating. P7 said that his feet swelled and they recovered in two or three days. He did not have lasting damage. However, his hands were tied by a plastic cable which left a mark visible for two months.

Judge Wiedner stated P7's claim that there were two persons present: an interrogator and a guard. Judge Wiedner asked if the interrogator gave orders or instructions to beat P7 and if they were communicating with each other. P7 did not know because his head was down. He knew the interrogator was in front of him and the guard was behind him based on where he heard the interrogator's voice and how he received the beating.

Judge Wiedner asked if the interrogator gave instructions to start or stop beating P7. P7 did not hear any orders, but suggested that the interrogator could have communicated with the guard using gestures.

Judge Wiedner asked if the detainees used to discuss amongst themselves the beatings or torture. P7 said that he used to hear that people should not speak to other detainees while in prison because informants were disguised as prisoners in order to collect information. If he was told something, he replied with "okay."

Judge Wiedner asked what the detainees talked about. P7 said that, on his second day, an [obese] person entered the cell. The other detainees were sad because seven people had to stand up when the [obese] person sat down.

Judge Wiedner asked how the person got to Al-Khatib. P7 explained that the [obese] person told P7 that he was selling vegetables when a demonstration passed by him. He was detained alongside the demonstrators. P7 also described another newcomer who was missing an eye and a leg, and for whom P7 felt pity. He was overwhelmed, especially by the elderly detainees who reminded P7 of his father.

Judge Wiedner restated P7's claim that some detainees were incarcerated for six months. Judge Wiedner asked P7 how he knew this to be true. P7 said that he was told that some detainees were there for six to eight months, so they were allowed to lay down and stretch their legs. He did not know where that rule originated.

Judge Wiedner asked if other detainees talked about torture. P7 said no, but he could hear sounds [of torture]. He did not know where the sound came from.

Judge Wiedner asked if P7 thought torture was happening. P7 noted that beating did not happen aside from the person who took a shower [with toilet water, as mentioned above].

Judge Wiedner asked P7 if he was able to see what happened outside of his cell. P7 said he heard sounds, but he did not know where they came from because of an [adjacent] corridor.

Judge Wiedner asked if this happened often. P7 said that he could hear the sounds from time to time, not constantly.

Judge Wiedner asked P7 if he saw corpses. P7 said no.

Judge Wiedner asked P7 if he recognized the defendant. P7 expressed that he wished that he knew someone, but if there was someone who was sitting next to him on the bus, he would not be able to recognize that person.

Prosecutor Questioning

Prosecutor Klinge restated P7's claim that he was beaten twice, then asked P7 to describe the first time he was beaten. P7 described how the first time was when the detainees arrived to the branch and entered the prison. They were stripped naked, instructed to bow, frisked, then put their clothes back on. The detainees were then handed over to the warden¹³ who slapped them indiscriminately "as if he was telling them to fear him."

Klinge asked if it was only the warden or whether there were others. P7 said he was only aware of the staff members, not the manager.

Klinge asked how many people were beaten. P7 explained that he was beaten. The detainees were told to take off their clothes, frisked, then were handed over to the warden [guard] after they put their clothes back on. The detainees could not keep their shoelaces and belts; P7 was later informed that such objects were kept so they could not be used to commit suicide.

Klinge asked if he was beaten by anyone other than the [guard]. P7 said that the [guard] beat him in front of the cell, then pushed him inside. He was relieved because the beating ceased [when he was back in the cell].

Klinge asked if P7 was mistreated when he arrived [to the branch] or only when he was in front of the cell. P7 clarified that the branch was in a residential area, so detainees were not tortured in the yard. Rather, they were taken downstairs.

Klinge asked for confirmation that, in September of 2018, P7 said that his feet were swollen and that the guard would pull P7's feet whenever P7's drew them into his body [away from the guard]. He also asked if P7 was barefoot or wearing socks. P7 said yes, the beating was on the soles of his feet. He was flinching his feet toward his body, but the guard pulled them back. He was barefoot and was wearing sandals when he was detained.

Klinge asked what tool was used [to beat P7's feet]. P7 guessed that the tool was a quadruple cable.

¹³ P7 used the word سجان. Though it generally translates to "guard," the Court translator used "warden."

Klinge asked how many people were in the cell. P7 guessed approximately 300 to 400 people. He said that it was an unforgettable scene, but he was unable to count the people.

Klinge confirmed that P7 previously gave the same answer. P7 reiterated that [the number was] approximately in that range. There were so many people that an individual would lose his place if he stood up.

Klinge asked if there was a change in the detainees and whether the guards had shifts. P7 did not know because he could not differentiate between the guards and the detainees.

Klinge asked how often detainees were called into interrogation. P7 said that he was only called once.

Klinge asked about the other detainees [whether they were interrogated more than once]. He also asked how many people were called each time. P7 said once or twice per day. However, he did not know if they were the same people or different people. Around 15 to 20 people were called each time.

Klinge asked about ventilation in the cell. P7 said that the cell was humid, but the thing he liked best was drinking water. He dipped his bread into water to satisfy his hunger and thirst for a longer time. He ate a few bites of a potato, but generally did not know what he was eating.

Klinge restated P7's claim that 200 to 400 people were inside and could not take a shower. He asked P7 if there was a stench. P7 said yes, the problem was that the people with [rashes] used to greet him [with handshakes]. He did not want to be rude to them [by refusing to shake their hands], even if it resulted in his own infection.

Klinge asked if P7 was still suffering the consequences of detention. P7 said yes, he gets angry whenever he remembers what happens to him, mostly because of the humiliation, not the beatings. He served two years in the army to get a passport. If one wants to get a passport in Syria, one must postpone studies or do compulsory service. He served in order to get a passport valid for six years.

Klinge asked if P7 had sleeping disorders. P7 noted that what he went through was nothing compared to what happened in Al-Ghouta due to the chemical [weapons]. People were besieged in Zabadani and Ghouta, including children with their families. He did not experience these incidents, which helped him forget what happened to him. People died of hunger. A rocket fell and killed an entire family. He wondered how he could think about himself. It is impossible for him to go back [to Syria] and live with such people.

Klinge said that he understood why P7 did not want to live with such people. He then asked if all 200 to 400 detainees were released. P7 said that only 15 to 20 people [were released]. [The guards] brought a box with the detainees' personal belongings and gave them back to each person.

Klinge asked if P7 knew the reason for their release. P7 did not know, and he did not think he would get an answer if he asked. He just wanted to go home.

Judge Wiedner asked about the condition of the other detainees after interrogation. P7 said that there was no blood. The pain was internal. If they were beaten, [the signs] would be under their clothes and was not apparent.

Klinge asked if P7 could see signs on people's faces. P7 said only on one or two people.

Klinge restated P7's claim that detainees appeared to be depressed and beaten after their interrogations. There were signs [of being beaten] on their faces and hands, but no other visible signs because detainees were clothed. Additionally, some of the detainees could be spies. P7 said that he used to hear that some people were sent [to prison] and would ask about the reasons why others were there.

Klinge asked if P7's statements regarding the signs of beating on detainees' faces were correctly recorded. P7 said yes, there were [bruises] from hits by elbows or hands.

Defense Counsel Böcker Questioning

Böcker asked about the release situation and the two to three days spent in the branch. P7 said that the detainees were in Al-Khatib then were put on buses. Their hands were tied by cables. When they arrived to Kafar Souseh, they were beaten for around four hours.

Böcker asked if P7 stayed in Al-Khatib for two to three days after [the beating]. P7 confirmed.

Böcker recalled P7's testimony that, the day before they were released, the detainees were asked [by guards] if they needed anything. Counsellor Böcker asked if the people who were released were the 15 to 20 people [P7 previously mentioned]. P7 explained that he did not examine everyone, but the people who were in the yard were not taken back [to the branch].

Böcker asked if [the guards] wanted to create a "good mood" by letting the detainees sleep in the yard. P7 affirmed and noted that they even brought the detainees apples to refresh them.

Böcker asked if the detainees talked about their release at night and what happened the following day. P7 said that the detainees speculated that they would not stay in the yard, so they prayed for their release. The following day, [the personnel] waited until [their shift] ended around 3PM or 4PM. They gave the detainees their belongings and released them.

Böcker mentioned that an incident occurred the day that the detainees were released. He asked P7 if the detainees were talking about it. [P7 did not understand the question and it was repeated]. P7 said that the guards did not talk. The detainees speculated about what would happen and if they would be taken to another branch. They were afraid of Sednaya (صيدنايا) [prison] because they heard that whoever goes there does not leave.

Böcker asked about the subject of P7's interrogation. P7 noted that the [questioner] asked why P7 was in the area [of Damascus]. The day he was detained, he was dressed in his work clothes. He explained to the interrogator that he was bringing stuff to his workshop. He had 7,000 SYP [130 USD] on him. [The forces] suddenly appeared and closed off the area. He was accused of financing the FSA. P7 told the interrogator to look at P7's appearance and noted that he was wearing the same work clothes the day he was detained. The interrogator perceived P7's tone to be mocking. The guard started to beat him. P7 told the interrogator to ask whatever questions he wanted. He had P7's identification card. If he found anything [in regards to P7's criminal record] even going back ten years, then he should not release P7.

Böcker asked if the 7,000 SYP played a role in the accusation. P7 did not think so. Before someone is detained, they already have an accusation ready.

Böcker noted P7's previous mention of 18,000 SYP. P7 testified that his friend was with him.



Böcker asked if the accusation was that the money was for financing the FSA. P7 confirmed.

Böcker asked if there was anything on social media, Facebook, or his mobile phone. P7 said that he did not have a Facebook in 2011 and his phone was a Nokia [meaning that he did not have a smartphone].

Böcker asked if P7 meant the summer of 2012. P7 said that he meant the summer of 2012.

Böcker asked if P7 was questioned about his mobile phone during interrogation. He was asked if the phone was returned to him, to which he responded that it was not. The phone was new and was taken from him at Nisreen Street, not at the branch.

Böcker asked if the mobile phone was a topic of the interrogation. P7 said no.

Defense Counsel Fratzki Questioning

Fratzki asked if P7 was arrested in the afternoon. P7 confirmed.

Fratzki asked if P7 was relocated at 3AM at night. P7 said that he was relocated around that time. It was dawn.

Fratzki asked how long the drive lasted. P7 said that did not [notice] the duration of the drive: maybe half an hour because they stopped and the personnel would board the vehicle to beat the detainees with batons. They did not drive directly. [The drivers] told [checkpoint personnel] to get in to let off steam [by beating the detainees].

Fratzki recalled P7's testimony that the ride was 40 minutes. P7 said this was approximate.

Fratzki asked if it was dark when they arrived. [P7 asked for clarification as to whether Fratzki was asking about the vehicle. Fratzki said "outside"]. P7 said yes.

Fratzki asked how P7 was able to recognize Al-Khatib [if it was dark outside]. P7 said that there was light near the building. He used to live in a [working class (منطقة شعبية)] area. The building was nice and there was light.

Fratzki asked if P7 had been there before and if the building had special architecture. P7 explained that he used to go there with his friends to eat fruit salad. The buildings in the area resemble each other and he thought the area was beautiful.

Fratzki asked how far the area was from P7's home. P7 said that it was around half an hour during a traffic jam.

Fratzki stated that it was dark outside, but there was a light, and P7 recognized Al-Khatib because of the architecture. P7 clarified that he did not recognize the branch. He recognized the area. He later learned that the branch was Al-Khatib.

Witness Counsel and Plaintiffs' Counsel Questioning

Plaintiff's Counsel Oehmichen asked if P7 received any release documents. P7 explained that he did not receive any release documents, just his wallet with 300 SYP. He was happy [with the money] because he could go home with it.

Oehmichen asked P7 about his feelings when gasoline was poured on him. P7 said that there was a person who he could not forget from this time. After the person poured gasoline on the detainees, the person said, “that is the end. They will be set on fire and soon everything will be over.” P7 also did not forget how he was pushed into his cell and fell on people. He weighed 100kg (220 lbs) and fell on someone who told him to “get off of him for God sake.”

Oehmichen asked if the two people [who poured gasoline on the detainees] talked to each other. P7 noted that one person asked the other person why he did that. P7 said that everyone has his own country,¹⁴ like the cigarette man. He closed the door and wanted to throw the cigarette and they would have been reduced to ashes. “A war of nerves.”

Plaintiffs’ Counsel Scharmer asked if the order [of locations] was Al-Khatib then Kafar Souseh then Al-Khatib. P7 confirmed.

Scharmer asked about the reputation of Al-Khatib. P7 said that it is a branch in the middle of the city. It is an air-force branch. Syrians fear it, but they do not know what happens inside.

Scharmer asked if the interrogator was addressed as “sidi” (سيدي). P7 said that he was not concentrating. P7 was beaten and reacted with no emotions [ببرودة أعصاب].

Scharmer asked P7 if he recognized other rooms. P7 did not know. He could only see his feet while he walked.

Scharmer asked if the detainees were sexually abused while they were naked and frisked. P7 said that he did not see that.

Follow-up Questioning

Defense Counsel Böcker asked P7 to confirm what he said about Al-Khatib and the air-force branch. P7 confirmed that Al-Khatib is an air-force branch.

Böcker asked if there were multiple intelligence branches within the vicinity of the fruit salad shop on Baghdad Street. P7 said that there were officers and detachments.

Böcker asked if there were two branches in the area. Plaintiffs’ Counsel Scharmer objected to the question. Judge Kerber overruled the objection and allowed Böcker to continue asking the question. P7 said that he did not know [if there were two branches in the area]. Whenever [Syrians] saw a detachment, they turned around and went back; [they] feared the army. P7 said that he did not need to hide anything. He wished to speak and share more.

Judge Kerber asked how many buildings were in the branch. P7 did not know.

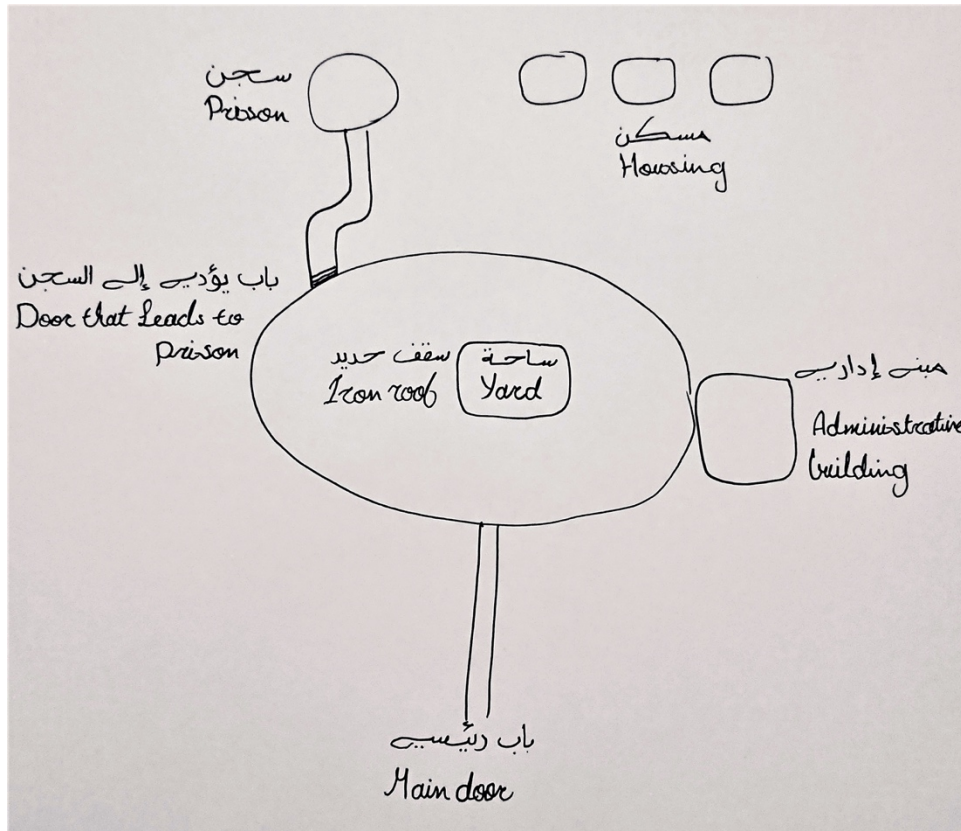
Judge Kerber asked how many floors were in the building. P7 guessed that there were four floors. However, he did not know how many underground floors there were in the building.

Judge Kerber wanted to be sure which prison P7 was detained. She recalled P7’s testimony that there was a yard between the administrative building higher than the prison and the prison [itself]. P7 said that the

¹⁴ “Everyone has his own country” is a colloquial expression meaning that everyone makes their own decisions and is not bound by rules.

prison only had one upper floor and a basement. The administrative building had four floors. There was a yard outside with a metal roof, so the surrounding buildings could not see anything.

[The sketch below was created by the witness and shown to the courtroom.]



[The witness was dismissed.]

The Court announced that during the third week of August, a witness will testify over a two-day period. The required equipment will be prepared by that time, and questioning will occur via video.

The witness was advised by his physician not to travel to Koblenz due to health issues. Judge Kerber asked if there were any worries about conducting the testimony over video. Böcker asked if the witness was in Berlin, which Judge Kerber confirmed. Böcker expressed his interest in having the witness come to court, but he did not have further comments on the matter. Judge Wiedner explained that they are in contact with the regional court.



The proceedings were adjourned at 12:30 PM.

The next hearing will be on July 30, 2020 at 10:45 AM.

Day 20 of Trial – July 30, 2020

The session began at 11AM after a fifteen-minute delay. Defendant Eyad Al Gharib entered the courtroom in handcuffs. His handcuffs were removed for the proceedings and replaced at the end. The audience consisted of five spectators and two members of the media.

Testimony of P8

P8 is a 39-year-old male who works for an NGO helping Syrian refugees. He was summoned as a witness and is unrelated to the defendants.

P8's Detention

P8 said that he was detained in 2012. He was returning to his home in Damascus, which is close to Al-Khatib Branch. In order to get home, he had to pass by a checkpoint near the branch. He was detained at the checkpoint when the personnel saw his ID card. He is originally from Idlib and was born in Duma. The demonstrations began in these cities. He was then detained in Al-Khatib. Before 2011, he did not have any [problems]. He studied French literature and worked at an insurance company for five years. In 2011, the demonstrations began and he [briefly] worked as an aid volunteer.

Judge Kerber asked when P8 was detained. P8 said he was detained on the fourth or fifth of September in 2012 at 1AM.

Judge Kerber asked if P8 estimated September 4th. P8 clarified the date as September 5th because it was already night.

Judge Kerber asked how P8 knew about Al-Khatib. P8 said that Al-Khatib was well-known to people. It was about a ten-minute walk from his house. When his car was confiscated, he had to go to the branch to retrieve it, though his car is still with them until now.

Judge Kerber recalled P8's testimony in which he stated that he was detained at 2AM. She asked if he was detained at 2AM or 5AM. P8 said 1AM or 2AM, not 5AM. Five was the date.

Judge Kerber asked what happened after P8 was detained. P8 said that he was taken three or four steps down to a basement where he was turned over to a [branch official]. The official took his belongings, including his identification card, belt, and shoes. P8 took off his clothes and was frisked from top to bottom. He was then escorted to the "external sleeping room." He did not remember the size of the room, but it was full of prisoners. There were more than 200 people. There was one tap and one toilet. Light was on 24 hours a day, so the prisoners did not know if it was day or night. He said that he could speak about many details from that month.

Judge Kerber asked P8 to speak freely and recalled P8's testimony that he stood in the cell. P8 noted that the norm was for newcomers to stay at the end of the cell, so as not to lean their backs against the wall. Every person had one floor tile (بلاطة) on which to sit, if they were even able to sit.

Judge Kerber asked about the size of the floor tile. P8 said that it was the same as in the courtroom. Judge Kerber noted that the size of the floor tile in the courtroom was 40x40cm. P8 explained that the cell was cramped. People who were standing were waiting for an opportunity to sit down. One of the most difficult things at the beginning was the sweat. The floor was covered in sweat and one could not sleep. If one wanted to go to the toilet, he had to wait three to four hours to get his turn because of the number of people. When one wanted to walk, he stepped on people, not the floor. In the first week, he did not eat. The food was potatoes and tomatoes. Access to water was regularly cut and the detainees were unable to drink water or use the toilet for long periods of time. Sometimes, when a detainee was so thirsty that his mouth was too dry to eat or swallow, "the ones with us inside" would give water drop by drop. They had a single water bottle for everyone.

P8 continued that there was only one fan, so the job of the people standing was to wave their clothes in the air. Many people lost their minds because of the lack of sleep and food. After two to three days without sleep, one starts to hallucinate. There were many people who were injured in demonstrations, and they had a designated section against the wall where they had more than one floor tile on which to rest.

P8 went on to say that, after the first week, he was called into interrogation. He was blindfolded with his hands cuffed behind his back as he knelt on the floor. The first question was whether P8 knew a specific person [P8's friend. Name is redacted]. P8 said no, and the interrogator slapped him. P8 explained that when he disappeared, his family and friends did not know where he was, so they created a Facebook page called "Freedom to P8." One person who 'liked' the page was P8's friend—a photographer/videographer and a media [activist] for the demonstrations. He was wanted for this reason. The interrogation started with the question about P8's friend. They beat P8 for an answer. P8 wanted to tell the interrogator that he knew his friend in order to stop the beating, so he said that he knew his friend from university.

P8 testified that he was then taken back to the external cell [where he was held before the interrogation]. After one or two days, he was asked for the passwords to his Facebook and email accounts. At first, P8 could not recall his passwords. He was taken upstairs, then was interrogated and beaten again. The interrogators put a laptop in front of him so he could remember his password and type it. After the interrogator typed the password and accessed P8's Facebook account, he was able to acquire knowledge on the activities, as well as special information, related to the demonstration coordinating committees (تنسيقيات). The interrogators ran an investigation on the names of the people who were administrators of the committees. They wanted names and information. P8 denied knowing anything and was subsequently beaten.

In one interrogation, there were two interrogators. P8 had to lay on the floor and raise his feet. The interrogators used a belt made of black rubber with metal wires called a "tank belt" to beat P8 on the soles of his feet. They did not stop beating P8 until he gave them names. At times, P8 was unable to bear [the pain], so he gave them fake names. P8 was interrogated three or four times. Each interrogation was focused on names and individuals. One time, the torturing and beating were so fierce that P8's handcuffs ripped off. They [bound] him with a wooden object.

Judge Kerber asked how P8 was fixed. P8 said that the first time, his feet were [bound] with a rope or a rifle belt. One person bound him while another person beat him. The second time [after the plastic handcuffs were torn], the interrogators used a piece of wood with two circular holes that opened and closed onto P8's feet.¹⁵ They tried to get names. In one interrogation, P8 was forcefully laid onto the floor. The interrogator cocked his gun, put it against P8's head, and told P8 that he would be shot and thrown in the garbage if he did not say any names. P8's feet became inflamed from the heavy beating. His right foot was three times bigger [than his left foot]. He got a black ball in his metatarsus because of the beating. The signs of beating are still visible.

Judge Kerber Questioning

Judge Kerber noted that P8 was interrogated several times. She asked if P8 recognized the room where his first interrogation occurred and if P8 waited somewhere before the interrogation. P8 said that the first interrogation pertained to [P8's friend. Name is redacted]. Two prison guards came to P8, pulled him [out of the cell] and took him to the interrogating officer in the room.

Judge Kerber asked if P8 went upstairs when he went to the room. P8 confirmed that all four interrogations were upstairs. The first and second [interrogations] were not downstairs.

Judge Kerber asked if P8 waited in a room [before he was to be interrogated]. P8 remembered that the first time he was interrogated, he sat in a place that resembled a kitchen. He was there with four people. It was the first time he saw sunlight and felt air. Prison guards used to pass by and beat anyone who raised their head.

Judge Kerber asked if P8 was able to see light, despite being blindfolded. P8 confirmed. He said that when one felt that no one was around, one could raise his head. This was a dangerous move because one would get beaten if a prison guard saw him. Therefore, one would raise his head and lower it quickly.

Judge Kerber asked if P8 fell asleep. He remembered that he took a nap. Judge Kerber asked about the reaction of the guards. He did not remember if he was beaten awake, though he was beaten with a cable on his back. Judge Kerber asked why P8 fell asleep. P8 said that he fell asleep because he felt the fresh air and it was difficult to sleep in the external dormitory. He noted that it was [peaceful] sleep. He waited for half an hour, and [the space] was quiet, so he fell asleep.

Judge Kerber said that P8 went to a room where there was an officer. She asked how the room looked and how many people were there. P8 said that two people brought him to the interrogating officer who the guards called "*sidi*." Usually the place was tidy when he entered. It appeared to be a special office. That was apparent from underneath the blindfold.

Judge Kerber asked if P8 recognized the type of chair. He did not remember. Judge Kerber recalled P8's testimony that the chair was black leather. P8 confirmed and said that he thought the chairs were black leather. But he was not absolutely sure.

Judge Kerber asked if P8 heard an officer give an order to beat P8. P8 said that the interrogator was the one who initially hit P8.

¹⁵ P8 likely referenced a mode of torture called the "flying carpet" (بساط الريح).

Judge Kerber asked if P8 was slapped in the face. P8 confirmed.

Judge Kerber asked if P8 stayed in the same room or was taken to another room. P8 said that he was taken back to his cell.

Judge Kerber recalled P8's prior statement that there was no accusation against him. Then he was taken to another room where the "real torture" took place over thirty minutes while P8 was asked about the Facebook page. P8 did not remember the chronology; [the events] were after one another.

Judge Kerber asked if the tank belt and the quadruple cable were the same. P8 explained how they were different. The quadruple cable was used by one of the guards, Abu Ghadab (أبو غضب). Judge Kerber asked P8 to describe the quadruple cable. P8 said that it was like the single cable. Four cables are put together and affixed.

Judge Kerber asked if the next interrogation was conducted in a different office. He remembered that he was taken to a different floor where two people interrogated him. He was interrogated multiple times. P8 did not know to which interrogation Judge Kerber was referring.

Judge Kerber recalled P8's testimony that the office was a salon. She asked if it was bigger and nicer. P8 said that when the last interrogation was over, there was no beating. They were just talking to him.

Judge Kerber asked if P8 was injured. He said that his feet were already swollen.

Judge Kerber recalled P8's testimony that, during his last interrogation, the interrogator was polite. She asked how long the interrogation lasted. He said that it lasted half an hour to an hour. He could not remember.

Judge Kerber recalled P8's statement that he was taken back to the cell and had to wait in the corridor where he saw other people. She asked if P8 was blindfolded. He explained that when he was taken to the corridor and his feet were swollen, he was not blindfolded. He stayed there for five to seven days. The corridor was one-meter wide. A [guard or officer] who called names passed by him. P8's legs were stretched out. He had been sleeping, so he did not retract his legs when the [guard or officer] passed by him. The person woke up P8 and beat him.

Judge Kerber asked if P8 received medical treatment for his feet. P8 said that when his foot got severely inflamed, doctors came and gave him an injection in the kitchen.

Judge Kerber asked about the health of the other prisoners. P8 said that he previously mentioned injuries and hallucinations.

Judge Kerber asked if P8 saw corpses. P8 said that he saw a corpse when he was outside. Usually, when someone died in the cell, the detainees would knock on the iron door and yell out that someone died. It was forbidden to knock on the door unless someone died. When P8 was outside [in the corridor], the detainees knocked on the door and yelled that someone died. The personnel took the corpse and put it next to P8. It was blue and yellow. The dead person was skin on bones—exactly like the dead. He was wearing only underwear and had relieved himself in it. After a while, the corpse was taken. They eventually took P8 [back into the cell]. During that month, the detainees yelled four times that someone died. The people who were probably dead, did not return. Sometimes, if a person was sick, he was treated

and brought back to the cell. P8 said that the circumstances he went through during that month without sleep, water, or food made him wish for death.

Judge Kerber asked P8 to describe the corpse, including his age. P8 said that while the personnel were carrying the corpse, the corpse's back appeared broken. He was skin on bones. He was blue with prominent bones. P8 did not remember if the corpse had a lot of hair.

Judge Kerber asked about the corpse's age. P8 said that he was young.

Judge Kerber asked if P8 was in the corridor the four times when the detainees yelled out that people died. He said that he was inside [the cell].

Judge Kerber asked if P8 witnessed bodies being carried outside or if he only heard the calls [from the detainees to the guards]. P8 said that when the detainees called, they carried the person to the [cell] door and knocked on the door.

Judge Kerber asked if P8 saw or heard anything. P8 saw bodies being carried to cell door, knocking on door, and bodies being taken out of cell.

Judge Kerber asked if the carried persons came back or were only sick. He did not remember.

Judge Kerber asked if the prisoners said that "someone died" when they knocked on the door. P8 confirmed.

[Judge Wiedner intervened to ask two questions]

Judge Wiedner asked if the incidents when the detainees knocked on the door were at the beginning, middle, or end of P8's detention. P8 explained that his detention in Al-Khatib lasted four weeks. In that period, it was difficult to determine whether he was in his first two weeks or his last two weeks. However, he thought that the corpse in the corridor was in his third week.

Judge Wiedner asked if P8 witnessed anything at the beginning of his detention. P8 did not understand the question. Judge Wiedner asked if there were any deaths at the beginning of his detention. P8 did not remember.

Judge Kerber asked if P8 was taken to another prison. P8 confirmed. He said that at the end of the month, his name was called. He was blindfolded and his hands were cuffed behind his back. The officers initially did not ask him to sign anything. But before he was taken to the bus which transported him to the Kafar Souseh (كفرسوسة), an officer came to put P8's fingerprint on a paper, the contents of which P8 did not know. After that, he was taken by bus to the central administration in Kafar Souseh.

Judge Kerber asked how P8 knew that he was in Kafar Souseh. P8 explained that the prisoners who were there for longer periods of time told him that he was at Kafar Souseh where there was higher administration and more interrogations.

Judge Kerber asked if the conditions in Kafar Souseh were better or worse than Al-Khatib in terms of medicine, food, sleep, space and beatings. P8 noted that the methods of torture were different at Kafar Souseh. When the detainees entered, they were "greeted" [beaten]. They were constantly beaten and insulted until they arrived to their cell. He recalled having a boxing glove in his belongings. A prison guard told him, "do you box? I'll teach you how it is done." P8 was blindfolded, and his legs and feet were bound.

He was punched in the face repeatedly. As a result, he became dazed and fell to the ground. After that, he and seven other detainees were taken to a solitary cell.

Judge Kerber asked if P8 meant a small cell. P8 confirmed and explained that the cell fit one person if the person laid down. The food was scarce and there was no light. It was quiet and the detainees were not allowed to talk to each other, unlike at Al-Khatib. They were allowed to use the toilet once or twice per day. They had 10-20 seconds to relieve themselves before they had to go back to the cell. On the way to the toilet and on the way back to the cell, the detainees were beaten by the guards. The guards beat them with a tool called “Al-Akhdar Al-Ibraheemi” (مي الأخضر الإبراهيمي)—an iron pipe wrapped with green material and was [named] after the U.N. Special Envoy to Syria. They used to ask the detainees, “do you want the help of Al Akhdar Al-Ibraheemi?”

Judge Kerber asked if the tool was used for beating. P8 said they were beaten with it when they went to the toilet.

Judge Kerber asked about the size of the solitary cell. P8 remembered that there were seven people inside and they used to sit 2,2,2,1. It fit three people sitting.

Judge Kerber asked if the detainees sat down in a squatting position. P8 confirmed that they were squatting [sitting down and hugging their knees].

Judge Kerber asked about the width of the cell. P8 said that when he leaned against the side wall, he had to raise his legs onto the opposite wall.

Judge Kerber asked if P8 was beaten when he got out of the cell to go to the toilet. P8 confirmed that he was beaten while going back and forth from the toilet to the cell.

Judge Kerber asked if P8 was tortured during the interrogation in Kafar Souseh. He said that he was beaten on his way to the interrogation room. To go to the interrogation room in the big building, he had to cross another building and a yard. When he got to the big building, he went to the second or third floor to see the interrogation officer. On his way there, he was beaten by seven or eight people.

Judge Kerber asked if the detainees were tortured with “falaqa” (فلقة) in Kafar Souseh. P8 wondered if what was done to him was called “falaqa”.

Judge Kerber recalled P8’s statement that he was not tortured with “falaqa,” but that other detainees were tortured with it. P8 said that the detainees were transferred from the solitary cell to a bigger room. Sometimes, they were punished inside the room. The prison guard entered and they stood up. They faced the wall and “were above each other.” The punished person was beaten behind them in “falaqa” position.

Judge Kerber asked P8 to compare the condition of the detainees in Al-Khatib versus Kafar Souseh. P8 noted that when he arrived to Kafar Souseh, his foot was already inflamed and swollen. When the doctors came to Kafar Souseh, the injured detainees were taken to see them. He recalled that a doctor changed the dressings on P8’s wound while a prison guard simultaneously beat him. Sometimes the detainees were given antibiotics and Ibuprofen. The guards used to open the hatch and toss the tablets [into the cell]. If fifty people needed medicine, only four or five were given some.

Judge Kerber recalled P8’s statement that Kafar Souseh had more space, better food, and the cells could sleep 70-80 people inside [compared to Al-Khatib]. P8 confirmed. He was in different places in Kafar

Souseh. The conditions depended on whether he was in a solitary cell or a shared cell. He was in four different places that differed from each other.

Judge Kerber asked if that was what P8 witnessed. P8 confirmed that the conditions were better.

Judge Kerber asked about the duration of P8's detention and the [nature] of his release. P8 said that he was in Kafar Souseh for approximately two months, then he was transferred to a military court. After that, he was transferred to Al-Qaboun Branch (القابون) for a few days.¹⁶ Then the detainees were taken from the military and security branches to a [district] authority (Adra عدرا).

Judge Kerber asked about the timing. P8 remembered that it was before the new year around December 29, 2012. The New Year passed when he was in Al-Qaboun. Shooting started and he was transferred to Adra.

[One-hour break]

Judge Wiedner Questioning

Judge Wiedner asked if the detainees were given back their clothes which were removed. P8 said that they were given their clothes back. Judge Wiedner asked if the clothes were returned at the beginning or after P8 was transferred. P8 said this happened at the beginning. Judge Wiedner asked if that means P8 wore his clothes, not only wearing his underwear. P8 confirmed.

Judge Wiedner asked about the rest of the detainees. P8 explained that many of them were only wearing their underwear because it was hot. They used to carry their clothes on their shoulders. Some people lost their clothes because of the crowdedness.

Judge Wiedner asked what P8 meant by "external cell." P8 noted that the actual name was "external dormitory." It could have been a garden or a parking lot before it was turned into a prison cell.

Judge Wiedner asked how P8 was brought to the cell. P8 said that, after his personal belongings were taken, he was led past two or three rooms "like the ones in a house," then through a long corridor. The dormitory was at the end on the right side.

Judge Wiedner asked if the external dormitory was within the building or outside of it. P8 confirmed that it was within the building.

Judge Wiedner recalled P8's testimony that the cell was an empty space between the buildings with a roof, like a garage. It had a wall of bars and another wall with interrogation rooms. P8 confirmed and noted that the wall to the left had a long window, and the interrogation rooms were on the right.¹⁷

¹⁶ Al-Qaboun Branch (القابون) is a military police prison.

¹⁷ P8 described the scene such that, when one entered the cell, the cell door was behind him. See the sketch below.



Judge Wiedner asked if the cell was on the ground floor or if it was underground. P8 thought that the cell was underground. He could hear people walking [outside of the window].

Judge Wiedner asked if P8 could see the street. P8 said that he could not see the street and that the window was two meters high.

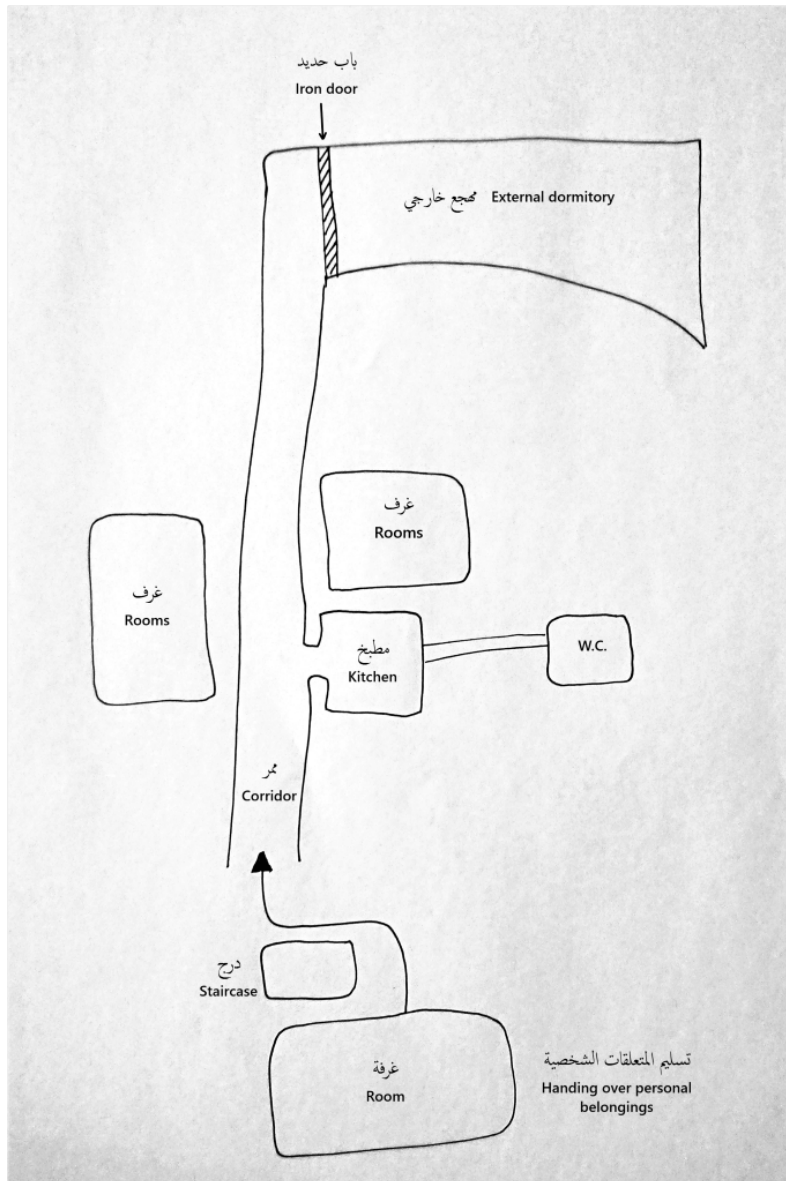
Judge Wiedner asked what was behind the bars. P8 said that it was difficult to see. The glass was thick and opaque. There were iron bars and dirt.

Judge Wiedner asked about the light. P8 explained that occasionally, he felt that there was a faint light. Not much light entered—just enough to distinguish between day or night.

Judge Wiedner asked if P8 could see behind the bars. P8 said no, because the window was too high.

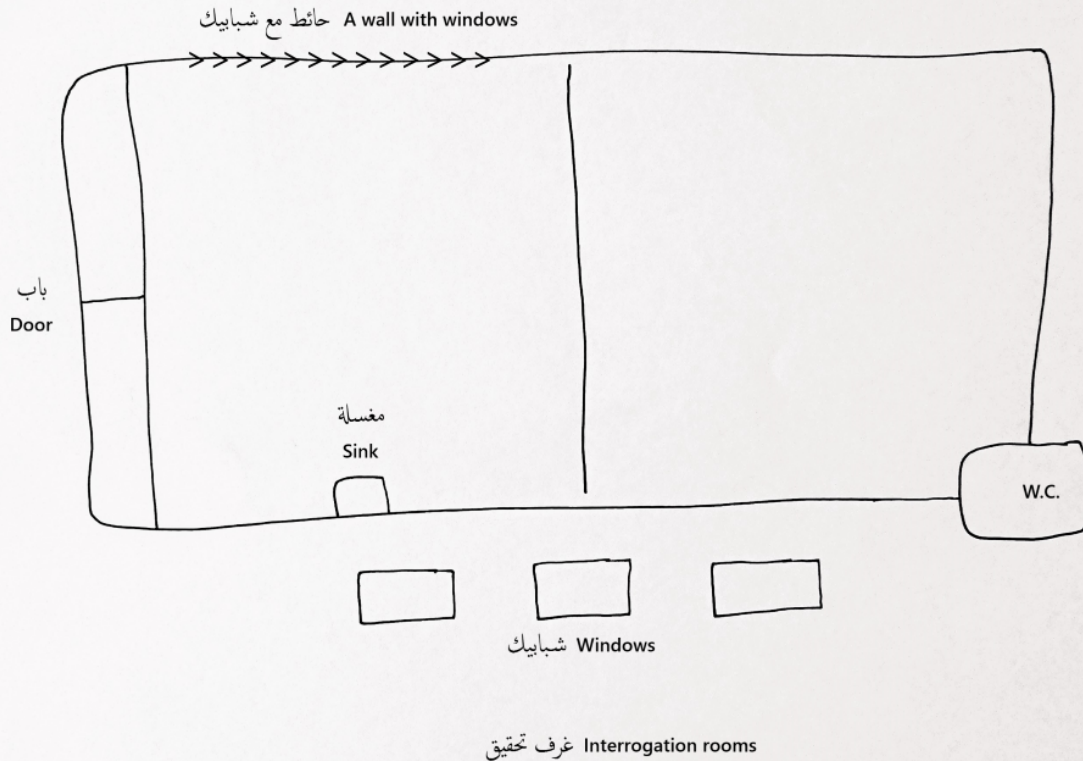
Judge Wiedner asked if P8 meant that he could not see above the wall in order to see what was behind the bars. P8 noted that there was a long window on top of the wall, and the street was on the other side.

Judge Wiedner asked P8 if he remembered the sketch which P8 drew during questioning. He said that he remembered the sketch.



Sketch #1 by P8.

Judge Wiedner asked P8 if the scene he drew was underground. P8 thought so because he was brought downstairs [underground] when he was brought to the branch in the beginning.



Sketch #2 by P8.

Judge Wiedner asked if the top wall [marked in the sketch as >>] was on the side street. P8 said that they felt so in prison.

Judge Wiedner asked if air got into the cell from the outside. P8 said that air got into the cell from the outside, but air was scarce and he could hardly breathe. The place with the most air was at the door because air entered from the gap underneath the door. There was a fan that did not work. Everything else was closed.

Judge Wiedner asked if the other detainees showed signs of mistreatment when they got back from interrogations. P8 said that the detainees mostly showed signs of beating on their body, including red lines.

Judge Wiedner asked if people were bare-chested or if there were signs of beatings on their upper and lower body parts. P8 said that many people were not fully dressed, so he could see their bodies.

Judge Wiedner asked about the physical condition of the other detainees. P8 said that they mostly had wounds and skin fissures.

Judge Wiedner asked if detainees had open wounds. P8 confirmed that many detainees had open wounds, including him [his feet].

Judge Wiedner asked if P8 had lasting injuries after his foot inflammation. P8 said yes, the signs on his foot are still there. Judge Wiedner asked if P8 has any impairments. P8 said that he does not have any impairments; there are only indications of the wound and the inflammation.

Judge Wiedner asked if P8 had any other [side-effects, including psychological]. P8 said [he suffered from side-effects] related to what he witnessed. He never could have imagined that such brutality was only 10-minutes away from his home. The fear remained for a long time after he was released. He even stayed away from the police because of his fear. He still gets flashbacks from that time.

Judge Wiedner asked if P8 can sleep. P8 said that he could sleep now, but he could not at the time when he was released. He was afraid to stay home alone and he was scared anytime he heard someone walking up the stairs. When the door to his [apartment building] opened and closed, he was scared that someone was coming to detain him. He would sit alone in the corner of the room.

Judge Wiedner asked if P8 could hear the sounds of people being tortured. P8 got emotional and Judge Kerber issued a ten-minute break. Judge Wiedner asked the question again. P8 confirmed that he heard people being tortured. The sounds of beating came from the right side of his cell. Most of the torture was of women. There was beating and screaming the whole time. P8 said that the detainees witnessed the whole procedure until [the female detainees] confessed. This was very difficult.

Judge Wiedner asked how often that happened and for how long it lasted. P8 said that this was not constant. He remembered that it happened three or four times.

Judge Wiedner asked P8 to look to his right. He then asked P8 if he recognized one of the accused. P8 said that he did not recognize anyone.

Prosecutor's Questioning

The Assistant Prosecutor asked about the torture methods P8 and the other detainees endured. P8 did not remember what other people told him, but he remembered what he witnessed: the quadruple cable and the tank belt. The detainees did not talk about other methods, nor did P8 tell others the ways in which he was tortured.

The Assistant Prosecutor asked about Shabh (شبح) [method of torture]. P8 remembered that Shabh happened in other branches. He said that it was common and was done on the cell door. He did not know if it happened in Al-Khatib. However, he knew that Shabh happened in the air-force [branch]. He knew this because when P8 was detained [other than in Al-Khatib], Shabh was performed on him the worst way—from behind. They stood him up on a chair, bound his hands behind his body, then used a rope to tie P8's hands to the ceiling. They pulled the chair from beneath P8 so he fell down. He dangled in the air and could not touch the ground. Then he lost consciousness. They poured water on him. His shoulder was dislocated.

The Assistant Prosecutor asked if P8 experienced sexual violence in Al-Khatib. P8 said that he did not experience sexual violence. He asked if P8 heard if sexual violence happened to others, such as females, in Al-Khatib. P8 said no.

Defense Counsel Böcker Questioning

Defense Counsel Böcker noted that P8 underwent multiple interrogations. He asked if P8 could provide a timeframe in relation to when his foot was treated. P8 said that his foot was treated two weeks after it was beat. He explained that someone had to be in bad condition and scream if he needed treatment.

Böcker said that was not his question and clarified that he meant to ask when P8's foot became inflamed after detention. P8 said that two weeks passed when his foot was fully swollen and inflamed. They treated people with injuries in the kitchen. In the third week, he rested in the corridor. He was in his cell during the fourth week. P8 was in Al-Khatib for a month, then he was transferred to Kafar Souseh.

Böcker asked if P8's foot took two weeks to get worse and then another two weeks to be treated, so until the end of P8's detention. P8 said that it was approximately in the third week. Böcker asked P8 to provide a timeframe in relation to his interrogations. P8 said this was in relation to his third interrogation, as far as he could remember. In his fourth and final interrogation, P8 recalled that his foot was bandaged and treated.

Böcker asked if the treatment was before P8's final interrogation. Oehmichen asked if it was the first or last interrogation. P8 noted that it was the last interrogation.

Böcker asked if P8's foot was bandaged before the fourth interrogation. P8 said yes, approximately.

Böcker asked how much time passed between the treatment and the fourth interrogation. P8 said around two days had passed.

Böcker asked how long it took for him to be released after his fourth interrogation. P8 estimated one week, and the total time he spent [detained] was one month.

Böcker noted that P8 was in the bus when [the guards] realized that P8 had not signed [the paperwork], so then a person came [to P8]. P8 said that before he was transferred to Kafar Souseh, his fingerprint was put on papers while his hands were tied behind his back.

Böcker asked if that happened when P8 was inside the bus. P8 said no, he was on his way to the bus. This happened before he left the branch. He stood and waited five to ten minutes before he was taken to the bus to Kafar Souseh.

Böcker asked if there was a conversation between P8 and the person who took P8's fingerprint. P8 said no, he was facing the wall. The person took P8's fingers, put them on the ink pad and then on the papers.

Böcker asked if P8 was given an explanation of the papers. P8 said no.

Böcker recalled P8's testimony during police questioning when he said that he was not beaten in the fourth interrogation, and that the interrogators tried to discuss with him why he went to the demonstrations and about his Facebook content. Böcker asked if that was an interrogation situation. P8 did not understand. Böcker asked if those who tried to have this discussion with P8 were guards or interrogators. P8 clarified that the discussion was with interrogators.

Böcker recalled P8's testimony during police questioning that the room was clean and did not look like a room where torture occurred. Böcker asked why P8 had this impression. P8 explained that the room was bigger and different from the previous rooms.

Böcker recalled P8's testimony during police questioning that he was interrogated by two people. He asked P8 if one interrogator was superior to the other. P8 said that they talked about general things and examined his Facebook profile and Facebook friends. One of the interrogators identified the appearance and surname of P8's female friend. The interrogator then told the officer that she appeared to be from the officer's region.

Böcker asked how the interrogators talked with each other and if P8 recognized that one was superior to the other. P8 said yes, maybe one was superior to the other one.

Böcker asked if P8's response was based on concrete knowledge. P8 said no, it was just a feeling.

Böcker recalled P8's testimony during police questioning that he did not remember if he sat down or was forced to kneel during interrogations. P8 said that he did not remember sitting.

Böcker recalled P8's testimony during police questioning that the last interrogation was calmer and that the interrogators spoke in a softer, more polite tone. P8 said that this was the situation during the last interrogations at both Al-Khatib and the Air-Force [Branch]—after the previous interrogations, the beatings, and the forced confessions. "It was as if they were trying to give the impression of being good people." Böcker responded that P8's answer was too complicated and he did not understand. Böcker recalled P8's testimony that the interrogators were calmer and softer during the last interrogation. P8 confirmed. He remembered that the interrogators were in a good mood during the last interrogations.

Böcker recalled P8's testimony that the branch was ten minutes away from P8's home and that P8 knew the area. He then asked P8 if the Air-Force Branch was close to Al-Khatib. P8 did not remember.

Defense Counsel Fratzki Questioning

Fratzki asked if P8 could locate the Air-Force Branch on a map. Prosecutor Klinge interjected and noted the existence of many air-force bases and, as such, Fratzki should specify. Judge Kerber ordered Fratzki to specify. Fratzki then asked P8 if there was a facility of the air-force nearby. Plaintiffs' Counsel Scharmer objected on grounds that Fratzki asked the same question as Böcker. Fratzki asked if there was an air-force branch close to Al-Khatib. P8 said no, in another area.

Fratzki asked if the Air-Force Branch was in a different neighborhood. P8 said that there was Al-Khatib neighborhood and Al-Abbasiyyeen neighborhood. The Air-Force Branch was probably there.¹⁸

Fratzki asked at which air-force branch P8 was detained. P8 said that he was detained at the air-force branch on Al-Mazzeah highway near Al-Mazzeah airport. P8 noted that the branch is very well-known.

Judge Wiedner asked if P8 knew that abuse occurred in Al-Khatib and Kafar Souseh prior to his detention. P8 said that he knew abuse occurred in these branches before his detention. He explained that he is from Duma City for which Al-Khatib Branch is responsible, so many of his friends who were detained for demonstrating were held and tortured there. They told P8 about their experiences.

¹⁸ It was unclear to the Trial Monitor whether P8 meant that an air-force branch was in both neighborhoods or just in Al-Abbasiyyeen.

Judge Wiedner asked if the interrogators' polite tone during the fourth interrogation created a good mood. P8 said that it did.

Klinge asked for satellite images to be shown because P8 knows the area. P8 said that the image was not clear. He asked if the titles and street names could be shown. The image was then zoomed-in.



P8 remembered that the branch was two buildings past Murshed Khater Street, and there was a garden. After P8 was released from prison, he went there to get his car back. P8 pointed to a location at which there was a guard.¹⁹

Klinge asked P8 to locate Baghdad Street, Tahrir Square, and Red Crescent Hospital. P8 first located Baghdad Street, followed by his house, Tahrir Square, and Red Crescent Hospital which he noted was close to Al-Khatib. P8 pointed to a garden [marked in the image above with a green arrow].

The image was further zoomed-in.

¹⁹ The Court Monitor was unable to see where P8 pointed.



P8 said that the image resembled Al-Khatib's garden.

Fratzki asked what the square next to Al-Khatib was called. Fratzki recalled P8's testimony that he lived ten-minutes away from Al-Khatib. He then asked P8 to identify his house. P8 first pointed to Al-Farouq Mosque (جامع الفاروق) then to his house. A green rectangle was placed on the satellite image to mark P8's house. Judge Kerber asked P8 to confirm that the rectangle was his house. P8 confirmed.

Böcker asked P8 how he concluded that the interrogators wanted to create a good mood during the last interrogation. P8 again explained how one of the interrogators referred to P8's female friend who was from the same area as the other interrogator, and how they both laughed. Normally, the interrogators shouted, swore, and beat P8. They never laughed, which is why P8 had this impression.

Böcker asked if the reason why P8 reached his conclusion is that the interrogators laughed. P8 said that there could be other [reasons] but he did not remember.

Plaintiffs' Counsel Scharmer asked if P8 was told why his foot was treated with an injection. P8 said no, the treatment was done in the kitchen which was 2x2m. There were four or five detainees in the same room along with two to three medical professionals. P8 was unsure if the medical professionals were doctors or nurses. A medical professional took a look at P8's wounds and told P8 that he needed an injection. He gave P8 an injection and told him to leave. P8 was afraid because he did not know what was injected into his foot. The whole procedure only lasted minutes.

Plaintiff's Counsel Reiger asked if P8 recognized any dialects during the interrogations. P8 only recognized a dialect from southern Syria during the fourth interrogation. Reiger asked from where in southern Syria was the dialect. P8 said it was from As-Suwayda (السويداء).

Reiger asked if P8 recognized any clothes. P8 did not remember.

Reiger asked if P8 saw shoes. P8 did not see the interrogators' shoes, but he remembered the shoes of Abu Ghadab (أبو غضب) who normally wore pajama [sport suit] and sports shoes.

Reiger asked if P8 saw something in the interrogation room. P8 could not remember.

Böcker asked if P8 recognized a southern dialect from one of the two interrogators. P8 confirmed. Böcker then asked which interrogator. P8 did not understand the question. Böcker repeated the question. P8 reiterated that there were two interrogators, and one of them had the southern accent.

The proceedings adjourned at 3:30 PM.

Day 21 of Trial – July 31, 2020

The audience consisted of eleven spectators and three members of the media. Proceedings began at 9:30AM

Translator Ismail was late for the proceedings due to traffic, so accused Eyad's personal translator filled in until Translator Ismail arrived. Judge Kerber informed accused Eyad that he may interrupt whenever he needs to speak to his translator.

Testimony of P9

P9 is a 43-year-old male who is unemployed.

P9's Detention

P9 said that the demonstrations started peacefully in his area in 2011. The army in Az-Zabadani (الزبداني) waged a campaign and demonstrators were detained. He had an internet café and also served as a government official. He always woke up early to check on his internet café before going to his government job.

One day in the summer, he noticed that all the shops were closed and [the streets] were completely quiet, which was unusual. P9 was driving his car when a soldier pulled him over to the right. The soldier instructed him to stand off to the side. He then took P9's identification card. During this time, other soldiers entered P9's shop [he was close enough to see what was happening]. P9 told the soldier who stopped him that soldiers entered his shop. Then he asked if he could go there. The soldier agreed.

P9 went inside the internet café. The soldiers told him that they had been looking for P9 since the morning; the brigadier general wanted P9. They took P9's car and closed his shop. There was a small state security center in Az-Zabadani. The soldiers brought P9 to the brigadier general, who was the leader of the campaign. The brigadier general informed P9 that he was a fugitive. P9 asked the reasons for which he was considered a fugitive. The brigadier general told P9 that he had let Israel into Syria.

P9 was put into a car and taken to the Fourth Division which the people of Az-Zabadani refer to as “the suicidal division.” P9 found many people there. They were loaded onto green buses, then were taken to Al-Khatib Branch. The detainees entered the branch, were gathered together, instructed to take off their clothes, and were frisked. They were then taken to the external dormitory. P9 was given the belongings that were inside his car. P9 was in detention for four days before he was interrogated. He was released two or three days later. There was a holiday during those few days. This was P9’s first experience in detention.

Judge Kerber Questioning

Judge Kerber asked which holiday took place during the two to three-day period before P9 was released. P9 did not remember, but recalled that it was summer. After the holiday, he was released.

Judge Kerber recalled P9’s testimony during police questioning that the events surrounding P9’s first detention occurred in August 2011. P9 confirmed.

Judge Kerber asked if P9 was abused. P9 confirmed and noted that all his fellow detainees were treated violently, though his first detention was better than his second detention.

Judge Kerber asked how and where he was abused, as well as which objects were used. P9 explained that the detainees were abused before they were put onto the buses, as well as when they were inside the bus. Everybody was humiliated in the Fourth Division.

Judge Kerber recalled P8’s testimony during police questioning that P9 was beaten until he reached his cell at the Fourth Division, in which there were fifty other detainees, then he was transferred to Al-Khatib Branch. P9 confirmed.

Judge Kerber asked how P9 knew that he was in Al-Khatib. P9 said that he recognized the area once he was released and was outside [of the building].

Judge Kerber asked if P9’s clothes were returned to him after he was frisked. P9 recalled that the detainees were returned their clothes, but the soldiers took everything that was in P9’s car.

Judge Kerber asked P9 about the size of the external cell. P9 described it as a bit spacious and new, “as if they were prepared to bring people there.”

Judge Kerber asked P9 about the toilet. P9 said it was new. Judge Kerber asked if it was underground. P9 confirmed.

Judge Kerber asked P9 about food at Al-Khatib. P9 said that he was not given food on the first day. The soldiers were humiliating and shouting at the detainees. He noted that his handcuffs were removed at the end of the day. During the second day, however, the detainees were given food and were treated better.

Judge Kerber asked P9 if the food was sufficient. P9 recalled that on the second day, the officer told the detainees that he bought food with his own money because there was no food for them. Judge Kerber asked if P9 had to pay for food. P9 said no.

Judge Kerber asked P9 about the manner in which he was interrogated. She also asked about the subject matter of the interrogation and if P9 was abused. P9 needed Judge Kerber to clarify whether she was

referring to the interrogation he underwent prior to his release [after the holiday]. Judge Kerber noted that P9 only testified that he was interrogated once.

P9 stated that he was blindfolded and handcuffed. He walked upstairs and entered an iron gate. Then he entered an office. The military personnel (عسكري) forced him to kneel. The office was completely quiet. It felt as though P9 could hear pages turn. The interrogator asked P9 for his name, age, and whether P9 was a government official. The interrogator asked the personnel to remove P9's blindfold and the handcuffs, and to let P9 stand up. The interrogator said that he wanted to look at P9. He figured that he could recognize P9 if he actually worked at the governate building. The interrogator continued to speak calmly. He stated that he might recognize P9, but he could not remember how. The interrogator asked P9 if he knew why he was brought to Al-Khatib. The interrogator's face seemed troubled by what was happening. The interrogator asked P9 in which office he worked. P9 explained that he worked in the follow-up (متابعة). The interrogator then asked if P9 knew a specific person [name redacted]. P9 responded that Akkash was his manager. The interrogator told P9 that Akkash had a big file and was wanted, but he had thus far evaded detention. The interrogator continued to ask P9 questions about his internet café and his activities. The interrogator signed a paper and told P9 that he would be released. P9 asked if he would be released that day. The interrogator said no, after the holiday. P9 asked the interrogator why Akkash was wanted yet had not been detained. The interrogator did not answer P9's questions.

Judge Kerber asked P9 if he was beaten during interrogation. P9 said no. On the contrary, the interrogator was calm. P9 had also asked the other detainees who were interrogated by the same person about their experiences, and they felt the same way.

Judge Kerber asked if P9 knew the name of his interrogator. P9 testified that he did not initially recognize Defendant Raslan's photo because he was exhausted during questioning. With time, however, he started to identify Defendant Raslan. He looked at published photos on the internet. P9 thought that the interrogator was Defendant Raslan, but he wanted to make sure.

Judge Kerber asked P9 to look to his right. She asked if P9 recognized anyone [Defendant Raslan was waving at P9]. P9 asked for permission to ask the defendant two questions to make sure [that he could identify him]. P9 first asked the defendant if he knew Mohammad Akkash. Böcker interjected and asked for a five-minute break.

After five minutes, Böcker stated that the defendant would not provide a voice sample. Judge Kerber obliged. She then asked P9 if he recognized Defendant Raslan. Plaintiff's Counsel Oehmichen interjected and said that the defendant had already raised his hand [to identify himself]. Fratzki said that P9 would have previously recognized Raslan. Plaintiffs' Counsel Scharmer disagreed.

A photo-array was shown.

Judge Kerber said that P9 did not recognize Defendant Raslan during police questioning. P9 recalled that he only saw Defendant Raslan once during his interrogation at Al-Khatib, at which time the defendant was thin. "Colonel" was written,²⁰ but P9 did not remember his name. P9 saw a photo of the defendant on the internet in which the defendant wore a black suit and was thin. P9 started to think that Defendant Raslan was his interrogator after he saw the internet photos.

²⁰ It was unclear to the Court Monitor where "colonel" was written.

Judge Kerber asked P9 if his family was still in Syria. P9 confirmed.

Judge Kerber asked if anyone reached out to P9 to discuss what he would say during testimony. P9 said that he did not tell anyone that he was going to testify. He feared for his family. Judge Kerber asked P9 if someone reached out to his family. P9 said that he could not ask them over the phone and, even if he did, his family would be too afraid to talk. The government confiscated his house. Judge Kerber asked P9 to share where his family lives. P9 said in Damascus. Judge Kerber asked P9 if someone reached out to him on social media. P9 said no.

Böcker asked for the photo-array to be shown. He then asked P9 if he noticed that the photos were manipulated. P9 said that he did not remember.

Böcker said that the photos might have been manipulated so that they all show the same feature, except for one photo. P9 asked Böcker to repeat the question. Böcker clarified that the photos were altered so that they looked similar based on specific characteristics. P9 said that the mole caught his attention. Böcker asked if P9 talked with the interrogator during police questioning about the mole. P9 said no. He stated that the interrogator showed him the photos, and P9 told him that he did not know. Böcker asked if the interrogator, out of fairness, told P9 that the photos were manipulated. Klinge interjected and clarified that the pictures were not manipulated; they were dummies.

Judge Kerber asked how the other detainees felt who probably were not interrogated by Raslan. P9 said that the treatment during his first detention was better than the treatment he faced in his second, third, and fourth detentions when he could hear torture. The windows of [the interrogation rooms] were close to the detainees' [cell], so they could hear everything. They were on edge because they knew that they would each have their turn.

Judge Kerber asked if [these events occurred during] P9's second detention. P9 struggled to remember, but he knew that it was the beginning of 2013 when he was released because he found a video on the internet in which the detainees were gathered at the Damascus police headquarters (the video provided documentation of the detainees' release). He found extracts from the video, but not the full version. P9 recognized people in the video, but not all of them. He did not appear. There was a person in the video who was holding an agenda with "2012" written on it.

Judge Kerber asked how [the video] could help [create a timeframe]. P9 said that it was the beginning of 2013. It was cold and there was snow. Judge Kerber asked if that was the time of his detention or his release. P9 confirmed that it was the time of his release from detention. There were around 150 people at a gathering center from which they were released.

Judge Kerber asked about the duration of P9's second detention. P9 said that he forgot many things when he was released. He was unable to remember the appearance of his family members. He could not specify the time. Many things were missing. He was detained at the end of 2012.

Judge Kerber said that there might be a typo in P9's identification card because it says that he arrived to Germany in 2012. Then she asked if P9 received a confirmation document that accurately states the date of his arrival. P9 said that, on the day he testified, he only had his identification card with him. However, he had a document at home which shows when he entered the refugee camp on January 22, 2015. Judge

Kerber asked if she could look at P9's identification card. P9 handed it to the courtroom guard who gave it to Judge Kerber. The date was not written on the identification card.

Judge Wiedner Questioning

Judge Wiedner asked P9 about his occupation before he was detained the first time. P9 said that he had an internet café and was a government official. He worked in the follow-up (متابعة) office, which was under the administration of the governorate. His office used to process any decree that was issued by the governor to ensure that it reached the proper institution. He was also the head of the computer division of the department of vocational training centers.

Judge Wiedner recalled P9's statement when he was questioned by the Federal Office for Migration and Asylum (BAMF) whereby P9 said that he was involved in construction. P9 confirmed; the follow-up office managed the blueprints of squatter areas. Additionally, if there was a meeting, P9 contacted the parties to invite them.

Judge Wiedner recalled P9's testimony that he supervised people and that part of his work involved maintaining contact with the local community. P9 confirmed, but clarified that decisions were ultimately decided by his manager who gave instructions.

Judge Wiedner asked if P9's treatment during his first detention had anything to do with his occupation as a government employee. P9 recalled that the interrogation was calm, he was treated well, and he did not undergo mental or physical torture. Indeed, he believed this was because he was a government employee who usually received special treatment. P9 informed the interrogator of his employment during his first interrogation.

Judge Wiedner noted P9's previous testimony that he went into the interrogation room blindfolded, and that the interrogator knew him because P9 had processed an application for his daughter. P9 said that the interrogator remembered him from seeing him around the governorate building. However, P9 did not recognize the interrogator.

Judge Wiedner asked if the interrogator came to P9's place in Az-Zabadani. P9 said not to his shop, but to the governorate building in Damascus where documents, such as licenses and permits, were issued. The head of police was also in that building. Judge Wiedner did not understand if he understood P9 correctly. Böcker noted that P9 already said that he could not remember Raslan. P9 said that he had not seen him before.

Judge Wiedner asked whether the interrogator came to P9's office. P9 did not remember if he saw the interrogator. However, his face was familiar.

Judge Wiedner asked if P9 remembered when he was questioned by BAMF. P9 said in August 2015. Judge Wiedner recalled that P9 was asked about his first interrogation in Al-Khatib. Judge Wiedner wanted to know if P9 remembered what he said back then. P9 did not remember his answer, but he told them everything he experienced.

Böcker said that he did not understand. Judge Wiedner said that P9 was questioned twice at BAMF. What P9 just testified to would have been the same testimony that he gave to BAMF.

Judge Wiedner recalled P9's testimony to BAMF in which he said that he was lucky that his interrogator recognized him. P9 also acknowledged that he gave a permit to the interrogator's daughter. He stated that he was arrested by accident and was released the next day. P9 said that, when his blindfold was removed, the interrogator recognized him from going to his office.

Judge Wiedner asked if P9 remembered the permit. P9 did not remember the [interrogator's daughter] or the permit because he had many clients, so he could not remember all of them. P9 also worked with a member of the executive office for the construction sector, concerning permits for buildings, schools and kindergartens.

Judge Wiedner reiterated that P9 was treated well during his first detention. He then asked if P9 saw other detainees with signs of abuse. P9 explained that in the place where they were detained, the windows overlooked the interrogation rooms. P9 overheard interrogations and torture. He also witnessed other detainees being beaten. However, it was the best year to be detained, because the torture was less. During his second detention, there was more torture and it was worse.

Judge Wiedner asked about the injuries P9 saw during his first detention. P9 said that the other detainees were unable to walk when they returned to the cell. A tire (دولاب) was used to torture people. The new detainees showed signs of torture on their backs.

Judge Wiedner asked if P9 saw dead bodies. P9 said no, but among the detainees were children. Judge Wiedner asked how old were the children. P9 said 10 – 14 years. Judge Wiedner asked if P9 saw females. P9 said no.

Prosecutor Klinge asked if P9 was truthful during his interview with BAMF. P9 explained that he told BAMF everything he had witnessed without any additions.

Klinge asked if P9 testified that the interrogator wanted a permit for his daughter. P9 said that the officer saw him and recognized him. What made P9 think that he potentially issued the permit, though he was still unsure, was that he used to work on the construction of schools [which was related to the daughter's permit].

Klinge asked if P9 meant that he was unsure at that time, or if he was unsure now. Böcker objected. P9 said that his condition was very bad when he was released. He recognized his name as a number and he could not remember his family. "They" instructed him to "leave the country [...]". P9 went to Germany and was unable to remember details. He just knew that [for his government job] he made a permit, but he did not know if the permit was for the interrogator's daughter or relative.

Klinge said that P9 mentioned the interrogator's daughter in November 2018, three years after he was first questioned by BAMF. At that time, P9 stated that "the interrogator knew him because he issued an application for his daughter." Klinge noted that P9's statements were translated and that P9 signed the reverse translation. P9 said that he always spoke generally, including about torture. P9 acknowledged that he might have said the statement regarding a permit for the interrogator's daughter or relative. He knew that he processed something for the interrogator. Many incidents happened and he wanted to focus. P9 did not know if the translator [during the questioning] made mistakes, because even at the police, he noticed that "accused" instead of "witness" was written.

Klinge said that was not correct and P9 was cautioned [informed of his rights] and questioned as a witness. P9 said that, at the end of the questioning, the translator saw and told the policeman that he [the policeman] wrote “accused.” P9 also felt that he was [questioned as] an accused person.

Klinge found it surprising that P9 was able to recognize Defendant Raslan from photos on the internet, even though he only saw the defendant once. P9 said that he did not recognize the men in the photos, but they all had a mole on their face. He noted that Defendant Raslan’s face was wide, but it was thin back then. That is why he was not 100% sure when he saw the photos on the internet. Therefore, he wanted to ask the defendant two questions.

Klinge asked P9 to describe the photo he saw on the internet. Böcker noted that this question was already asked. Judge Kerber allowed the question. P9 said that he saw Defendant Raslan in a photo in which the defendant looked thin and was wearing a suit. P9 reiterated that he was not 100% sure if the defendant was his interrogator or if he was in Defendant Raslan’s office.

Klinge asked P9 to describe the photo. P9 said that Defendant Raslan was not wearing a military uniform. He was wearing a formal suit. P9 said that he had been visiting a psychiatrist for six months in order to regain his memory. So when P9 saw Defendant Raslan in the photo, he assumed that the defendant was the person who interrogated him.

Klinge asked if P9 would release [his psychiatrist] from [doctor/patient confidentiality]. P9 said that he did not know. Klinge said that the release is voluntary decision. P9 said that he did not know if he was allowed to share [certain] information [with his psychiatrist]. P9 did not have a problem releasing the information, but noted that he did not discuss the details of his detention [with his psychiatrist] aside from his nightmares. But if there are questions for [the psychiatrist], then P9 had no problem [releasing the information]. Klinge asked for the psychiatrist’s name and where he worked. P9 gave the information.

Klinge expressed that he was perplexed because there was a notification that one of the witnesses who testified was approached on the internet by someone who said that he should retract his statement. Klinge asked P9 if anyone had similarly reached out to him. P9 said that no one put him on pressure or talked to him about the subject.

Klinge asked if P9 was contacted by anyone on Facebook. P9 said no. P9 expressed that he was afraid that he or his family would be threatened, so he was dealing with [his testimony and the trial] in complete secrecy.

Klinge asked P9 if anybody knew that he was in court. P9 said no. He reiterated his fear for his family, and he noted that he came to court alone.

Klinge explained that Germany is devoted to representative criminal justice and to uncovering crimes. This necessitates the cooperation of victims. If they do not speak the truth, then [getting justice] becomes difficult, if not impossible.

Böcker interjected and said that this would be offensive. Klinge objected. Judge Kerber demanded that Böcker should be able to express himself.²¹

After a fifteen-minute break in the proceedings, Linke asked P9 if he recognized Defendant Raslan because of his mole. P9 said no. Plaintiffs' Counsel Scharmer objected on grounds that the recognition of a mole was not confirmed thus the question is inadmissible. Böcker objected for the same reason as Plaintiffs' Counsel Scharmer.

Judge Kerber asked Linke how he wanted to proceed. Linke asked to keep his question. Judge Kerber approved. Linke called for a court decision. After a ten-minute break, the Court upheld Judge Kerber's decision.

Böcker asked P9 if he spoke with other detainees who were interrogated and whether there were other building construction workers among them. P9 said that when people returned to the cell after interrogation, they were immediately asked about what was discussed during interrogation. There were no other construction workers.

Judge Wiedner wanted to rephrase Linke's question. Judge Wiedner asked P9 if he felt that Defendant Raslan was his interrogator simply because of Raslan's mole. P9 said that Raslan's mole was not what made him sure.

Böcker did not understand. He asked P9 whether he was sure or not. P9 said that he did not pay attention to the mole and that he only saw the interrogator once.

Plaintiffs' Counsel Scharmer recalled P9's testimony to BAMF in 2015 that he was blindfolded, handcuffed, interrogated, told that he would be released the next day, and then released the next day. Scharmer asked P9 how he was released the next day if there was a holiday. P9 clarified that he did not say he was immediately released. When P9 talked about the calm treatment at his first interrogation, the translator did not translate that part. Also, when the BAMF interrogator asked the question again, the BAMF interrogator told the translator that she did not tell them that.

Scharmer asked P9 how he knew that [the BAMF interrogator told the translator that she did not tell them] [if P9 did not speak German]. P9 said that he knew because the BAMF interrogator said that, and then repeated the question. The translator was interrupting P9, and he felt that he was being treated like an accused person.

Scharmer asked how P9 knew that it was not translated. Scharmer asked if P9 understood [the BAMF interrogator and translator]. P9 said that he wanted to postpone his testimony and that he wanted to have an attorney present. Judge Kerber asked P9 why. P9 said that he could not answer the questions, and he traveled for twelve hours without sleep. He was afraid to give statements, and he would be more comfortable if his attorney was present.

²¹ The Court Monitor noted the tension between the parties. Plaintiff's Counsel Oehmichen calmed down the situation by suggesting witness counselling. Judge Kerber thanked her for the suggestion, but declined.



Judge Kerber told P9 that he was only being asked to tell the truth. P9 said that he was telling the truth, but that the questions were increasingly difficult and he could not understand them well.

Scharmer added that he did not have many remaining questions, but he did not have a problem if a witness wanted a lawyer; there could have been differences in P9's statements and this was the first time that Scharmer heard that the P9 traveled for twelve hours without sleep.

After a five-minute break, Judge Kerber asked P9 if he drank water. She then stated that his request for an attorney was declined because it was not obvious that P9 was unable to assume his rights without a lawyer. Judge Kerber told P9 to tell the truth. She then allowed Scharmer to continue with his questions.

Scharmer did not have further questions.

The witness was dismissed.

Scharmer and Kroker asked to give a statement in the next session.

Böcker suggested that the original photo-array in 2017 should be acquired. In a petition to the Federal Criminal Police, Deußing asked for a photo-array on Raslan. The photos would not make him understand the reaction of the prosecution. Böcker suggested to use the original files electronically and to get the responsible person as a witness. Judge Kerber replied that the photos were of dummies, so Böcker would need the person who designed them. Böcker said the photos would be enough.

The proceedings were adjourned at 12:20 p.m.