



TRIAL OF ANWAR RASLAN and EYAD AL GHARIB

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 10

Hearing Dates: August 26-27, 2020¹

CAUTION: Some testimony includes descriptions of torture.

Summary / Highlights:

Trial Day 26 – August 26, 2020

- **Riyad Mossallam Saif, a 73-year-old man from Damascus and member of the political opposition to Bashar al-Assad, testified that he helped bring Anwar Raslan to Germany by loaning him money he needed to leave Jordan and seek asylum in Germany. Saif detailed his background as a wealthy clothing manufacturer turned politician, and explained how the government forced him to resign from politics. He stated that he was a key opposition figure during the Damascus Spring and that he supported defectors, like Raslan.**

Trial Day 27 – August 27, 2020

- **During the second day of Saif's testimony, he described how he learned about Raslan through his son-in-law, and that he wanted to support the defection of a high-level security official. Saif explained that he hoped Raslan would provide information about an important opposition leader who was detained under Raslan. He described how Raslan did not provide any information, nor did he pay back Saif's loan in full.**
- **Throughout the testimony, serious translation errors led to confusion and likely created difficulties for the judges and other lawyers in assessing the credibility of the witness.**

Day 26 of Trial—August 26, 2020

A note from the Trial Monitor:

Saif and his translator appeared by video from Berlin. The translator spoke Egyptian Arabic which Saif appeared to understand. But it was unclear whether the translator actually understood everything Saif said. Almost no questions were correctly translated for Saif from German into Arabic. Nor were his answers correctly translated from Arabic into German.

Another problem was that information was lost when questions and translation overlapped. Many times, the judges interrupted the translator with questions, but the translator continued to speak so she could finish saying what the witness said. The translator stated that she did not know anything about the case's background. She did not know about Al-Khatib, and she asked who was Al-Assad.

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



The translation issues created an atmosphere in which Saif was perceived to be avoiding the Court's questions. At the same time, Saif was confused as to why the Court repeatedly asked him the same question. In actuality, the translations of questions and answers were just wrong.

The translators in the Koblenz courtroom did not correct the Berlin translator's mistakes. During a break on the testimony's first day, they mentioned that they did not want to belittle their fellow colleague by correcting her. Only one comment was made by the Koblenz translators when they were asked if a specific translation was correct.

Spectators in the audience were angry about the translation issue and felt that they could not take notes properly, so some did not attend the second day of hearings. Only some of the many translation errors are described in this report. Unless noted otherwise, this report summarizes Saif's original testimony as heard in Arabic.

Saif talked a lot about himself. He gave short answers to questions, then continued speaking about his personal life and accomplishments. He repeatedly stated that he did not know Anwar Raslan personally and was unrelated to him. His voice was unclear because of his health issues.

The audience consisted of nine spectators and eight members of the media. Joint plaintiff P1, his wife, and his daughter sat amongst the spectators. Before starting, Judge Kerber noted that the court should consider Saif's health condition and take breaks during the testimony. Saif was represented in Berlin by Mr. Johannes Honecker who sat to Saif's left. Mrs. Nasr-Steiner served as Saif's translator and sat to his right. Saif's wife was present in Berlin, but was not visible on the screen in Koblenz. The proceedings began at 9:55AM.

Testimony of Riyad Mossallam Saif (رياض مسلّم سيف)

Riyad Mossallam Saif is a 73-year-old former businessman from Damascus.

Background

Saif lived in a deeply-rooted neighbourhood in Damascus and belongs to a conservative middle-class family. From childhood, he was not ordinary. In his district, there were 15 children between the ages of 11 and 13 who started a self-funded organization. Children contributed five piastres every day. Their goal was to offer free services to the district's needy mothers. Saif was the leader and treasurer of the group.

When he was 13 years old, Saif worked for a shirt manufacturing company. He was paid one lira per day for the first three-and-a-half months. He was then offered a position to work after school for one lira per hour. He was employed at the company for three-and-a-half years. During this time, Saif and his two brothers saved 2,800 lira per month. One of his brothers was a teacher. The other brother worked at the shirt manufacturing company too. This was the beginning of their own small workshop called "400 Clothes." It expanded and became the biggest clothing manufacturer in 1975.

Saif came to Germany for the first time in 1975. He had money and wanted to open a branch of his company there. He had 58.000 German Marks in his pocket. One year later, he was the biggest importer in Syria. He had open credit and could pay back after 90 days or more, which enabled him to multiply his profit ten-fold. Saif also exported Adidas products to the world, but he was not fully paid by the company.



In 1990, and after the Soviet Union fell, Saif lost millions of dollars and had no income because he lost his contracts. In 1994, his situation improved. He became a member of parliament fortuitously. He was never interested in politics and did not read the newspaper. He was only interested in his work.

In 1980, his company opened a new branch with 320 workers. In 1984, the British Pound devalued and Saif lost a lot of money. The workers found out that the company lost money, and they decided to decrease their wages by 20%. Saif suggested that the workers increase their production by 20% and keep the wages the same. They did that for about 6 – 7 months. The value of the Pound increased again, which was in the company's favour. The contracts increased by 8%. The company recovered, compensated its workers, and offered them remedies and bonuses. The workers were happy because they made 50% more than they would have made at other companies.

Judge Kerber's Questioning

Judge Kerber asked Saif about his project on bribery and corruption that conflicted with the government. Saif said of course it did.

Judge Kerber asked Saif when he was in parliament for the opposition. Saif said 1994, when he was at his peak. His son and daughter also had factories and they earned millions of dollars. He fortuitously got into parliament, but his main motivation was to generalize his experience over Syria. At a certain point, He had a "school of Saif" where steps were followed by dozens of companies across Syria.

Judge Kerber asked Saif to clarify that he ran for office in 1998, and that the trade union and government were against him. Then in 1998, he quit his job as a businessman. He unexpectedly received 184,500 votes, and occupied the top position in the opposition. Saif confirmed this information.

Judge Kerber noted that Saif's son disappeared. She asked if Saif knew who kidnapped him. He confirmed that his son disappeared in August 1996. He was 100 or 99% [was translated into 199%] sure that it was the Makhlof (مخلوف) family. Saif was their main enemy. The Minister of Finance, demanded a daily report on what was done against Saif. He paid 10% in arbitrary taxes (ضرائب مفتعلة).

Judge Kerber asked if Saif initiated the Damascene Spring. [The translator did not know what "Damascene" meant, and translated it to "Arabic Spring"]. Saif said that his history is engraved in his mind and he is proud of that. He said that there was Gandhi, Mandela (P said that his wife was laughing) and he is the third. He does not lie or exaggerate.

Judge Kerber asked if Saif initiated the Damascene Spring [translated again to "Arab Spring"] after Hafez Al-Assad (حافظ الأسد) died. Saif clarified that it was the Damascene Spring.

Judge Kerber asked how Saif came into conflict with the Regime. He said that he was with the opposition and demanded economic reform and [the end of] corruption. After four years, he was bankrupt (in 1998) and lost everything because of the regime. Saif's business stopped. The 17th election was in 1998. He decided not to run for a political office, and he withdrew from politics. Riots started in Syria and the young ophthalmologist [Bashar al-Assad] came back from Britain to make radical changes. Saif was not allowed to do television interviews for a year. Then there was an economic catastrophe in Syria. The prime minister was a farmer and wanted to produce a million tons of cotton.



Judge Kerber asked Saif to speak about his conflict with the regime and his detention. Saif said that he was cornered from all sides during the 1998 election. He anticipated getting 8,000 votes, but he actually got 184,000. There was a ballot box in Damascus that was unopened. It contained votes for him. He believed that there were other boxes with uncounted votes. Saif became a member of the opposition and demanded an end to the political monopoly of the 1998 election campaign. He had a 1000m² yard in a strategic location where he organized nine dialogue sessions on topics that were important to the Syrian people. For the first time, a large number of Syrians were having discussions. Saif told people not to be afraid to talk, which affected the number of votes he won during the Damascene Spring. About three or four weeks before Hafez Al-Assad died, Saif was in a meeting when a member of the opposition, a well-known film director, invited Saif to his house along with 10-12 other people. This meeting was the start of the Damascene Spring. Saif did not participate during the first week, but he participated during the second week. The meetings were open to public participation. After three or four weeks, they moved to Saif's office. As a member of parliament, Saif had a large office downtown. After ten meetings in his office, someone suggested that they submit an application to become a civil society organization. Saif reached out to the president [unclear if he spoke to the Syrian president or the parliamentary president] and the intelligence service, but was rejected.

Judge Kerber asked Saif to return to the subject of his detention. Saif said that if Bashar Al-Assad was reasonable, then he would have taken advantage of the Damascene Spring. The important thing is that Saif founded a forum that gathered Syrians in his house, and people in the streets were listening. Intelligence officials surrounded them. After a few sessions, the number of intelligence officials decreased because they came to record and found that nothing was secret. With the success of the national forum, dozens of forums started to emerge in Syria. People were exercising their freedom. Bashar saw this and was terrified. He issued a decree to indirectly stop all fora. He said that anyone who wants to start a forum had to share information with the intelligence services three weeks before the start of the forum. Information included: the speakers, the number of attendees, and the subject of the forum.

[5-minute break]

Judge Kerber asked Saif if he was detained on September 05, 2011, where he was detained, and for how long he was detained. Saif said that he established a forum without the permission of the intelligence services. He was warned from the highest levels that he would be detained and that these orders came from Bashar Al-Assad. Saif invited Dr. Borhan Ghalyoun (برهان غليون), a famous Syrian professor, to give a lecture at Saif's forum.

Judge Kerber asked Saif to answer as specific as possible. She said that they were running out of time. Saif said that he was explaining why he was detained. 400-500 people gathered [and participated in the lecture]. The following day around 12PM, the head of the Damascus Police told Saif that the Minister of Interior invited Saif for a cup of coffee at [the minister's] place. When Saif arrived, the minister was not there and the director of the minister's office ordered for Saif to be arrested. Saif was sent to Adra (عدرا) and was sentenced to five years in prison on charges of: sedition, attempt to change the ruling system, and undermining national sentiment. Along with Saif, the forum's administrative council (11 people) were imprisoned. One member of the group was the dean of the faculty of economics. He was sentenced to 10 years on the same accusations because he was an Alawite.

Judge Kerber recalled Saif's statement during police questioning that he was detained for five years in a single cell at Adra, and that he had all that he needed. Saif confirmed and said that [detention] was like a



5-star hotel. There were international reports from the European Parliament [about Saif's detention]. Germany and Europe were concerned [about him].

Judge Kerber said that Saif was detained again on February 14, 2006 and then experienced Al-Khatib Branch. Saif confirmed.

Judge Kerber asked Saif to tell the court about Al-Khatib Branch and the intelligence service. Saif stated that on February 14, he was detained for hours. Members of the intelligence service came to his house at night. They ordered his son to take them there. They slammed the door open and looked for Saif. He was hearing-impaired and was not wearing his hearing-aid, so he did not hear them when they knocked on the door. The intelligence officials thought that they had the wrong address. They wanted Saif at all costs, so they ordered his brother and nephew to help find him. It was snowing and freezing at 5:00AM. After being arrested and taken to the branch, Saif was outside for 3-4 hours, then interrogated. They told him to [end his political career] and stay away from the media. They also told him not to deal with the Kurds. By that they meant that Saif should not defend the Kurds. He was known to be a friend of the Kurds. They took him back to his home around 11:00PM, but Saif did not promise them anything. From that day forward, there were intelligence officials at his house, office, and car who followed him everywhere. When Saif and his wife went to public places, the intelligence officials sat near them. Sometimes, he paid for their table because they watched him 24 hours a day in two shifts [Saif said this sarcastically]. Saif was summoned to Al-Khatib every day for months for different reasons. One time, he was told that he received an email from Abdelhaleem Khaddam (عبد الحليم خدام) the former Vice President who defected from the regime. Saif was threatened seven or eight times that he would be taken downstairs to the prison. He was detained for 4 – 5 hours and was exhausted, but he was not scared. He was only humiliated once on February 14 when two officers talked to him with vulgar language and one of them slapped him. Saif thought the person's hand was quivering because he knew Saif was famous and that the Americans and Europeans were following his situation.

Judge Wiedner's Questioning

Judge Wiedner asked Saif to talk about the intelligence service and its tasks [the question was incorrectly translated to Saif]. Saif explained that its goal was to make him stop his political activity. He went on to say that Hafez Al-Assad overpowered his other opponents in the Baath party with the help of the intelligence service. Saif mentioned someone who wrote Hafez Al-Assad's biography and said that, on the day Hafez took charge of the Air Force, he assigned [the biographer] to organize the Air Force.

Judge Wiedner asked Saif about the tasks of Al-Khatib Branch. Saif said that Al-Khatib was called the internal branch. One of its important tasks was to control the merchants of Damascus. The Branch's founder was Mohammad Nasif, one of the five people who were close to Assad and who had complete authority. Nasif was responsible for assigning people to the Ministry of Economics. Saif knew about Al-Khatib Branch before the revolution, but noted that the Branch changed after the revolution.

Judge Wiedner asked Saif if torture was used during interrogation. Saif said that he saw tools (cables and batons) used for torture, but he was not personally tortured.

Judge Wiedner asked Saif if he saw places where people were hung. Saif confirmed and said that he was once blindfolded and taken to another branch where he saw detainees facing the wall. He could tell that they stood at the wall for a long time because they were shifting [their weight] from one foot to the other



and were in agonizing pain. Saif stayed at the second branch for one night. He believed that the intelligence service made him watch the torture so he would feel threatened and stop his activism.

Judge Wiedner asked Saif if he was talking about his experience in 2006. Saif said that he was talking about the period from 2007 to the beginning of 2008. It was an important event in Syrian history. When he was released from prison on January 18, 2006, the Damascus Declaration was already established in 2005. Saif was one of the first signatories. When he was released from prison, he was active in the media.

Judge Wiedner asked Saif if he knew where Al-Khatib Branch was located. Saif said that it was in the area of Al-Khatib Avenue (جادة الخطيب) which is parallel to Baghdad Street. He was taken there dozens of times.

Judge Wiedner asked Saif about the beginning of the Syrian Revolution and the demonstrations. Saif said that the revolution started on March 15 [2011] in front of the Ministry of Interior. There was a sit-in to support the families of detainees. He was there with his daughter. They both participated in the sit-in and saw the intelligence services break up the sit-in with violence, then detain the protesters. The head of Al-Khatib came to the sit-in in his car. He asked Saif what he was doing there. Saif said that he was there to show his solidarity. The head of Al-Khatib did not like Saif's answer and warned Saif before he left.

Judge Wiedner noted that Saif mentioned Brigadier General Tawfiq Younes (توفيق يونس) during police questioning. Saif said that he saw Brigadier General Tawfiq Younes many times. One time, Younes called Saif and told him to come to him. Saif spoke to Tawfiq as if Al-Assad's reign ended and said, "Mr. Brigadier General, the time before Al-Bo'azizi (البوعزيزي) is not like the time after him." Saif meant that the Arab Spring was moving forward.

Judge Wiedner asked Saif if violence was used on March 15, 2011. Saif said that females were beaten and their hair was pulled. People were dragged to [intelligence service] cars. Around 30-40 people were detained. People were also beaten with batons.

Judge Wiedner asked Saif if he participated in demonstrations after that day. Saif said yes. He waited impatiently for Fridays when people demonstrated. It was a pleasure. On May 7, five or six people from the intelligence service assaulted him with batons and beat him on his head, back, and legs. He bled and was taken to Adra where he was not treated or given medicine. His underwear and clothes were bloody. He entered a prison cell that was filled with detainees who were involved in the revolution. Someone took his pants off and gave them to Saif. He stayed there for ten days. It was an opportunity to see what was going on in Dar'a (درعا) because hundreds of people came from Dar'a every day. The detainees were barefoot and showed signs of beating. When Saif talked to them, they all seemed determined to return to the demonstrations.

Judge Wiedner asked Saif who beat the protestors. Saif explained that they were part of the intelligence service, as well as "Shabiha." He did not know if the "Shabiha" were paid, but there were a lot of them. They wanted to show people that they were Alawites. In Al-Midan (الميدان), there was a small area full of Alawites. They organized marches where they threatened the [pro-opposition] demonstrators and held placards. They had cleavers, sabres, knives, iron rods and other harmful tools. They used to sing rhymes like "Oh Bashar, don't worry. You have people who drink blood."



Judge Wiedner asked Saif if there were orders to violently break up the demonstrations. Saif did not think these orders were made during the first six weeks. Afterwards, they raised the violence level bit by bit. The second time they assaulted Saif was a murder attempt. They specifically came after him and beat him in a deadly way. He protected his head with his arm which led to a fracture. Mesh'al Timmo (مشعل تمو) [a member of the opposition] died that day. Later on, there was news that Saif and Timmo were on the wanted list. That is how Saif knew that (probably the security forces) wanted to kill him.

Judge Wiedner asked Saif about the orders of the intelligence services in March 2011. Saif did not know anything about the people, but he wanted to give an example. There were weekly demonstrations from Ar-Rifa'i (الرفاعي) Mosque. The intelligence service wanted to prevent the demonstrations every Friday. Saif knew from his relative who used to work there [in the intelligence service] that people were paid to go to the demonstrations with sticks with Syrian flags attached that could injure people. Some people were recruited from the demonstrators.

[Saif said that he might get hypotension. Lunch break.]

Judge Wiedner noted Saif's statement that he did not know about the Government's orders to act violently in 2011. Saif said that was not correct and that he was one of the victims.

Judge Wiedner asked if there were orders from above. Saif said that the Al-Assad Regime was built on highhandedness, violence, and autocracy. Bashar Al-Assad was responsible for everything. No one acted without Bashar's orders. There were statistics about the victims of violence in the daily demonstrations, and one could feel that it was systematic.

Judge Wiedner asked if there were security apparatuses that dealt with the intelligence services. Saif said of course. There was a national security apparatus under Bashar Al-Assad's command. In Syria, there was no ability to breach orders.

Judge Wiedner asked if the Central Crisis Management Cell meant anything to Saif. [CCMC was not translated and Saif did not understand the question.] Saif said that he does not know and he does not care. Before the revolution, his first detention was like a five-star hotel. During his second detention, however, all of humanity's wickedness was practiced on him. When he was sick, they were creative. Saif was put in a cell with 30 criminals who were sentenced because of violence.

Judge Wiedner asked if Saif was talking about Adra. Saif clarified that he was talking about his second detention from 2008 to 2010. He was in Adra. Saif had cancer and they were "creative" to distress him. The other prisoners tried to oppress him. Once, in the middle of the night, he was attacked because he had a stainless-steel spoon, which was forbidden. Another time, Saif was released from the hospital and was bleeding. He wanted to change his underwear, so he washed it and wore it again. Saif was accused of instigating the prisoners to revolt. All vices were used against him. The last day that he was in prison, he was taken to a meeting with the high intelligence officers. 24 hours earlier, he was put in a solitary cell full of insects, dirt, and filth. He could not see light. They woke him up at 10:00AM. He was blindfolded and taken to the meeting. The Brigadier General of Al-Khatib Branch said that he was speaking in the name of Syria and that they [the Brigadier General and the rest of the officers] were there as officers with the responsibility to protect Syria. He said that Saif wronged them, but he would turn a new page. The Brigadier General said next time, Saif will be accused of being a Mossad agent, so Saif should take them seriously and not make mistakes. Saif resigned from his position as Secretary-General of the Damascus Declaration. He was psychologically broken.

Judge Wiedner asked if Ali Mamlouk (علي مملوك) and Tawfiq Younes were there. Saif said that Mamlouk was there. Saif recognized him by his voice. Younes presented himself as the Brigadier General. Both were surely there.

Judge Wiedner asked when Saif left Syria. Saif got emotional and a break was issued.

[5-minute break]

Judge Wiedner asked when Saif left Syria. [There were translation issues at this point. Saif started to explain why he left Syria. Wiedner tried to direct Saif's answer, but the translator kept translating Saif's statements instead of Judge Wiedner's questions.] June 13, 2012.

Judge Wiedner asked where Saif went. Saif said that "they" shot at his room. The United Nations called him and told him to leave Syria. He travelled to Cairo, then Germany.

Judge Wiedner asked how Saif knew Raslan. Saif said that he does not know Raslan well. His son-in-law called Saif. The son-in-law learned from his friend about a colonel in the intelligence service who defected and lived in Jordan, but who wished to apply for asylum in Germany [referring to Raslan]. The brother of the friend's business partner was with the intelligence service. Whether this person was detained at the intelligence service or whether he worked there was unclear.] Raslan helped get this person out [unclear if Raslan helped the person get out of prison or Syria]. Raslan was supposedly from Al-Houla (الحولة) which witnessed the first massacre after the revolution started. More than 100 people were killed. Three-fourths or two-thirds of the people killed were children or women.

Judge Wiedner asked when the massacre happened. Saif said in 2012, maybe in May or April.

Judge Wiedner asked when Saif heard that Raslan was in Jordan. Saif thought that he got the information in August 2012, but he did not know the exact date. He sent the information to the Ministry of Foreign Affairs. Six months later, the Ministry called Saif and asked for Raslan's phone number. Saif called [name redacted] in Amman who said that Raslan was in Geneva with Ahmad Al-Jarba (أحمد الجربا), the head of the Coalition. Saif was in Germany at this time. He was working for the opposition coalition between Germany, Istanbul, and Cairo. His residence was in Germany.

Judge Wiedner asked Saif how he found out about Raslan and what his experiences were with Raslan. Saif had little information. He and Raslan both supported the defection of officers and members of the intelligence service. Raslan was supposedly important and had useful information. Raslan alleged that he interrogated the head of the Coalition, Ahmad Al-Jarba. Indeed, Al-Jarba was jailed on criminal charges. Raslan insinuated that he knew about Al-Jarba and wanted to "trade" information. When Raslan came to Germany, Saif saw him once. Raslan visited his house, along with Raslan's wife and children. Saif tried to get information from Raslan about Al-Jarba, but Raslan did not reveal anything. Information about Al-Jarba was important because he occupied a sensitive position. Saif recalled that Raslan was financially strained. The Ministry of Foreign Affairs approved Raslan's trip to Germany, but refused to pay for his plane ticket. Saif lent him \$2,000 which Raslan was supposed to repay when he arrived to Germany. Raslan repaid \$1,000, then never saw Saif again. Saif did not ask for the remainder of the money. Saif coincidentally met Raslan in Gaziantep, Turkey.



Judge Wiedner asked Saif what was known about Raslan's activities in Syria. Saif only knew that Raslan was a security officer. He did not even know Raslan's name because Raslan was an interrogator at Al-Khatib. Saif never met Raslan personally and did not know him.

Judge Wiedner recalled Saif's statement during police questioning that Raslan was the head of the interrogation unit which was an important position in Syria, but that Saif did not know when. Saif said that Raslan was a colonel.

Judge Wiedner asked if Saif learned why [the translator said "when"] Raslan defected. Saif did not know. He only knew that Raslan was in Jordan.

Judge Wiedner asked if Saif knew Raslan's confession. Saif said that Raslan is a Sunni from Al-Houla where the massacre happened. Some of his wife's family were among the victims. The family pressured him to leave. That was the allegation of Raslan and the people who knew him.

Judge Wiedner asked if it was special for a Sunni [the translator did not say Sunni] to be in Raslan's position. Saif said that he did not have information about that.

Judge Wiedner noted Saif's statement during police questioning that Raslan did not want to work at the intelligence service anymore. Saif said that he learned this information from his son-in-law and friends.

Judge Wiedner recalled Saif's statement during police questioning that Sunnis occupy weak positions. Saif confirmed and said that the high-level people in Syria, especially in the intelligence service, were Alawites. Sunnis occasionally got high-level positions. Supposedly, Sunnis committed brutal torture to get the support of Alawites. Alawites did not want their hands dirty, so they chose illiterate or mentally-ill people to torture for them.

Judge Wiedner asked if Saif knew whether Raslan was in contact with the opposition while he was in Syria. Saif said no. He only knew that Raslan went to Jordan and contacted Al-Jarba and accompanied him to Geneva.

Judge Wiedner noted Saif's statement during police questioning that he learned from Al-Jarba that Raslan secretly gave information to the opposition. Saif said that Raslan was with the Syrian delegation in Geneva. Raslan alleged that the hotel where the opposition was staying was owned by the Assad family. Saif did not know if this information was correct.

Judge Wiedner asked about the Geneva II Peace Conference. Saif said that the opposition coalition was headed by Al-Jarba. Perhaps Raslan was working with him, but the opposition coalition in Syria was in contact with Al-Jarba at this time, not with Raslan.

Judge Wiedner recalled Saif's statement during police questioning that "Saif could not imagine that Raslan was friendly during interrogations. He would not be able to afford this. What should Raslan as a Sunni and as the head have done? He would not have served tea and biscuits. It was unusual that he was in this position." Saif said that he had nothing to correct.

Judge Wiedner asked how Saif received Raslan's English CV. Saif said that Raslan wrote it and sent it.

Judge Wiedner asked how Raslan's CV was given to Saif. Saif said that his grandson [daughter's son] received an email. He and his wife gave the email to the German Ministry of Foreign Affairs. The CV contained information about Raslan and had documents and personal IDs.



Judge Wiedner asked Saif if he had indirect contact with Raslan in order to prepare for Raslan's trip to Germany. Saif confirmed that he had indirect contact with Raslan from August 2012 to February 2016 [incorrectly translated to 2013]. This started when Saif received the documents via email in August 2012. Six months later, the Ministry of Foreign Affairs asked about Raslan's phone number. Saif called Amman to get Raslan's phone number and was told that Raslan was in Geneva. After that, there was no contact until Raslan arrived to Germany. Saif recommended that Raslan come to Germany because he encourages officers to defect and because Raslan had important information about Al-Jarba.

Judge Wiedner asked Saif if he met Raslan in person. Saif met Raslan at Saif's home in Berlin. A few days after his arrival, Raslan visited Saif with his wife and children. He tried to get information from Raslan, but he could not.

Judge Wiedner asked for the camera to be directed toward Raslan. He asked Saif if he recognized Raslan. Saif was not 100% sure, but he thought the person was Raslan.

Raslan's CV was shown. Judge Kerber asked Saif if he recognized the document. Saif said that the document was Raslan's CV. Judge Kerber asked if it was the same document that Saif gave to the police and if the signature belongs to him. Saif confirmed.

The second page of the CV was shown.

Judge Wiedner asked Saif if he gave other documents to the police. Saif said that he gave the police Raslan's CV, documents, personal IDs, and copies of passports.

Judge Wiedner asked if there were texts or statements about Raslan. Saif did not know what this had to do with him.

Judge Wiedner recalled Saif's statement that Doc.2B was a 2012 report on the conditions of detainees in Al-Khatib and a detainee was willing to testify that the conditions in the branch were relatively good. Doc.2C and Doc.2D were about a detainee connected to Eyad Al-Gharib.

Saif's wife tried to talk to Saif, but Judge Kerber said that she was not allowed.

[Several documents were shown which Saif provided to German police investigators.] A document about [name redacted] was shown. Saif said that his signature was on the document, unless it was fabricated. [A portion of the document is below.]

[Name redacted]

Testimony for God and History

I was detained by the regime in the beginning of 2012 at Branch 251 or so-called Al-Khatib Branch. I was interrogated on the basis that I used to move weapons and smuggle defecting members of the military. I was arrested in Damascus by the Branch, and I stayed there for five months. I was then transferred to Al-Jawwiyah [Air Force Intelligence] and from it to Sidnayah. I testify, and I will be asked about what I say in front of God. I am not interested in making statements to human beings.



There were three officers at the Branch. The first was Colonel Anwar Raslan, the other was Colonel Ibrahim al-Hariri, and the third was Colonel Ahmad Nuh. I testify before God that when the officer on duty was Colonel Anwar Raslan, I used to receive food in full, and there was no torture or abuse. Jailers would complain of this day. My file was initially handled by Colonel Anwar Raslan. Despite the proven charge, he only spoke with me in legal terms. He did not attribute anything to me and did not use foul or abusive language and he did not insult me. He would only say: "We arrested you with a weapon in your possession, so there is no room for you to escape. No one can help you. You can help yourself and make the situation less painful for yourself." He reiterated: "[name redacted], you are a rights person. You are a human being. No one is infallible. Spare yourself the pain, and I promise you to help you by referring you to the judiciary. I can offer no more help other than this." It is as if he was saying to me: Excuse me because my hands are tied.

To be honest, when Colonel Anwar was on duty, the situation was comfortable for every detainee. Let anyone who says otherwise confront me. However, when Ahmad Nuh was on duty, the situation was hell for us. The same goes for the other criminal, Ibrahim al-Hariri.

(...)

We were around 300 detainees at the Branch when the colonel was on duty, and it was Eid day. We were impatiently waiting for him to be on duty.

Fear God and do not believe everything that is said.

Your brother, [name redacted]

Judge Kerber clarified that the judges only wanted to know if Saif gave this document to the police. Saif said that he was not able to read it. The document was enlarged. Saif said that it was a statement on Facebook, but he did not know the content. It was by [name redacted] and it discussed how "some among us actually act against Syrians." Saif said that he gave it to the police, but he did not agree with it.

Judge Kerber asked Saif where he got the document from. Saif said that he got the document from Facebook. Many people wrote that they supported or opposed Raslan. When the circle expanded and the trial went public, there were new witnesses. Saif did not write the post, and he did not know who did.

Judge Kerber asked if Saif published the post on his personal Facebook account or another Facebook account. Saif said that he does not have a Facebook account.

[A second document was shown. It related to P6 and was found online.]

A few days ago, and with a great shock, [I learned about] the issue of the German authorities' detention of the defecting officer Anwar Raslan, alongside the defecting officer Eyad Al Gharib. The reason for this shock is that I had personal and close knowledge of Eyad Al Gharib because we are relatives and friends.

Based on this knowledge, I would like to clarify a few points, in which personal aspects somehow overlap with humanitarian and legal aspects.



From the beginning of the Syrian revolution, Eyad announced to us, friends and relatives, his clear support for it and enthusiasm about it. He had told us repeatedly about many incidents and details that used to take place at the security branch where he used to work and to which he was a witness without participating in them.

In late 2011, Eyad confided in us that he intended to defect from the regime and join the ranks of the revolution. Given the advice by family and friends not to rush things, Eyad waited for a few weeks to secure his family and children. He traveled to Dayr az Zawr and made a complete break with the regime at the beginning of 2012. I still remember very well that day on which Eyad's brother went to report his disappearance and that he feared that he could have been abducted by one of the armed groups. That was the common pretext at the time to cover up the defection so that the security forces would not come after the family of the defector and persecute it.

In 2013, Eyad chose to leave Syria for Turkey to live there at one of the refugee camps in Harran with his family, especially since he has a female child who is ill and unable to move and needs special medical care, which was not available as it should be in the liberated areas of Dayr az Zawr. Eyad lived there for three years under difficult and harsh circumstances and experienced very miserable material conditions. This prompted him in the summer of 2014 to send his child, who is not more than 11 years old, with his maternal uncle to cross the sea and walk for a whole month in the forests of Central Europe in the hope that the child, once he arrives in a safe place, would reunite the family and rid them of this ordeal, which is experienced by millions of Syrian refugees in neighboring countries. However, what happened is that the promised and awaited reunion did not come despite the fact that almost two years had passed since Eyad's child traveled and arrived in Germany. Given this despair and under the pressure of his daughter's medical condition, which started to get worse, and with the open European borders, Eyad crossed the sea with his family in the spring of 2016 in the hope of reaching Germany and reuniting the family again. Unfortunately, the borders were then completely closed in his face, again, and in the face of all the refugees who got involved and crossed the sea at that time. Eyad and his family were stranded in Greece for almost two years to go through a new round of suffering and cruel living at the camps of refugees stranded there. Finally, in April 2018, Eyad and his family arrived in Germany after all this hardship.

In Germany, Eyad provided his testimony about his work in the security service to the German authorities during the questioning sessions, which every refugee is subjected to before obtaining the right to asylum and residency.

I will also report an incident that Eyad experienced before the revolution, and I was a witness to it in 2009.

Eyad wanted to buy a house in one of the suburbs of Damascus as he used to live in a rented house. He started making efforts to secure the first payment for the purchase through loans and borrowing from relatives and friends. Eventually, he collected around 500,000 Syrian pounds (around 10,000 dollars at the time). He was unfortunate as he fell into the claws of a fraudulent real estate broker (I met this fraudster at the time because I, too, wanted to buy a house. He showed me an apartment to purchase, but his procrastination of Eyad made me suspect him and give up the idea of buying the house from him or through him). This fraudster sold him an apartment with forged and incomplete papers after taking the first payment and spending it after a long journey of procrastination and false promises. Eyad woke up to the naked truth, which is



that he was a victim of a scam and a fraud. The issue was over after strenuous efforts and negotiations involving religious and family figures close to the fraudster. The brother of the fraudster compensated Eyad with another apartment instead of the lost one.

I am reporting these bits and pieces to state some simple and clear facts about Eyad and this case.

Eyad did not defect from the regime because he coveted positions or material or moral gains. He did that out of his full belief in the revolution and its justice, according to what he thinks and believes in.

Eyad did not take advantage of his security job and resort to force and intimidation when he was subjected to the incident of fraud (this is despite the fact that one of his superiors suggested to him intervening to persecute the fraudster and intimidate him. Eyad rejected this because he simply wanted his right without getting involved in problems and complications of this sort).

Eyad could not provide his testimony and the information he knew about the security branches and their criminality during the past six years because, quite simply, the journey of becoming a refugee at camps and the harsh material conditions he faced and the illness of his daughter did not leave time for him to rest and breathe before thinking about providing his testimony.

I am not here in the business of defending Eyad regarding the case in which he is detained as this is the specialization of justice and the judiciary. I will wait for the German courts to have their say in this regard after examining the evidence and documents and speaking to the witnesses. I am writing (while I am full of shame because I am reporting personal and private details of Eyad's life) to champion true justice, which holds the actual criminals accountable and restores rights to their owners and does not seek to achieve small and fake victories or is satisfied with offering quick sacrifices for self-satisfaction instead of pursuing the road of justice, which I see as long and arduous and in which files and books will be opened pertaining to millions of people over the past 50 years.

Finally, I totally side with victims and justice, no matter what the outcome of this long road is.

Judge Kerber asked if Saif gave the police this document. Saif said that he does not embrace the document.

Judge Kerber asked if Saif gave the document to the police. Saif confirmed.

[A third document was shown. It was the second page of the previous document.]

Judge Kerber asked if Saif gave the third document to the police. Saif confirmed.

[10-minute break]

Saif was asked if he was still perceptive. His wife was asked if she thinks that Saif was able to continue testifying tomorrow.

The proceedings were adjourned at 2:45 PM. The next trial will be August 27, 2020 at 9:30 AM.



The audience consisted of 12 spectators and 7 members of the media. The proceedings began at 9:30AM. Saif continued to testify.

Questioning by Mrs. Holtz

Prosecutor Klinge's assistant, Mrs. Holtz, asked Saif if he knew Anwar Al-Bunni (أنور البني). Saif said yes.

Holtz asked Saif if he talked with Al-Bunni about Raslan. Saif said that Al-Bunni was his friend. They did not talk about Raslan, but Saif knew that Al-Bunni accused Raslan. He thought that Al-Bunni had a perspective view.

Holtz asked Saif to tell the court about Al-Bunni's perspective. Saif said that Al-Bunni was certain that he recognized Raslan and that Raslan personally assaulted him. He did not know more.

Holtz noted Saif's statement during police questioning that he could not imagine Raslan being nice during interrogations, and that Raslan is Sunni and was watched by the Alawites. Holtz then asked Saif if he found it strange that Raslan reached his position as a Sunni. Defense Counsel Böcker interjected and asked for the question to be specified.

Holtz asked Saif to describe the interrogation. Saif did not know exactly, and he spoke generally. Saif said that the act of torture, or ordering a subordinate to torture, should be considered a crime against humanity that cannot be waived.

Holtz asked Saif if Raslan ordered his subordinates to commit torture. Saif said that torture was done automatically. Many people confessed to a crime that they did not commit because they were tortured. [For example,] a politician was under unbearable torture. [The security officials] insisted that the politician knew someone whose name they wanted. The politician said "okay" and agreed to meet the person in a specific place. He went into the street and pointed to a random person. He just wanted the torture to end. The politician was a moral person, but he did something immoral because he was tortured. Saif's nephew told him that a detainee was arrested because his name was found on a list [at the place of] a terrorist. All the people on the list were detained, including Saif's nephew who was 17-years-old. The nephew was detained for 13 years. Saif's nephew told him about an incident in prison when two prison guards laughed at an inmate then [one of the guards] pressed his foot against the inmate's testicle until he died.

Holtz wanted to know what happened in Al-Khatib. She understood from Saif that people were tortured during interrogations at the branch. Saif confirmed, and said that torture depended on the accusation. Every intelligence branch committed torture.

Holtz asked Saif if he could explain who conducted torture and how it was conducted during interrogations. Saif said that officers gave orders to their subordinates. Sometimes officers who were sadists committed torture themselves.

Holtz asked if Saif got this information from his experience with Raslan. Saif said no, he did not remember Raslan from Syria. He experienced torture, but not from Raslan. If anyone said that there was an intelligence branch in Syria where torture did not happen, they were wrong. No one was held accountable for the death of a detainee by torture. Caesar's photos were sufficient proof of the Regime's torture and intelligence service. Human beings [in Syria] had no value. [Saif's family] knew this because Saif's brother



was tortured for three years and the family was happy when he was executed because he was relieved from torture.

Holtz asked Saif if he experienced Al-Khatib after March 2011. Saif said no, only a long time ago when he was a member of the Damascus Chamber of Industry. He won the election and eight out of the 12 members of the Chamber wanted him to be the [leader]. He needed one more vote to win. Holtz interjected and asked if this event occurred after 2011. Saif said that it happened in 2006. Holtz clarified that she wanted to know if Saif experienced Al-Khatib after 2011. Saif said no.

Holtz's colleague noted Saif's statement from the day before [day 26 of trial] that the intelligence service's job is to get information for the Regime. He asked Saif to talk about each apparatus (General, Military, and Air-Force). Saif said that, in general, Al-Khatib focused on the businessmen of Damascus. It is unrelated to the Air Force. Al-Khatib does internal security and is responsible for what happens inside Syria.

Questioning by Defense Counsel Böcker

Böcker asked if Saif was feeling well or if he needed a break. Saif said that he was feeling well.

Böcker asked if Saif knew about [the situation in] Al-Khatib [after 2011] from other people or from personal experience. Saif said that he knew about Al-Khatib from a different time.

Böcker recalled Saif's statement from February 2019 in which he said that his memory was weak. Saif said that his memory is not strong, but there are some matters that he cannot forget. Böcker then asked Saif if he was 100% sure that everything he said was correct. Saif confirmed.

Böcker noted that the police asked Saif about Al-Bunni, and Saif told them that Al-Bunni was the only person from whom he heard negative comments about Raslan. Böcker asked Saif if he remembered saying that. Saif confirmed and said that Al-Bunni is a deeply-rooted opposition lawyer who is trustworthy.

Böcker explained on [day 26 of trial] Saif mentioned one document in English and three documents in Arabic, and that Saif recognized his own signature on all of them. Böcker asked if Saif remembered the content of the documents other than the CV. Saif said yes.

Böcker asked if one of the documents defended Raslan. Saif said that only one document defended Raslan. Hundreds of accusations surfaced after news spread of Raslan's arrest. Victims began to speak out. Böcker asked the same question again. Saif confirmed. [This happened two more times.] Saif added that there were 100 complaints and only one person defended Raslan.

Böcker asked Saif if he had any other documents about Raslan that he did not give to the police. Saif said no.

Böcker asked Saif if he remembered how he got [one of the] documents. Saif answered that he saw it on Facebook and the post caught his attention. [Böcker repeated this question several times. Each time, Saif repeated his answer.]

[10-minute break to answer the question.]

Holtz said that the question was answered. Kerber repeated the question and ordered a break to answer.

[15-minute break.]



Böcker asked if Saif could answer his question. Saif said that the document was the only one that defended Eyad and Raslan. The general consensus on social media was that Raslan was bad. If he had a bad feeling about Raslan, he would not have recommended Raslan. If it was proven that Raslan committed a crime, then Saif would certainly be against Raslan. Saif wanted to [cooperate with the police].

Böcker asked if someone gave Saif the document or if Saif downloaded it. Saif said, “then who?! My secretary?!” Böcker repeated the question. Saif said that it was a long time ago and he did not remember.

Böcker noted Saif’s statement that he gave the documents to the police to [make copies]. Böcker then asked why Saif kept the [original] documents in his possession after [he gave copies to the police]. P stated, “where did I keep them?!” then asked Böcker if the document was so important that Böcker wanted to know why Saif kept it. Böcker said it was important and he wanted to know. Saif said that the document was not important to him. He put the papers in a file, then gave the file to the police as an example of people who were defending Raslan. Böcker asked how long the document remained with Saif. Saif did not remember because it had no value to him.

Böcker asked about [name redacted] and whether he was a friend of Saif’s son-in-law. Saif said that [name redacted] was his son-in-law’s friend of 20 years. He was a businessman who he did not know personally.

Böcker asked for the name of Saif’s son-in-law. Böcker then asked for Saif’s son-in-law’s address. Saif spoke to his attorney and did not share the address.

Böcker noted Saif’s statement during police questioning that his son-in-law’s friend (through Saif’s son-in-law) was the person who told Saif how Raslan helped people after the Al-Hola incident. Saif confirmed, and said that he would not have helped Raslan but for Raslan’s help after the incident.

Böcker asked Saif to solve this puzzle for him: Saif was not the person who called Raslan in Jordan—the first name of the person who called was [name redacted]. Böcker asked Saif if he remembers the call. Saif said that the call was based on the request of the questioner who wanted information.

Böcker recalled Saif’s statement that his wife gave documents to the police. Böcker asked if Saif’s wife called [name redacted]. Saif did not think so. He and his wife only wanted Raslan’s phone number and address. Maybe they called their son-in-law.

Böcker recalled Saif’s statement during police questioning that, based on what Saif read, there were three commanders in the branch. Böcker asked if this statement was correct. Saif confirmed that the three commanders’ names were mentioned in the single document that defended Raslan.

Böcker recalled that Saif was asked about the unstrict conditions, Saif answered that he indirectly learned about the conditions through his son-in-law who was informed by [name redacted].

Böcker asked Saif if he knew [name redacted] and if Saif had information about him. Saif said that [name redacted] was the person who wrote the article, but Saif did not know him.

Böcker asked Saif if he thought Raslan was scared of the Regime. Saif said that he did not have contact with Raslan after Raslan came to Germany. Before Raslan came to Germany, Saif and [name redacted] concluded that they should help Raslan because his life was in danger, which was not uncommon under the Regime. Saif conveyed the reasons for his decision [to help Raslan] to the German Ministry of Foreign Affairs. The relevant information was given to him by his son-in-law.



Böcker recalled that Saif was previously asked what he knew about Raslan's situation in Jordan. At the time, Saif answered that Raslan was threatened. Saif said that Raslan told the friend of Saif's son-in-law that he was threatened. It was probable that Raslan felt that the Regime was watching him.

Fratzki asked Saif if he verified the information given to him by his son-in-law. Saif said that he did not have a way to verify the information.

Fratzki recalled Saif's statement that he met Raslan at his house. At the meeting, Raslan asked for Saif's help, but Saif lost trust in Raslan. Fratzki asked if the reason Saif lost trust in Raslan was because Raslan never paid him back. Saif said no. He understood if Raslan could not pay back the money because of financial hardship, but Raslan should have called him and apologized.

Fratzki asked again if Saif lost trust in Raslan because of the money. Saif said that money had nothing to do with it.

Judges Kerber and Counsel Oehmischen agreed that Saif answered the question: money did not play a role.

Questioning by prosecution and plaintiffs

Plaintiff's Counsel Reiger asked why Saif did not trust Raslan. Saif said that he started to distrust Raslan when Raslan's victims came forward. Perhaps he holds some responsibility because he should have researched Raslan more. Saif blamed his son-in-law and his son-in-law's friend who were both shocked by the news.

Reiger asked Saif if he had any information which showed that Raslan pretended to defect. Saif said no, though it was unreasonable to suggest that Raslan stayed in the intelligence service but [publicly stated] that his family forced him to defect.

Mohammad [P1's lawyer] asked Saif if he had a Facebook account and if he used it actively. Saif confirmed that he had a Facebook account. He was not active, but he had thousands of friends.

Mohammad asked if Saif saw anything on Facebook that supported Raslan. Saif only saw one example which he brought. He did not see anything else and was not interested.

Kroker asked what information Saif expected Raslan to reveal. Saif said that he expected [to hear] the truth of what happened in detention.

Kroker asked if Saif was disappointed when he did not receive a response from Raslan. Saif said that Raslan dodged him. Saif wanted to help Raslan because Raslan was a high-level security officer. Saif had hope that Raslan would give him beneficial information, but Raslan did not.

Kroker recalled Saif's statement that torture was widespread in the security branches and it was unbelievable that Raslan was friendly during interrogations. Kroker asked Saif if he was referring to the time before or after March 2011. Saif clarified that he meant since March 1963. Since Hafez Al-Assad came [into power], the intelligence service tortured Syrians.

Böcker noted Saif's statement that he did not get information from Raslan. Böcker asked if Saif made a deal with Raslan. Saif said no. He helped Raslan come to Germany because Raslan was a high-ranking official and Saif wanted information.



Böcker noted that Saif expected Raslan to give him information, but that Saif did not demand information be provided [in exchange for helping Raslan come to Germany]. Saif said that before Raslan came to Germany, Raslan told Saif that he was going to expose the Regime's practices.

Böcker asked Saif to clarify whether [exposing the Regime's practices] was a condition [to Saif helping Raslan]. No, and the Europeans did not demand this either.

Böcker asked how and where Saif expected to receive information from Raslan. Saif said when Raslan arrived to Germany and came to speak with him [at his home]. But Raslan did not provide any information.

Böcker noted Saif's statement from [day 26 of trial] about Al-Jarba. Saif explained that Raslan interrogated Al-Jarba, and Raslan insinuated that he had valuable information on him. He wanted this information because Al-Jarba was the head of the Coalition.

Böcker asked Saif if he really did not receive information from Raslan, or if he just could not say that he received information from Raslan. Saif said that Raslan was employed by Al-Jarba as a member of the opposition. Al-Jarba took Raslan to Geneva.

Böcker asked if Saif was sure that Raslan worked with Al-Jarba. Saif explained that he talked with Raslan in Gaziantep for about ten minutes. Raslan thought that the opposition needed a security apparatus. Raslan and another person were thinking about establishing it. Raslan cited the opposition's hotel [in Geneva that was allegedly owned by Al-Assad's relatives] as an example of why the opposition needed an intelligence apparatus.

Böcker asked Saif if he knew whether Raslan gave information as a witness. Saif did not know.

Böcker mentioned Saif's son-in-law, as well as his son-in-law's friend. Böcker wanted to know who helped whom. Saif said that the friend (through his son-in-law) asked him to help Raslan leave Jordan and seek asylum in Germany. The brother of the friend's business partner was a prisoner under Raslan. Raslan eventually released the man, who became an important connection.

Böcker asked Saif if he got this information from his son-in-law's friend. Saif confirmed.

Böcker asked if Saif got this information directly from his son-in-law's friend. Saif said no (the information came from his son-in-law who was told by his friend).

Böcker asked Saif if he knew how his son-in-law's friend left Syria. Saif did not know.

Böcker recalled Saif's statement that his son-in-law and son-in-law's friend were family friends for 20 years. Saif said that he was not concerned [with this topic]. He was more concerned about the people who were slaughtered by Russian aircrafts.

Böcker asked how his son-in-law's friend left Syria. Saif said he was not concerned about that.

[A break was issued for Saif and Honecker to discuss if they wanted to correct any statements.]

Honecker said that she did not want to correct any statements.

Saif thanked the German justice system and said that Syrians would never forget [this case]. Judge Kerber said that Germans would not forget [this case] either.



P1 said that he wanted to give a statement. He was granted permission. P1 said that he knew about the Facebook post that was signed by [name redacted]. The post was circulated after P1 gave his testimony to pressure him to withdraw his testimony. It was posted on a page that supported Raslan.

All documents were shown, including two posts from day 26 of trial and Raslan's CV.

Ploz read a statement about the Arabic translation concerning Böcker's petition to repeat days 1-23 of trial. She described the trial process, then explained why repeating the trial process is not necessary.

The proceedings were adjourned at 2:25PM. The next trial will be on September 02, 2020 at 9:30AM.