

TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany
Trial Monitoring Report 55
Hearing Date: December 8, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Day 107 – December 8, 2021

This was the first day of closings statements delivered by the plaintiffs and their counsel. The Court heard from four survivors who joined the trial as plaintiffs, each of whom provided their own statement. They all stressed the personal importance of the trial on their lives. The plaintiffs also said that they see themselves as representatives of all the victims who did not survive Branch 251 and everyone who is still detained in Syrian government prisons.

Four Plaintiffs Counsel also provided their closing statements in which they briefly recalled the individual detention experiences of their clients. Counsel also noted some of the criticism that the trial received, such as: not charging deprivation of liberty as a crime against humanity, not providing simultaneous translation to the public, and not recording at least the closing statements and verdict. One Plaintiff Counsel concluded that the survivors who testified are the heroes of the trial. All Counsel demanded life imprisonment and particular severity of guilt for Raslan, just as the Prosecutors demanded the week before.

Trial Day 107 – December 8, 2021

The proceedings began at 9:35AM with eight spectators and eleven journalists in the audience. Two cameramen took videos and photos before the start of the session. The prosecution was represented by Prosecutors Klinge and Polz.

Presiding Judge Kerber opened the floor to the plaintiffs to deliver their closing statements. She explained that everyone could decide freely if they wanted to speak from their seats or from the dais in the front of the courtroom.

Closing Statement by P12

After greeting the Judges, [P12](#) said that ever since he left Syria, he does not know if he should be happy because he survived or if he should be angry because tens of thousands of unfortunate people are still missing. He said that he and other Syrians had only one simple dream, although many people, including German citizens, do not share this dream because it is a matter of fact for them: to have a home that protects them, and respects the humanity of people, and a state that provides for equal rights for all citizens. Although this dream is so basic according to 21st century standards, P12 said that he and other Syrians knew that the price they would pay for their demand would be enormous.

¹ Throughout this report, [information located in brackets are notes from our trial monitor] and “information placed in quotes are statements made by the witness, judges or counsel.” Note that this report does not purport to be a transcript of the trial; it is merely an unofficial summary of the proceedings. The names of witnesses have been redacted.

However, they did not expect, even in their worst nightmares, that the regime would be willing to go beyond any limits that a reasonable person could imagine for atrocity crimes.

P12 recalled that once the Tunisian president fled and the Egyptian president resigned, Syrians were certain that their dream was not just the dream of individual people or small groups, but a dream shared by millions of people in the region. They believed that this dream could come true in Syria, by the power of the people, although they knew the history of the regime since the 1980s. P12 said they took to the streets and demanded to get their country back. They had only their voices and their will to do so. Security forces and the military responded with live ammunition. Two bullets flew past P12. One of them almost hit his head. P12 told the Court that he was lucky, otherwise he would not have been able to stand where he was at this very moment. Hundreds of thousands of others, however, were not this lucky.

P12 went on to explain that because those who took to the streets were not deterred by live ammunition, the regime decided to confront them with armored vehicles and tanks, to surround and starve towns and communities. Unimaginable videos document the bombardment of residential areas with all kinds of weapons. P12 said that he remembers one of these videos: the cameraman was filming a tank attack on a neighborhood in Tall Kalakh. The soldiers were watching him and aimed the tank's cannon at him. He stood there, nailed to the ground, not knowing what to do. One could hear him shout that the tank was about to shoot him. And that is exactly what happened. The young man fell, and only his phone survived. This was how others were able to see the clip a few days later.

P12 explained that he would not describe the crimes committed by the regime and its supporters in detail; from bombing civilians to destroying all of Syria. The Prosecutors already spoke about this more than once in a way that P12 found very impressive because it revealed how many details about the Syrian tragedy are actually known. P12 said pictures and videos can often say more than words. However, he wanted to talk about something that pictures usually cannot express: the experience of detention and enforced disappearance.

P12 said it was scary enough to be subjected to live ammunition as an unarmed person, but it was even scarier to be bombed by all kinds of weapons, including planes. However, nothing could describe the horrors of being in detention in Syria. P12 recalled how in the early months of the revolution, hundreds of security forces attacked the town of [REDACTED], where he lived. The town was within the area of jurisdiction of Al-Khatib Branch. P12 described how he visited his family's house, which was 200 meters away from his own apartment. P12's wife and two children stayed at home. P12 and his parents heard a strange noise outside and opened the door to see what was going on. There were intelligence officers shouting at them. P12 and his parents realized the officers were storming the neighborhood. P12 tried to contact his wife, but all the phones were dead. He wanted to go out and check on his wife and children, but his mother rightly prevented him from doing so. P12 concluded that if he had gone out into the street, he might not have come back - like many others who were arrested on that day. P12 further told the Court that he could not tell how long it took, but it felt like years to him. He was overwhelmed by the fear of being wanted, that they would enter his home and harm his wife and children because they could not find him. Or they would come to his parents' house and take P12 away so he would disappear 'behind the sun where not even the blue flies would know where I was.'

P12 directly addressed the 'esteemed Judges,' saying he respected their decision not to include the crime of enforced disappearance in the charges against the Defendant. P12 said he also may not have the evidence required to prove that enforced disappearance is systematically applied by the regime and in full awareness of the consequences by the military and intelligence services with the aim to terrorize Syrian society. Nevertheless, P12 wanted to tell the Court about this crime from his own

experience, because what is presented in this courtroom will also represent historical documentation in the interest of all Syrians and all human rights defenders. P12 said that when the interests of a Syrian security employees conflict with those of a Syrian citizen, the first thing one would hear from these henchmen is “I will take you behind the sun where even the blue flies will not know where you are.” The victim is then forced to surrender because he knows exactly what this means, and that realizing this threat ‘is easier than taking a sip of water because it is a well-established practice by the regime.’

P12 said the purpose of this threat is to intimidate the opponent. It is an often-tested recipe by the regime and its officials. According to P12, enforced disappearance must not only be considered a crime against humanity, but also terrorism. Its aim is to terrorize society and force it to surrender to power. P12 explained that “to disappear behind the sun” means to be in the dark and to vanish from life without actually dying. One ‘becomes Schrödinger’s cat, about whom the outside world does not know whether one is dead or alive.’ According to P12, these two options are always present for the prisoner himself, as well as for the prison guard or the prison officials. The officer or the prison director themselves do not know whether they are going to kill someone the next minute. One of them might be angry about something his son did and simply kill a prisoner who happens to be in front of him at that moment. P12 said it would ‘indeed be that easy for them.’ However, what would be even worse is, according to P12, that the prisoner himself does not know what his fate will be. While of course no one knows the future, the difference between the two cases is fundamental, according to P12: the prisoner does not die naturally, but is murdered, probably in the most horrible way. The prisoner has no way to resist his fate. To disappear behind the sun means to lose one’s sense of time.

P12 asked everyone present in the courtroom to spend five minutes of their time imagining that they are locked in a dark place where not one ray of light shines, where “even flies do not stray,” and where one knows no time. After a few days, one can no longer tell day from night, as if they did not exist at all. Light and darkness become meaningless, one forgets the imagery of trees and the smell of flowers. “But what is life without these small details?” asked P12.

He recalled that Einstein once discarded all scientific evidence and said, “I want to know that the moon exists whether I see it or not!” He was almost obsessed with the idea. In detention, people are driven insane because they are no longer sure of anything, said P12. He once cried simply because he heard the call to prayer, even though he is not religious. P12 cried because he heard a sound other than just the prison guards. He cried because for a moment, he remembered that life is more than the darkness he was living in. He cried in that moment, even though he did not cry during the daily torture routine.

P12 asked the people in the courtroom whether they knew the reason why he fled Syria. P12 said he did not flee out of fear of death, but out of fear of disappearing again. Eventually, the intelligence officers, one of whom was charged in this trial, managed to intimidate P12 and forced him to flee. P12 went on to explain that enforced disappearance is one of the main elements of a systematic regime policy to silence and get rid of critics. This method is well known and used by all collaborators of this regime. According to P12, the Defendant was an important and senior henchman of this regime. P12 further said that he fled because he did not want his family to experience for a third time the nightmare of never-ending questions weighing on their lives: Did they kill him? Is he still alive? Did they hang him somewhere? Did they break his back? Are they torturing him right now while we are eating? Did this happen and did that happen? P12 said despite the bitterness of the death of a loved one, the families of prisoners can at least come to terms, albeit painfully, with the uncertainty when the death of their loved one is confirmed to them. A distant and indeterminate hope, on the other hand, was more agonizing and exhausting, according to P12.

P12 went on to recall that when he was arrested by the Al-Khatib Branch, he was on his way to work. After his release, his then three-and-a-half-year-old son cried every time P12 left the house because he thought that if his father left, he would not come back. P12 said he never dared to promise his son to come back in the evening because he might not have been able to keep that promise, and in fact, that was exactly what happened: when P12 left, he did not come back until four years later.

P12 said what perhaps hurts more than the killing and torture is the enthusiasm of the government employees and officers in inflicting the greatest suffering to people. P12 was convinced that these employees were not just carrying out orders, but taking revenge on everyone for trying to take away their absolute power, the power given to them as ‘part of the regime’s control machine,’ a power that is outside of any law or moral code, and that they can use however and whenever it serves them.

P12 recalled the time when he was ten years old. At this time, he began to understand people’s fear of the Syrian intelligence and the warnings he received from those around him not to say anything that might displease the intelligence services. P12 said Syrian parents warned their children that any word could lead to the disappearance of the entire family. At the age of ten, P12 also began to be disgusted with everyone who worked for the intelligence services and with their family members who were proud to be in a position of power that allowed them to terrorize the people around them.

P12 told the Court that his uncle was arrested in the 1980s and was tortured for six years because he belonged to the Communist Party. Three members of one of P12’s friend’s family (the friend’s father, uncle and brother) disappeared and their whereabouts were unknown ever since. P12 said this happened merely because they were suspected of opposing the regime.

P12 said there is not a single Syrian, adult or child, who does not know about the crimes that the intelligence services have been committing. According to P12, anyone who volunteered to work for the intelligence services has consciously chosen to be a tool to commit crimes against humanity. To that extent, no intelligence officer, regardless of his position, could claim that he was merely following orders, that he was forced, or that his role was marginal. P12 said everyone in the intelligence services is an active part of that apparatus and responsible for his/her own actions. It goes without saying, said P12, that the higher one’s position, the more outrageous the crimes one is responsible for. More significantly, the higher one’s position, the more one was obviously aware of the fact that one would commit crimes when one joined the security forces.

P12 said he might have been able to forgive the Defendant for the crimes he committed against P12. However, in [Raslan’s] statement at the beginning of the Trial, [Raslan] did not show any remorse or sense of responsibility for the crimes he committed or contributed to. P12 said that instead, the Defendant claimed to this very day that there was no systematic torture at Al-Khatib Branch. P12 said he could have forgiven the Defendant because he is not looking for personal revenge, but for justice in the broadest sense. P12 wishes that in the future there is no safe space for the perpetrators of these crimes in Syria or anywhere else in the world.

In terms of a ‘minimum amount of justice,’ P12 demanded that those who committed such crimes in Syria should be held accountable. The Defendant in this trial would be one of them, according to P12. P12 illustrated that regardless of how long the Defendant would be imprisoned after this trial, he would still have a watch with him, be able to see the sun, know when it rises and when it sets. The Defendant would receive medical treatment if needed, and be allowed to be visited by his family who will know about his whereabouts and how he is doing, just like the Defendant would be able to know how his family is doing.

P12 said he survived, however, others were not as lucky as P12: [REDACTED], [REDACTED], [REDACTED], her husband and six children, [REDACTED], [REDACTED], [REDACTED], [REDACTED],

[REDACTED], [REDACTED], [REDACTED], and tens of thousands of people who deserved to be named individually in this courtroom and whose stories and the stories of the pain of their loved ones deserve to be told.

Plaintiff Counsel Kroker requested a short break before the next plaintiff provided her closing statements

[7-minute break]

Closing Statement by P32

[P32](#) began her statement by saying ‘my name is [REDACTED]. I breathe slowly and observe what is happening inside my head, when all the heads around me give the impression that they are awaiting my words. Everything inside me prevents me from saying the first word. It is the circumstance of appearing before the Court and the justice system that causes difficulties for me. It is rather the beginning. Beginnings have been challenging for me for quite some time. Beginnings are usually exhausting.’

P32 explained that she does not know how or where to start. Every day, from the first moment she wakes up in the morning, she just thinks about how to evade beginnings: the beginning of the day, beginning her rituals to wake up, the beginning of work, her upbringing, her obligations and meeting new faces each day without any sense.

P32 asked the Judges if they could imagine having to start their life all over again, while they are right in the middle of their lives. P12 said one has to start all over from the very beginning. One has to start at point zero, actually even below zero, due to having to live in a foreign country where everything is different from the country where one used to live. At the same time, one feels that the past experiences, the convictions and thoughts, as well as the society living under the rule of the regime, played a crucial role in shaping one’s personality.

P32 said she was used to a life in fear, terror, and lack of security. The regime made one believe that no one at all was entitled to demand their rights.

P32 described that both ‘practically and psychologically,’ she has to start her life all over again. She asked the Judges to imagine the effort, strength, strong will, and inner peace one needs to have in order to start all over again. At the same time, however, life could not simply be reset.

P32 explained that she does not want to be in the position of a victim and does not want to see herself as such. She said everyone is responsible for their own actions, regardless of the difficult circumstances they find themselves in throughout their lives. Nevertheless, it does not change the fact that the political, social, and dictatorial system does a fair share in forming or – more accurately – destroying, one’s personality. To be more precise, P32 said that no one who belonged to the people living under the regime had the opportunity to develop their own personality.

P32 said she believes in justice. She believes in the importance of this trial and in the importance of the verdict that will be handed down. The latter will not only affect the future of Syria, but society as a whole. The Trial would indeed be the first step of its kind since the start of the revolution. P32 concluded that she hopes the Judges will take into account that the verdict in this case has the power to change the lives of millions, depending on its outcome merely due to its importance for the Syrian country and its people.

Plaintiff Counsel Kroker requested a short break to get a fresh bottle of water for the next plaintiff.

[10-minute break]

[P42 provided her closing statement in German with her Counsel, Sebastian Scharmer, standing beside her.]

Closing Statement by P42

After greeting the Judges, P42 explained that thanks to her confidence in the Counsels who represented her during the trial, she decided to deliver her own closing statement on this day. She added that the trial was not a routine procedure for her, and that this very day was not like any other ordinary day. This day would be “our day” – the day of the victims who, through this trial at this very Court were for the first time ever in a position to regain their voices and take action against those who deprived them of their liberty and against the crimes that have been committed against them.

P42 added that she also chose to speak in front of the Court on this day, despite the gravity of this task, because she felt a sense of obligation towards all those who have gone through similarly painful experiences and who do not have the same opportunity to tell their stories in front of a court or any other comparable legal institution. P42 said she first and foremost decided to speak on this day out of a sense of duty to those who are still held ‘in the detention centers of the Assad regime’ and in other prisons in Syria, those who do not know ‘that we are standing here today and who might never know.’

According to P42, her participation in this trial had on the one hand been a painful experience for her. She was forced to recall many memories that she previously tried to forget about for good. She told the Court that this process had a tremendous impact on both her physical and mental health. At the beginning of the trial, P42 did not know what to expect. On this very day in Court, however, P42 said that this difficult experience has restored her faith in justice. She concluded that justice is not an illusion, but a necessity, and it can eventually become a reality.

P42 went on to explain that with this trial, the story of her imprisonment would come to an end. Prior to the trial, P42 used to tell people how she was arrested, how she was deprived of her liberty, and how her rights were violated. From this day on, however, she could continue to tell her story and say that she helped to bring to justice one of the individuals responsible for these violations. P42 said this also helped her to ‘regain a portion of her violated dignity.’ Like many other Syrians, P42 had lost hope for a very long time. Her participation and involvement in the many layers of this trial restored P42’s faith in the importance and benefits of the struggle for a more just world. P42 said the ‘potential attainability of justice and change’ has been revealed to her through this trial. The trial has also rekindled her hope that what happened to her and others in Syria, and what was still happening there every day, was not where the story would end.

P42 explained that she says all this in complete awareness of the fact that what she was trying to express in words and emotions would merely be her own individual experience. To many Syrians who have lost their faith in justice, this might still seem like an illusion. P42 said this trial might be a small drop in the ocean, but on a personal level, it meant a lot to her. She said that this was the reason for her to have hope that all Syrians will once again believe in the value and reasons of their efforts.

P42 further addressed the Judges, recalling that the Defendant claimed to have helped prisoners. However, the very fact that ‘we’ are in this courtroom in Germany, far away from Syria, was proof

enough that neither the Defendant, nor any of his colleagues provided P42 and other prisoners with any form of help, companionship, or empathy.

If the Defendant was to ask P42 on this very day about her hopes in what to achieve with this trial, P42 said that she would reply to him: 'I don't want you to experience the horror that I had to experience, and I don't want you to be forced to wait for a long time without knowing what will happen to you next, which is what burdened me most during the days of my imprisonment. But most of all, I do not wish for you to suffer torture, to die from it, or to be detained and imprisoned in an unjust manner, as you and other criminals have done to me and to millions of other Syrians many times over. I do, however, wish that this court will give you time, a lot of time, enough time to think about us, the victims and witnesses who have appeared here. To think about the faces, voices, and dreams of all those you met during the years that you worked in the prison. I wish for you to have a lot of time to reflect upon this at length, because I am convinced that you will not be able to hide from these thoughts.'

P42 went on to say that 'we Syrians' have fought and are still fighting for the liberation of their country from an inhumane regime, fighting for justice, and for the restoration of their personal dignity. P42 said Syrians deserved all that. Justice, dignity, and freedom are the fundamental rights of all individuals, said P42. What was happening in this courtroom on this very day should, according to P42, not remain a one-time event, nor should it be thought of as an act of generosity from anyone. It was rather the human, legal, and civic duty of every human being, of every judiciary, and of every state [to conduct such trials]. P42 said that the verdict that the Court will reach, would not mean full justice to Syrians, nor should it be seen as an alternative to a comprehensive and lasting solution to the issue of detainees in Syrian prisons or to the Syrian conflict as a whole. However, the Court's findings should be an urgent call to the German government and all governments around the world to take 'real action to save those who are still held in the regime's prisons, and in the larger prison called "Assad's Syria."'

Plaintiff Counsel Kroker requested another short technical break so that everyone inside the courtroom could hear the speakers loud and clear.

[10-minute break]

Closing Statement by P11

[P11](#) started his closing statement with a quote from Nelson Mandela who said "what counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead."

P11 went on to recall that '595 days have passed since the first hearing in this trial held on April 23, 2020. 595 days of testimonies and arguments about events that happened and are 'unfortunately' still happening in the prisons and detention centers of the Syrian regime. 595 days of horrific details recounted by survivors of the ravages of oppression and tyranny under Bashar Al-Assad and his henchmen.' P11 added that he himself recounted some of the horrific details during his testimony in Court. Other survivors who testified in the trial were those who managed to escape Syria and are now living in Europe, far from the direct threats of the 'Syrian repression apparatus.'

P11 said that on this very day, as on every other day, he wondered how many details have not yet been heard and will never be heard because those who experienced them died, either under direct torture or due to the ill-treatment and poor health conditions in the prisons. P11 also asked himself

how many details were not obtained because those who experienced them cannot share them, since they still live in the areas ‘controlled by their jailers, who act as if they have the right to decide over life and death.’

Addressing everyone present inside the courtroom, P11 said that everyone was there to witness the trial of the former Colonel of the Syrian General Intelligence Directorate, Anwar Raslan. P11 added that as soon as he hears the words “Colonel in the intelligence services,” he feels deeply frightened. According to P11, Syrians were raised in fear since their early childhood because of the crimes committed by intelligence officers in Syria. It had been like that for decades. P11 said fear grew inside every Syrian as a result of the atrocities they heard about, mostly only in private conversations with their closest friends and family members, speaking in a low voice; ‘because walls have ears,’ as a Syrian saying goes. P11 said if only a single sentence reaches an officer who disapproves it, ‘it may lead the speaker and listener alike to the unknown.’ Torture in Syria is unfortunately not a new practice, said P11. It is a method of governance on which successive regimes have been relying since the 1950s until this very day. Repressive regimes, including the Syrian regime under the rule of former President Hafez Al-Assad and his son Bashar Al-Assad, became used to the fact that the response to any opposition or political, social or economic demands is torture and violence, not dialogue or discussion, concluded P11.

P11 went on to describe that in Syria, civic engagement is considered suicide due to the looming dangers that await those who try to make a change, regardless of the type of change. To a dictator, change would be dangerous, said P11. And demanding change would be an unforgivable crime, and the only response to it is violence and bloodshed. P11 said that in Syria, this response comes at the hands of officers and intelligence agents who are well-versed in tools and types of torture and violence. They do it cold-bloodedly, without hesitation to kill, in order to preserve the dictator and their own positions within his system. According to P11, the charges against the accused, Anwar Raslan, are just the tip of this ‘dark iceberg.’ The killing of 58 people and the torture of more than 4,000 others, along with accusations of sexual violence, and other chilling details that are well-known to those who followed the proceedings, were the daily work of the defendant for months and even years, according to P11. However, the harm was not limited to the direct victims, said P11, but also affected their families and friends. One must talk about 4,000 families who suffered as a result of the crimes of Anwar Raslan. One must talk about a generation, if not generations, suffering from repression and deprivation as a result of what Anwar Raslan has done in serving the machinery of oppression in Syria, concluded P11. P11 then rhetorically asked ‘What could possibly be a more severe crime than for someone to torture you, kill you, forcibly remove you from your family, deprive you of any contact with them, or do all of this collectively and systematically as a direct punishment because you demanded what is rightfully yours?’

P11 went on to explain that he stood before this Court on this very day, demanding justice, not seeking revenge or retaliation. He said that the Syria he dreams of and continues to fight for must be based on justice and the rule of law, not on violence, counter-violence, revenge, and the ‘law of the jungle.’ P11 further said he did not know what the just sentence for severe crimes that the Defendant allegedly committed would be. However, P11 knew for sure that the verdict will be the first judicial ruling against a Syrian intelligence officer as a punishment for his practices while he was on the job.

P11 said the trial of Anwar Raslan will not end the suffering of Syrians. He recalled that some of the ongoing torture practices were documented in the 10th annual report on enforced disappearances in Syria, issued by the Syrian Network for Human Rights on August 30, 2021. According to the report, there are 131,469 people still in detention or enforcedly disappeared in Syria, by the Syrian regime. 131,469 families who are waiting for the verdict of this very Court, said P11. The verdict was the result

of a fair trial, which allowed the Defendant to be represented and to communicate with the world outside his prison. P11 said this fair trial also respects the Defendant's dignity and considers him innocent until proven guilty. This is in complete contrast to everything that the Defendant consciously did during his work as an officer in Syrian intelligence since 1995, concluded P11.

P11 further told the Court that Syrians were looking forward to the day when their country, like other developed countries, will be a country that respects the rights of its citizens without violating them. P11 said Syrians were also looking forward to the day when they were no longer treated in ways disrespectful of their human rights. Syrians were looking forward to a future in which torture and forced confessions will not be politically or socially accepted. P11 added that Syrians are tired of the state of intransigence in Syria, where their blood had been shed over decades without anyone being held accountable, and with political talks in many countries about restoring relations with a 'criminal regime that is deliberately humiliating people regardless of the suffering of Syrians who are seeking a better future.' P11 turned to the Judges saying their judgement would be the first step on this long road. It would be a ruling that 'with a clear and unambiguous voice' holds 'the criminal' accountable, even if only after some time has passed since the crimes were committed. P11 added that the Court's ruling would also be one respecting human dignity and freedom as inviolable rights. Something that would be, although evidently given in Germany and many countries around the world, a dream for P11 and many Syrians. P11 concluded that the Court's ruling will be 'a resounding condemnation of torture as a crime in the first place.'

P11 said torture is a crime against humanity wherever it is committed, in Syria or any other part of this world. Syrians have been eagerly waiting for a judicial condemnation of torture for many decades. P11 admitted that despite the Court's upcoming verdict, the road for Syria will remain long and not end until the entire ruling system, especially the head of the Syrian regime, Bashar Al-Assad, and the senior officers of his army and intelligence, and perpetrators from all sides of the conflict, will be held accountable before a court.

P11 went on to thank everyone inside the courtroom on his own behalf and on behalf of many Syrians, including those inside Syria under the rule of the regime, in displacement camps inside Syria, or under asylum in neighboring countries. P11 said he would speak for all those who had the desire and courage to stand before this Court and testify but did not have the opportunity because they 'either drowned in the sea or froze in the forests on the borders on their journey to reach a safe country.' P11 added that to describe this journey, one must only look at the treatment of refugees as criminals at the borders of countries that were supposed to help them. P11 concluded that all this, however, would not be a mere Syrian story, but shared by many other people around the globe. P11 called repression 'the enemy of humanity, because it kills the most beautiful thing that makes us human: ambition.' He said injustice is the enemy of societies because it divides even brothers. He quoted the Arab poet Al-Mutanabbi who said in the 10th century that "the lack of fairness cuts ties between people, even if they were ties of blood." P11 concluded his statement by saying he bows to the justice of this Court and puts his faith in the Judges' judgement.

Presiding Judge Kerber asked whether there were other plaintiffs wanting to deliver their own closing statements. Plaintiff Counsel Kroker denied and explained that he would deliver his closing statements next, which would take around one hour, before his colleagues Scharmer and Bahns would follow with their closing statements.

Closing Statement by Plaintiff Counsel Dr. Kroker

Kroker first recalled that the Court just heard the moving statements from survivors who not only illustrated their suffering but their different hopes stemming from the sentencing of the Defendant.

According to Kroker, these hopes would be as different as the plaintiffs themselves. All of them experienced detention and its consequences differently. He explained that he and his colleagues Scharmer and Bahns worked together closely in representing their clients. Bahns and Scharmer will each detail the stories of their clients individually in their closing statements, while Kroker will address aspects relevant to all of them.

Kroker said that all plaintiffs were detained at the same prison: Branch 251 of the Syrian General Intelligence Directorate in Damascus, Al-Khatib neighborhood. During the 16 and a half months which frames the indictment period of this trial, all of them experienced the horrors that were daily routine at this prison. In its legal notice on the [82nd trial day](#) [day 84], the Judges considered the mental pressure caused by constant screams from torture and the uncertainty detainees felt surrounding their fate has met the threshold of torture as a crime against humanity as laid out in the German Code of Crimes Against International Law (VStGB). Kroker added that the plaintiffs further experienced severe physical and mental mistreatment. They also witnessed the violent deaths of their fellow detainees.

Kroker explained that the first part of his closing statements deals with the fact that all plaintiffs engaged in demanding freedom, demands to which the Syrian government reacted with violence completely disproportionate to the actual demands. The second part of his statement addresses the role of plaintiffs as part of a collective of injured persons. The third and last part of his closing statement addresses the fact that this trial illustrates the scope of crimes against humanity committed in Syria.

Kroker recalled that the plaintiffs represented by him and his colleagues all participated in historical actions that some would merely call “events”. Actions that these plaintiffs would, however, call a “revolution”. All of them peacefully participated in these activities. Nonetheless, it was hard for outsiders to imagine the immense bravery required to participate in these peaceful activities. Kroker said that after decades of suppression, Syrians knew exactly what they had to face when opposing the regime. In his closing statement, P12 explained that at the age as young as 10-years-old he already knew about the decade long history of systematic torture in Syria. Kroker mentioned that [expert Thurmman](#) also told the Court about the torture system that existed since the 1980s and increased in quality and quantity from 2011 on, including sexual violence against men and women. People also died from torture before and after the revolution, something that [Mazen Darwish](#) and [Anwar Al-Bunni](#) both confirmed to the Court. Al-Bunni also stated that following the massacre in Hama, threats for Syrian civil population increased.

According to Kroker, Branch 251 specifically was an integral pillar of the repression machinery run by the Syrian government. The Defendant worked for this machinery since 1995 and since 2008 at a dedicated investigation division. Kroker added that P10 also told the Court that Branch 251 had always had a bad reputation in Syria and Anwar Al-Bunni and Mazen Darwish spoke about the central role of Branch 251 within the General Intelligence Directorate. Al-Bunni also told the Court about mistreatment in 1987. Kroker added that P35 described in Court how he was arrested in 2007 and severely tortured at Branch 251. According to what Mazen Darwish told the Court, the Syrian intelligence services were well prepared to deal with the freedom movement starting as early as February 2011. Fear of being detained therefore dominated the activities of those participating in peaceful protest. This was also the dominating feeling during the first weeks and months of demonstrations in Syria, said Kroker. Although people saw the revolutions in Tunisia and Egypt, they never imagined anything comparable to be possible in Syria as well. Many were of the opinion that such movements could not be carried out in Syria. Kroker said it took until March 2011 for the full potential of civil society to unfold in Syria. Kroker recalled how many of the plaintiffs also described

these events to the Court and how overwhelmed they were because it had previously been impossible to merely talk with close friends about criticism of the government. However, suddenly thousands of people took to the streets. Kroker referred to [Mazen Darwish's](#) testimony in which Darwish called this movement a "scream for freedom." However, the regime replied to it with unprecedented brutality. The aim was to crush all opponents, even as early as February 2011. Kroker said that at this point, the regime already had all torture tools at hand to conduct its revenge and retribution, and to break people's will. Al-Khatib and its loyal employees played a central role in these efforts, as the Court was told multiple times during the trial proceedings by many witnesses and by police investigators who introduced the testimonies of witnesses who declined to testify in Koblenz.

Kroker went on to say that the start of the indictment period of this trial, April 29, 2011, was a relatively late date to determine as the start of systematic and widespread violence in Syria. According to Kroker, many wished for an earlier date. They think that the threshold of crimes against humanity had already been met by March 2011. Even at the early demonstrations, people were arrested. Kroker said his and his colleagues' clients were incredibly brave at this time to continue while being faced with this systematic violence. As soon as detainees entered the detention facility, they were exposed to a systematic procedure: first they were frisked, then they faced more mistreatment, which eventually deprived them of their humanity, as did the overall conditions to which the detainees were exposed. Kroker said the Prosecutors already provided a very detailed analysis of these aspects to which he and his colleagues agree. Kroker therefore only highlighted a few aspects.

According to Kroker, the physical and psychological destruction of opponents was indeed the aim of the regime, however, it was also an end in itself. P10 for example told the court that detainees were treated like animals as revenge for questioning the authority of the state. Anwar Al-Bunni also described that the only demand was freedom, then people were tortured to death, only for the regime to satisfy its desire for revenge. According to Kroker, the violence was supposed to intimidate the "terrorists" and to seek revenge. However, even this line was crossed: children were detained and tortured, people had to watch others be tortured, and people were forced to eat their own feces. The dominating approach was [to engage in] pointless violence [for the sake of it] without any purpose.

Kroker said that this situation was impressively illustrated by the Caesar Files, that were also shown in court. According to Kroker, the Syrian government accepted every means to break peoples will. Death was often intended or at least recklessly accepted. The Caesar Files also showed that this violence was entirely disproportionate. Kroker recalled the forensic analysis of the Caesar Files conducted by [Professor Dr. Rothschild](#) who said that this was beyond everything he had seen in his 30-year-long career and that he even had to look up certain injuries because he had never seen them before. The Caesar Files furthermore showed the meticulous documentation of deaths that Bashar Al-Assad ordered for internal purposes, as explained by [Garance Le Caisne](#) and Sami. The fate of detainees was willingly disguised to also terrorize their relatives. Kroker said it was only thanks to the brave actions of Caesar, Sami and their supporters that the world learned about this horror. Kroker recalled that when he met Caesar and Sami in 2017, they were disappointed that the pictures from the Caesar Files did not have had any meaningful impact. They had hoped that the pictures would contribute to judicial processes. Kroker added that even though the two of them had not been in Koblenz, Kroker could say on their behalf that they closely followed the proceedings and are happy that impunity for these crimes was fought for the first time.

Kroker explained that he would now turn to the second part of his statement, focusing on the collective violations. He started by recalling that in a speech on March 30, 2011, Bashar Al-Assad called the people who supported protests "terrorists." According to Kroker, Mazen Darwish also confirmed this in one sentence: "it was an open war." Kroker said that being part of this movement, his clients

were not only individual targets of the security forces but targeted as opposition. Some of them were arrested merely because when they passed a check point, it was noted that they came from a neighborhood known to support the opposition. They were oftentimes arrested for things that were not illegal at all: peacefully demonstrating for children's rights or distributing medicine. However, they were considered terrorists because law was suspended to persecute them.

Kroker said it was also the goal of Branch 251 and Anwar Raslan to hurt the opposition as a whole. In this vein, the Judges already found in their judgment on February 24, 2021, that the requirements for a widespread and systematic attack pursuant to § 7 VStGB were met. However, the consequences of these crimes remained unaddressed. Kroker said the research on mass graves showed the particularly painful de-individualization of people. The entire torture system in Syria was aimed at this de-individualization, according to Kroker. All people became one massive entity. The analysis of the Caesar Files, which was introduced in court by CCI Deußing, showed that people were assigned numbers and, even in death, remained anonymous due to these numbers. [P14](#) described the system of mass graves in his testimony. Kroker said the continuous de-individualization was particularly painful for the victims.

Regarding torture at the Branch, Kroker said that many plaintiffs have told the Court about how they were tortured during their detention. They were exposed to the prison staff, completely defenseless. A circumstance that they were aware of at the moment [detainees] entered the Branch, when they were forced to undress, and their body openings were searched. Kroker called this practice a "demonstration of power." He said that all detainees were exposed to an immense risk of mistreatment and to the screams of other detainees being mistreated, which they could constantly hear. Every contact with a guard was associated with fear and violence. Kroker added that the feeling of powerlessness in the face of the constant danger intensified the permanent humiliation of detainees and led to psychosocial degradation.

He went on to say that in testifying about unimaginable things, the plaintiffs proved how different each of them experienced and coped with the mistreatment they had to suffer. They also showed that they are no longer degraded objects, but actors in a judicial process. They showed that they do not let fear keep them from demanding justice, not only for themselves, but on behalf of many others who could not demand the same because they are dead, detained, or not residing in a European country with access to systems of states governed by the rule of law. On behalf of his clients, Kroker said that the plaintiffs hope this trial will contribute to respecting human dignity in migration policies and increase solidarity of others with the Syrian community.

Kroker added that detention at Branch 251 also had a social component. Many of the plaintiffs who testified in this trial were detained with their closest friends or family. In detention, they were often threatened that their friends and families would be hurt as well. According to Kroker, cultural and social components can significantly impede the [the process of] coping with suffering in [situations of] collective violations. It was hard to deal with these experiences oneself if unable to talk to persons of trust because everyone has to fight their own trauma. Kroker said this circumstance must be recognized in assessing this case, in addition to the charged crimes.

Kroker continued with a section on important aspects of the trial for his and his colleagues' clients. He explained that in order to address these aspects, he has to recall the development of this case. He recalled how structural investigations into the Syrian conflict were initiated in Germany by the Federal Prosecutor General in 2011, amongst others, thanks to the principle of universal jurisdiction enshrined in § 1 VStGB; thanks to the existence and tireless work of specialized War Crimes Unit at the German Federal Criminal Police Office and the Office of the Federal Prosecutor General; and thanks to cooperation amongst European countries and with Syrian civil society organizations who united early

on to collect evidence, making it available to prosecution authorities and taking care of survivors. Kroker said his and his colleagues' clients had to re-learn life from scratch. They were injured and had to leave their home country. They had to re-organize their lives in foreign countries fighting all odds and fighting for the truth to be unveiled and those responsible for their suffering to be held accountable. Kroker referred to the [ICC PTC Decision in Katanga](#) in which a single judge found that victims of atrocity crimes have the right to have the truth be established by a judicial process. Kroker said it was therefore a main concern for his and his colleagues' clients that the scope of the widespread and systematic attack by the Syrian government against the Syrian people was made visible and represented in this trial. Regarding the scope of the systematic and widespread attack, the Judges already provided detailed deliberations in their judgment on February 24, 2021. The prosecutors also extensively assessed this context in their closing statement on December 2, 2021. Kroker said that while agreeing with these assessments, he just wanted to highlight two additional aspects on behalf of his and his colleagues' clients.

First, the decision not to include enforced disappearances as a crime against humanity pursuant to § 7 (1) no. 7 VStGB to the charges is not in accordance with the sense of justice of the plaintiffs represented by Kroker and his colleagues. According to Kroker, enforced disappearances are a big part of crimes against humanity committed in Syria. His colleague Bahns will provide further elaborations on this issue in his closing statement.

Secondly, Kroker recalled that sexual violence was at first not charged as a crime against humanity. He and his colleagues therefore requested a legal notice on charging sexual violence as a crime against humanity, which was eventually accepted by the Judges on March 17, 2021, and further detailed on subsequent trial days. Kroker said the Judges found in their legal notices that three female plaintiffs experienced sexual assault as a crime against humanity. In their closing statement, the Prosecutors argued that there were two instances of rape as a crime against humanity pursuant to § 7 (1) no. 6 VStGB, as Kroker recalled. He added that his colleague Scharmer would elaborate further on sexualized violence regarding their other clients in his closing statements. Kroker concluded that both the Judges and the Prosecutors share the view that sexual violence was committed systematically and widespread and as part of the attack against the Syrian civilian population. They share the view that sexual violence was not applied occasionally, but was a special part of the persecution apparatus of the Syrian government which was particularly suited to destroy the opposition. According to Kroker, sexual violence was used to undermine the opposition, to break its physical, psychological, and social existence.

Kroker explained that especially in Syria, sexual violence is an effective means of torture from which particularly females have to suffer due to the patriarchic norms. The honor of a family was borne by females, said Kroker. This is why sexual violence against women has particularly severe consequences. He recalled [P16's](#) testimony during which she spoke about divorces, killings, and being outcasted by their families, as consequences for women who were victims of sexual violence in detention. Kroker added that unmarried women might no longer be able to get married following sexual violence. It was always suspected that female detainees were subject to sexual violence due to prejudices about such violence in detention, as P16 told the Court. Kroker said male victims of sexual violence also described that they suffered depression because they were unable to share their stories and to fulfil gender stereotypes. According to expert [Thurmann](#), sexual violence was in conformity with the system of abuse in Syria. Kroker added that this analysis was also confirmed by [P19](#), [Anwar Al-Bunni](#), [Mazen Darwish](#), [Mr. Lindemann](#), and CCI Deußing.

Kroker recalled that Anwar Al-Bunni told the Court that his organization had documented countless cases of sexual violence committed by the intelligence services, amongst others at Al-Khatib Branch.

Sexual violence was used as means of humiliation. This was also achieved by constant sexual insults and threats, as [P32](#), [P19](#), and [P16](#) confirmed. Kroker added that the ritual performed upon arrival of new detainees at Branch 251 can be considered sexual intimidation. He recalled that [P11](#), [P16](#), [P1](#), [P39](#) and other witnesses described how they had to undress until naked, perform so called “security moves”, and some of them even described how they were touched during this procedure. Kroker said that even if female detainees were frisked by female officers, the procedure was still humiliating given the defenseless situation of the detainees. This feeling was furthered when detainees were beaten throughout this procedure. Kroker said the procedure was a demonstration of dominance by the guards over the detainees’ bodies. Kroker added that P39 and P1 were tortured while naked. Kroker concluded by saying that undressing [forced nudity] should be considered sexual violence pursuant to § 7 (1) no. 6 VStGB in the judgment.

Kroker recalled that the Prosecutors were of the opinion that sexual assault was the catchall element of the Rome Statute in light of provisions on sexual violence in the ICTY’s and ICTR’s statutes. Kroker explained that at the ICTR, forced nudity was considered sexual violence if it was of comparable gravity as other sexual conduct. This was the case here, said Kroker. He added that the detention conditions and humiliation further aggravated the conduct. According to Kroker, the frisks conducted at Branch 251 were therefore not at all comparable with frisks performed in German prisons, as the Prosecutors argued. Kroker recalled that, according to P33’s descriptions, the frisks were performed in a room where the walls were covered in blood, with a strong smell inside the room, and a torture tool lying on the floor. Timing and circumstances of forced nudity consequently amounted to physical coercion. Kroker further explained that detainees were usually forced to undress in front of others. It was thereby irrelevant whether the procedure was aimed at sexual satisfaction of the guards and nurses, as the Prosecutors already found based on jurisprudence from the Federal Court of Justice on § 184h StGB (old version).

Kroker went on to explain that to know the truth about what happened in Syria would also mean to know the truth about the responsibility of Anwar Raslan. He was the ‘investigator’ overseeing everything, giving orders, and maybe at times shortening the detention of certain people. Kroker recalled that the prosecutors also agreed with this conclusion, however, Anwar Raslan himself only provided a very limited contribution to establishing the truth. According to Kroker, Raslan’s contribution was limited to his contradicting statements which were further contradicted by the evidence presented in this trial. Kroker said his clients had hoped that Anwar Raslan would contribute to unveiling the truth about what happened in Syria, and they asked him to do so. Kroker recalled that everything that Raslan provided pointed at An-Na’saan and Hafez Makhoulf. However, Raslan was in the position to make valuable contributions. Kroker recalled that in September 2011, Raslan was member of a crisis committee together with Hafez Makhoulf and in November 2012 participated in a meeting at the Ministry of Interior. No one is better positioned to provide information on the situation and context in Syria at that time, concluded Kroker. He directly addressed Anwar Raslan, saying that it was not too late for him to speak.

Kroker went on to say that overall, the trial proceedings contributed to illustrating the scope of the systematic and widespread attack against the civil population and the individual sufferings of Syrians. According to Kroker, this result of the trial would be visible far away and other countries would look at what is happening in Koblenz and Germany at this time and in the future. Kroker recalled Bashar Al-Assad claiming that “it is all lies. There is no torture.” In this vein, Kroker said his clients also appreciated the general social dimension of this trial. Of course, the trial primarily addressed the individual culpability of the Defendant. However, it also had an effect on society as a whole. Kroker referred to the victims of the attack on Bataclan in Paris who said that the subsequent trial was a chance for them to understand what happened by recreating the events. Kroker said the same was

true especially in trials under the VStGB, given the wider context. In this trial, the context was enforced disappearances, torture, and sexual violence. He recalled that thousands of people suffered from torture in Syria. More than 55,000 reportedly died of government torture and were buried in mass graves. The trial also showed the involvement of hospitals in the Syrian state-led torture system. Kroker concluded the trial was therefore of great significance for Syria, which no one could imagine.

He further recalled that around 150,000 Syrians were living in Germany, and around 1 million in the European Union. Kroker said his and his colleagues' clients had hoped that the work of the Judges in Koblenz would be shared in Germany and that it would be made available. However, they were disappointed. It was only the Federal Constitutional Court who made Arabic language interpretation available for the public, and only for accredited journalists. Kroker said only organizations with sufficient resources were able to report about the trial days. Their clients' hopes regarding the partial recording of the trial pursuant to § 169 (2) GVG which allows for audio-visual recordings of trials of paramount significance for the contemporary history of the German Federal Republic, were disappointed. Kroker said he knew about three requests to the judges in this regard. All of them addressed concerns about affecting witness testimonies by, for example, offering to ask each witness for permission to record his/her testimony or only recording expert testimonies such as those of [Professor Dr. Rothschild](#), [Garance Le Caisne](#), [Anwar Al-Bunni](#), [Mazen Darwish](#), and [Riad Saif](#). The last request to record this trial merely requested the recording of the closing statements. In addition, the recording would have been protected by a 30-year-long concealment period, requiring the Court in Koblenz to agree to the disclosure after reviewing the material. Nonetheless, this request was denied as well. Kroker recalled that the denial was justified by arguing that this trial was of no outstanding significance for the Federal Republic of Germany. However, former Minister of Justice, Christine Lambrecht, explicitly mentioned the Koblenz trial in her [contribution to the German newspaper FAZ](#) on the 75th anniversary of the Nuremberg Trials. Former Foreign Minister Heiko Maas mentioned the trial in his [speech addressing the UNGA](#), and the Koblenz trial was the only trial that was mentioned in the [invitation to the UNSC meeting on Syria](#). Kroker said that in light of this, the Judges' assessment of the trial's importance for the Federal Republic of Germany is not understandable. The argument that the trial might be of importance for the Syrian people but at the same time not for the Federal Republic of Germany is also not understandable. Kroker recalled that 750,000 Syrians are part of German society, some of his clients even have German citizenship. They all contribute to German society. Kroker concluded that it was very regrettable that only the judgments and the products from NGOs and journalists would be accessible to the public.

Kroker concluded his closing statement by mentioning the names of his clients whose personal interest it was to receive some redress from this trial. However, to those who heard the descriptions of what happened to [Kroker's clients], there is no redemption for what has been done. Kroker referred to the Austrian-Jewish writer Jean Améry who admits in his book "Jenseits von Schuld und Sühne" that there is always a certain feeling of distrust in the world left.

Kroker said the upcoming verdict in this trial can guide [the world] in the direction that killing, rape, torture, and enforced disappearances committed in Syria are not accepted and will be prosecuted in Koblenz. Kroker said he hopes and thinks that thanks to universal jurisdiction, the plaintiffs hope in this world was at least partially rebuilt.

[75-minute break]

Closing Statement by Plaintiff Counsel Scharmer

After greeting the Judges, the parties to the case and the audience, Scharmer said that after more than 100 trial days, he was now speaking on behalf of his clients, who are survivors of the most brutal crimes against humanity committed in Syria. He asked the Judges to legally and factually consider his closing statement as part of one big statement in cooperation with his colleagues Kroker and Bahns.

Scharmer started by saying that the personal statements from the plaintiffs spoke for themselves. However, he would like to remind everyone who this trial was all about. One would reflexively say that this trial was about the question of guilt and legal consequences for the Defendant, Anwar Raslan. However, this is inaccurate according to Scharmer. He explained that criminal trials had always been conducted within a certain historical and social context. The sentencing in this trial would therefore be secondary. Scharmer said this trial is all about the truth. The Higher Regional Court in Koblenz was the first to legally qualify the systematic and widespread attack against the Syrian civil population by Bashar Al-Assad's government as crimes against humanity. According to Scharmer, Al-Assad and his fellow criminals would always be omnipresent in the courtroom as well, although invisible. Anwar Raslan might disapprove of this attack because he defected. Nonetheless, the Court has to address the actions of the Syrian regime due to the systematic and widespread attack that is the framework for the crimes against humanity dealt with in this trial. Scharmer said the Judges put an emphasis on this framework, thereby giving hope to the world and especially Syrians that crimes of the Al-Assad government will not be left unpunished. The Judges assessed the systematic and widespread attack in an independent and fair trial, said Scharmer.

Scharmer said that these "unimaginable horrors" were not only documented in reports but also directly in Court. He said that the Prosecutors already evaluated the evidence in detail and he would not repeat these findings and only focus on individual significant aspects. Scharmer recalled how [P14](#) told the Court about how he was forced to contribute to the disposal of corpses. Corpses of which many were killed by the General Intelligence Directorate and delivered to mass grave sites in cooling trucks on a daily basis. Scharmer added that many of the corpses showed signs of electric shocks, blue and black bodies, ripped out fingernails, and sometimes unrecognizable faces. Among these corpses were women as well as children. Scharmer said he would never forget how P14 described the smell and flood of blood coming from the trucks once he opened the gates. It was not determined how many corpses were buried in the 100 meters long and 6 meters wide graves; probably more than one can imagine. Scharmer said he would neither forget the trial day when [Professor Dr. Rothschild](#) analyzed the Caesar Files, showing at least 6,821 corpses in 26,938 pictures. All these people were marked by torture and the horrible detention conditions. Scharmer said that without these pictures taken by former military photographer Caesar and smuggled abroad with the help of his friend Sami, this trial and people's comprehension of the atrocities in Syria would probably be impossible. In the name of the survivors, Scharmer thanked the Court for their consideration of the Caesar Files.

However, P14 and the Caesar Files only represented a small fraction of the crimes against humanity committed in Syria. Scharmer said the dimensions are so hard to capture that there is a risk of starting to think in terms of numbers. According to Scharmer, it was, however, all about the fates of human beings. He said that "the true heroes of establishing the truth are the survivors." Scharmer said he had the honor of getting to know nine of them and representing them in this trial.

He started to recall the testimonies and stories of his clients, starting with [P11](#). Scharmer added that even Anwar Raslan himself admitted in his statement that he interrogated P11. Scharmer said it was important for him that the Court would not consider P11 and his other clients as mere objects. Of course, detention at Al-Khatib Branch had severe psychosocial consequences for all of them. Nonetheless, it is even more impressive that detention did not keep them from continuing to fight for the opposition.

Scharmer then recalled [P12's](#) story. He added that P12 bounced back and continued his fight for independent journalism. He only fled Syria after his second detention. Scharmer then recalled P19's testimony, adding that even after being released from Kafar Souseh, she continued to engage with the opposition in Syria. Only after five arrests did she decide to flee the country and today is continuing her fight from abroad.

With regard to [P32](#), Scharmer explained that everyone copes with their trauma differently. One could see the suffering on the face of some of them. Others were unable to speak. According to Scharmer, re-traumatization through witness testimonies was a serious concern for these witnesses. He recalled the prosecutors saying in their closing statement that they believed P32, but they also acknowledged the discrepancy relating to time and place of certain sexual assaults, eventually preventing her testimony from being considered in the judgment in this regard. Scharmer said the Prosecutors joined the plaintiffs' motion to charge sexual assaults as a crime against humanity pursuant to § 7 (1) no. 6 VStGB. However, he asked "how would P32 benefit from that when her individual suffering would not be acknowledged?" According to Scharmer it would be certain that P32 was detained together with her mother at Al-Khatib Branch, and that she was massively tortured at the Branch and suffered from physical assaults. This was correctly acknowledged by the Prosecutors, concluded Scharmer. He added that since P32 was not detained again, one can be certain that all her descriptions referred to Branch 251. She was able to clearly differentiate what happened to her at Division 40, Kafar Souseh, and Adra prison. Scharmer said P32 further described how she was beaten by Abu Ghadab with his fists in a torture room at Al-Khatib Branch. After that, she received electric shocks while sitting on a chair, and then was exposed to the *German Chair*. Scharmer said P32 described all that in the trial. After being confronted with quotes from her previous police interview, P32 also told the Court how she was hung from her wrists while being sexually harassed by Abu Ghadab who touched her, though she was fully dressed. Scharmer explained that without further details, Abu Ghadab touching P32 qualified as sexual assault. P32 told the police that she could not remember the sexual assault in detail. However, she also told the police that she fell unconscious and was taken to a different room and that this violence was the reason for her trauma. Scharmer said one must not forget that P32 described multiple incidents, a fact that was however, not considered by others. He recalled that at the police interview, P32 identified Abu Shamleh, calling him the person "responsible for mistreatment at the prison." She described how he touched her breasts through the grids of her cell and made sexual comments. Scharmer said P32 described this in Court as well. It was obvious that she remembers such a situation despite her trauma. Scharmer added that regarding the vanished memories relating to Abu Ghadab, he has confidence in the Judges' expertise regarding the effects of trauma on human memory in situations of stress. Scharmer said P32 was merely unable to remember due to so many people being present. In favor of her credibility, one must also consider that after being confronted with quotes from her police interview, P32 did not try to revise previous descriptions, but she clearly described what she was able to remember. It would be enough if only one guard committed such acts. According to Scharmer, P32's descriptions of the incident involving Abu Shamleh would therefore leave no doubt. Scharmer concluded his assessment of P32's testimony by saying that the testimony of her mother, [P33](#), supported P32's descriptions. P33 was arrested in April 2021 and described Abu Ghadab and Abu Shamleh to the Court and how she was threatened to be raped.

Scharmer went on to say that for [P38](#), it was the drive to Al-Khatib Branch that was particularly traumatic. It was good that P38 was given the opportunity to talk about this experience in Court, because his story illustrated the unimaginable horror and fear of the regime. Scharmer recalled how P38 described that the corpse of a 15-year-old boy was displayed in front of a car and how the boy's siblings were scared of the security forces who killed their brother. Scharmer said the picture of the boy's corpse burnt into [P38's memory] who then randomly told the Court about his own detention

and the torture he had to endure. For example, P38 described how he was treated like an animal and how a guard was told to show P38 ‘how things are done here’. Scharmer recalled that P38 further described how he was kicked in his genitals and beaten with the four-wired cable that ripped off parts of his flesh. Scharmer concluded that nevertheless, after his release P38 continued to equip field hospitals before he eventually fled Syria.

Scharmer also recalled [P39’s](#) detention story, how a guard was told to get P39 ‘out of here’ and the inhuman detention conditions he had to endure. Scharmer also recalled how P39 was exposed to electric shocks while he was naked and covered in water, how he was threatened that his wife and daughters would be hurt, and how he developed a fatherly friendship with a minor detainee who was raped with a wooden stick at Al-Khatib Branch. Scharmer said P39 described to the Court how the boy had suffered from the rape because he was unable to talk about it with anyone due to social norms and the bad reputation it would cause to talk about such things. Scharmer concluded that although P39 was detained twice, in 2012 and 2013, he did not let detention break him. He only fled Syria and went to the EU in 2015 when he had no more reason to live in Syria.

Scharmer went on to recall P46’s detention story as well. Scharmer explained that in addition to describing his detention at Al-Khatib Branch, P46 also described his stay at the “the torture hospital, Harasta”. Through these descriptions, the Court had a good impression of how torture was committed by Al-Khatib Branch [not necessarily at the Branch]. P46 had told the Court that there were different halls for different intelligence branches at Harasta Hospital, amongst others, one for Branch 251. Scharmer said one cannot talk about medical treatment at all when referring to this hospital. There were corpses on the hallways and patients were mistreated. Scharmer found P46’s description of how he stumbled over the corpse of a 12-year-old boy at the toilet and how another patient died right next to him in the same bed, particularly impressive. Scharmer recalled that after his stay at the hospital, P46 was transferred back to Al-Khatib Branch where he again had to endure inhumane detention conditions, was interrogated, had hot melted plastic poured on his back, and where the detainees were forced to drink the dirty water of the air conditioning. P46 still had scars from his detention on his hands, back, and feet until this very day and suffers from the psychosocial consequences. According to Scharmer, P46 also heard from fellow detainees who were tortured with the *German Chair* which broke their spines, from fellow detainees who were beaten on their genitals with batons, from fellow detainees to whose genitals the guards attached a bag with water. Scharmer recalled P46 telling the Court that one night, a fellow detainees died in the community cell and that he saw three more corpses after his return from Harasta Hospital. Scharmer concluded that after his release, P46 continued to engage in protests and eventually fled to Germany in 2013 where he now lived as a successful author and comedian. According to Scharmer, P46’s statements in Court and during his police interview were credible, including his descriptions of how he identified Anwar Raslan. Scharmer said that P46 already told the police that he did not see the person he identified as Anwar Raslan very clearly. P46 did not say anything else in Court, said Scharmer. P46 did not show any eagerness to incriminate the Defendant. Scharmer asked why P46 would lie in Court when it would actually discharge the defendant.

Scharmer then went on to recall [P48’s](#) detention story. P48 concluded after his testimony that it was a small comfort for him that at least his detention served a good purpose, however, he had accepted that the Syrian regime would behave like that and that he could not do anything about it.

Scharmer said it was very impressive that all these survivors and thousands more continued to go to the street, protesting against the inhumane regime even after their painful experiences at Al-Khatib Branch. According to Scharmer, they all “are the heroes of this trial” who accepted the risk of re-traumatization to contribute to establishing the truth by publicly speaking about their experiences.

With regard to the defendant, Anwar Raslan, Scharmer said that he had worked his way up within the intelligence services in Syria. Even before the revolution, he accepted torture which was his daily business. Scharmer said that things had been like that during Hafez Al-Assad's reign and continued under Bashar Al-Assad. By accepting that, Raslan made his way to a Colonel at the General Intelligence Directorate, the second highest position one could achieve. He achieved that despite being a Sunni. Scharmer said Raslan's career was not unplanned. It was no coincidence that he became Colonel and the head of interrogations at Al-Khatib Branch. Raslan worked hard: a 120%. Scharmer recalled that in 2012, Raslan was officially representing the General Intelligence Directorate in meetings. His position also came with many benefits. According to Scharmer, Raslan only chose the path of least resistance in 2012 when he eventually went to Jordan and defected. However, this was irrelevant. Everything that Raslan described about his time in Jordan and other aspects of his escape he only did to not be seen as a keen enthusiast of the Syrian regime, for example on his arrival in Jordan.

Scharmer said he requested the same sentence as the Prosecutors: a life sentence finding the particular severity of guilt. He directly addressed Raslan, saying that in case of this sentence, the Higher Regional Court in Koblenz would decide on the rest of his sentence as early as thirteen years from now. He would not be able to request a suspension of his sentence earlier than that. Scharmer explained that at this point, it will be important how Raslan behaved after the verdict. According to Scharmer, thousands of Syrians, not only in Germany but everywhere will still wait for answers. Scharmer told Raslan to help these people and share the data and information currently in his possession. Scharmer added that "to be honest, no one believes the story that the data was destroyed while the kids were playing on the computer."

Scharmer said he would like to thank all parties to the case for their fair and humane treatment. One must consider the question of guilt and the legal consequences within the historical context. According to Scharmer, the Court's finding will help the international community to figure out how to characterize Bashar Al-Assad's government. Scharmer ended his closing statement by saying that the systematic crimes of torture and killing were committed by the regime with whom one should not negotiate but who should be put on trial.

[10-minute break]

Closing Statement by Plaintiff Counsel Bahns

After greeting the parties to the case, Plaintiff Counsel Bahns started his closing statement by thanking the Judges for their thoughtful and appropriate interactions with his clients. He added that, in long trials like this one, it often comes down to the small details in the end. Bahns recalled how overwhelmed one of his clients was when Judge Wiedner went to get him a bottle of water because he was so surprised that a Judge would approach him in such a relatable manner. Bahns also thanked the Prosecutors and the defense team for their work. He said special thanks go to the interpreters who are so important for trials like this. He therefore felt even more sorry for only providing them with a bullet point of his closing statement rather than a fully drafted speech, said Bahns. He also thanked the NGOs who are determined to address the crimes committed in Syria, particularly the ECCHR. Lastly, Bahns thanked his clients and all other survivors for their selfless fight for freedom. Bahns said one must pay their highest respect to all of them. He then thanked the witnesses who testified on behalf of all disappeared, detained, and killed people in Syria. They testified in Court

despite the immense burden and traumatic experiences. Bahns went on to say that he represented several survivors of Branch 251/Al-Khatib Branch who endured detention and torture.

First, Bahns recalled the story of [P30](#) as the witness described it in Court. According to Bahns, many witnesses described their experiences in Court. There were consequently several repetitions. However, the small details are what make these descriptions tangible. P30 for example described to the Court how detainees smelled as newly arrived detainees because they did not smell like the overcrowded cell. P30 also told the Court about a child that was detained at the Branch. Bahns said that on behalf of his client P30 he would like to state that P30 considers this trial to be important for the future of Syrian society and hopes that the ones responsible know that they will be held accountable.

Bahns then recalled [P47's](#) descriptions of collective punishment at the Branch and the mock executions he had to witness. One thing that Bahns said he remembered very well from P47's testimony was that an elderly man was detained to pressure his sons. Bahns added that P47's family asked for him at every possible office, including Al-Khatib Branch and did not know where he had been until his release. He was only released thanks to bribes. A usual procedure said Bahns.

He went on to recall [P34's](#) story. P34 was released by being left on the street where he had difficulty finding a taxi to take him home. Once he arrived home thanks to the help of a taxi driver, he learned that his other three brothers were still in detention. Later, P34 identified his brother-in-law on one of the pictures in the Caesar Files. Bahns recalled that P34 told the Court that one who was detained simply disappeared. P34 had asked Bahns to read out a statement on his behalf:

After apologizing for not being able to speak in Court himself, P34 thanked the Judges, Prosecutors, and Plaintiff Counsels. P34 described that he was unable to imagine what it would be like to face a member of the [Syrian government] system and that he had lost hope that justice would be achieved one day. While Bashar Al-Assad destroyed the Syrian people and its cities, the world was watching. P34 therefore wanted to thank Germany for being the only country to conduct such prosecutions. In his letter, P34 then directly addressed Anwar Raslan by saying that "Mister Raslan will never be able to understand the suffering and pain I feel." P34 said he only saw his father and brothers in his dreams. He could never again visit his homeland and the graves of his loved ones. P34 said he cannot describe this pain. However, he is relieved that these crimes were investigated and that someone was held accountable. P34 concluded by thanking Germany and expressing his hope that more responsible persons will be put on trial in the future.

After reading out P34's statement, Bahns recalled the testimony of [P17](#) who was not detained at Al-Khatib Branch, but who's brother was detained at his place of work on the same day when P17 was arrested. Bahns said that after their arrests, P17's other brother and his cousin [P18] searched for them. P18 had told the Court how he approached Anwar Raslan several times until he was eventually allowed to meet him. However, Raslan simply told P18 to just take any corpse and stop causing problems. Bahns said that P18 and his cousin were told to take a corpse from the military hospital. Raslan did not provide further information about the alleged death of P17's brother. Bahns said the search of P17's brother and his cousin P18 for the corpse of P17's brother was completely "grotesque." Bahns added that there were different reports on the fate of P17's brother. Most information indicated that he already died at the beginning of his detention at Al-Khatib Branch. However, the issue could not be resolved during the trial. P17 even directly turned to Anwar Raslan and asked him to say what happened to his brother. Raslan, however, only provided a statement read out by his Counsel that says he was informed about the arrest of a doctor but did not find him among the detainees. Bahns concluded that P17 and his entire family are suffering from the uncertainty until this very day.

Bahns moved on to provide “a short note on the importance of plaintiff participation in trials like this.” He said that defense teams and courts were often unhappy with plaintiffs participating in trials. One could even ask whether their participation might be redundant in this trial. According to Bahns, one could argue that the two Defense Counsels, the Prosecutors, and the Judges each did a conscientious job and plaintiff participation would therefore only be burdensome for such a trial. It could be argued that the plaintiffs’ representation is an additional logistical challenge that raised the costs of a trial, and if [the representation is] actively engaged, could require additional time and efforts. Bahns said that after hearing four of the plaintiffs on this day, such questions must not be asked. Plaintiff representation would neither be redundant nor burdensome for the trial. According to Bahns, plaintiff participation in this trial was a way for survivors of Al-Khatib Branch to experience self-empowerment. As plaintiffs, they were heard, and through their procedural rights, they supported the prosecution and legal investigation. By doing so, they legitimize this trial and the verdict. By exercising universal human rights and thanks to universal jurisdiction, Syrian society engaged in this trial as prosecutors through the plaintiffs. According to Bahns, no one could claim that Germany presumed to judge over foreign countries. It was rather that his and other colleagues’ clients participated in this Trial as representatives of the Syrian society whose rights are unacceptably being violated.

Bahns explained that he would now turn to the issue of enforced disappearances. He recalled that in July, he and his colleagues submitted a request for a [legal notice to include enforced disappearances](#) as a crime against humanity pursuant to § 7 (1) no.7 VStGB into the indictment. The Prosecutors did not elaborate on this issue in their closings statement and instead referred to their [previous statement](#). In this statement, the prosecutors disapproved of charging enforced disappearances as a crime against humanity for two reasons. According to Bahns, they first argued that the intention to remove the victims from the protection of law was not proven. Secondly, they said that an element of the crimes was not proven regarding the Defendant, Anwar Raslan. Bahns further recalled that the Judges eventually rejected the Plaintiff Counsel’s submission [in October](#). The Judges argued that the required intent is to be qualified as *dolus directus* of the first degree, which would not be given in this case, just like the requirement that particular inquiries must be made in regard to the whereabouts of missing persons.

Bahns said he and his colleagues strongly disagree with these findings. They are of the opinion that charging enforced disappearances as a crime against humanity in this case is not only legally acceptable but necessary. He said that he would only summarize his and his [colleagues’ statement on this matter](#).

According to Bahns, enforced disappearances pursuant to [§ 7 \(1\) no.7 lit. a VStGB](#) was applicable in this case. He added that the question of ‘what is behind enforced disappearances was not only important to his and his colleagues’ clients. He recalled P12 providing a description saying that ‘one disappears behind the sun.’ In 2021, the COI on Syria released a [report dedicated to detention](#) and disappearances in Syria. This reports details that until March 11, 2021 at least 100,000 people have been disappeared in Syria. It also found that enforced disappearances have been deliberately committed by the security forces throughout the entire last decade. 635 witness statements on detention in this report also include information on enforced disappearances.

Bahns called enforced disappearances a “far reaching and serious crime.” He said that both the evidence taken in this Trial, as well as the Plaintiff Counsels’ submission, clearly indicated that there was a high risk of being tortured or even killed in detention. The uncertainty was traumatic for the relatives and friends of detainees. Bahns said that this last bit of hope makes it impossible for people to find closure. P17 and P18 were both visibly stressed when they had to speak about this issue. According to Bahns, having to live with this uncertainty is like a silent poison. P12 called it a never-

ending question causing desperation, helplessness, and grief, accompanied by a tiny bit of hope that is left. Bahns said this could only be resolved if people know about the fate of their loved ones, even if it means that they know [their loved ones] died, as in P34's case who identified his brother-in-law among the pictures in the Caesar Files.

Bahns said it would therefore be of immense importance to the victims to call this practice enforced disappearances. Nonetheless, individual criminal liability must of course be given. He said that he will therefore address two cases in detail. The one of [P32's](#) two sisters/two of [P33's](#) daughters and the case of [P17's](#) brother/[P18's](#) cousin.

According to Bahns, P17's brother was most likely killed. However, the Prosecutors must also admit that it could not be conclusively determined in Court when and where he died, despite efforts to investigate by, for example, reading out relevant Facebook chats. His case can consequently be considered an enforced disappearance. Bahns recalled that P33 described to the Court how she was arrested herself, and the detention of her three daughters. When her daughters disappeared, P33 contacted different intelligence branches and even publicly demanded the release of her daughters. Her public protest eventually led to her being taken to Al-Khatib Branch where she and her husband were able to see their daughters in presence of Anwar Raslan.

Bahns concluded that both cases fulfil the objective prerequisites of § 7 (1) no.7 lit. a VStGB: the relevant persons were detained during the indictment period and deprived of their liberty as a consequence. Due to the inhumane detention conditions, the deprivation of liberty qualifies as severe. This is to be attributed to Anwar Raslan who had the responsibility and authority over these acts due to his position at Branch 251. The government ordered and accepted these acts. Bahns explained that it is relevant whether the acts were isolated acts or acts in conformity with the system. It was without a question that these acts were in conformity with the system. Bahns said Anwar Raslan was acting as a state official, exercising his state-given powers.

The other relevant question, according to Bahns, was whether information was provided immediately and truthfully. In these cases, there was a refusal to provide such information, concluded Bahns, although the Prosecutors and the Judges "are apparently thinking that this [refusal] was not the case." Bahns referred to Art. 103 (2) of the German Constitution, saying that the mere wording of § 7 (1) no. 7 lit. a VStGB only requires one inquiry relating to the whereabouts of a missing person without further specifying to whom this inquiry must be made.

Bahns said that in case of P17's brother, his relatives neither received immediate nor truthful information. The information they were provided was insufficient and P18 was denied crucial information. Bahns recalled [P21's](#) descriptions of the meticulous documentation and files at the intelligence services, adding that whoever observed Anwar Raslan and his continuous notetaking during this trial has no doubt about his meticulousness. Nonetheless, the fate of P17's brother remains unclear. Regarding the case of [P33's](#) daughters, Bahns detailed that P33 was not given any information. Only after she had contacted several branches for three days and publicly protested was she taken to Al-Khatib Branch where she and her husband were able to meet their daughters while Raslan was present.

Bahns concluded that in both cases, the relatives of the missing persons were not given immediate information. P17 did not receive sufficient information until this very day. P33 was not provided with information immediately. Bahns said it is therefore not convincing when one tries to create an additional materiality threshold. The protective purpose of the norm would be made irrelevant if it was applicable only after a certain time. According to Bahns, the argument that pursuant to international practice, authorities are allowed to conceal information for 24 to 48 hours, would not

be applicable in this case. He referred to P18 who told the Court that as soon as the family learned about the disappearance of P17 and his brother, they tried everything to find them because they knew that they would likely be killed very soon. Bahns said, for the same reason, P33 tried everything she could to get information about her daughters. Bahns concluded that an additional materiality threshold by imposing a time hurdle would lead to a deprivation and loss of protection of rights. The term 'immediate' is only to be differentiated from 'prompt' to allow the alleged perpetrator to collect relevant information. Bahns said it is irrelevant for how many days information was not provided. The crime of enforced disappearance was committed as part of a widespread and systematic attack as determined by the Judges on February 24, 2021.

Bahns recalled that according to the Judges, however, Anwar Raslan had a different intent. Bahns recalled that in their statement from October 13, 2021, the Judges found that although the regime detained people without providing information on their whereabouts, there was no individual intent of Raslan as the alleged perpetrator. Bahns said that the findings of the Judges are insufficient and the arguments by the Prosecutor that disappearance and loss of protection of law were a mere side-effect was insufficient as well. He added that "there cannot be any serious doubts about the government's intent to remove people from the protection of law" based on the testimonies of witnesses, plaintiffs, and experts heard in this trial.

Bahns added that enforced disappearances also had a significant impact on the social environment of those who disappeared. It is a means to spread fear and horror, according to Bahns. He said that the COI's report in 2013 already found that this was a practice applied by the government since the very start of the Syrian revolution. Bahns said it was therefore incomprehensible how the prosecutors came to the conclusion that it was not the regime's intention to remove people from the protection of law. Referring to the Prosecutors' findings that it was the intention of the regime to gather information about alleged terrorist and opposition members by detaining people, Bahns said that although the prosecutors might not be aware of the consequences of this statement or did not intend it, it still felt like a slap in the face for his clients. Bahns explained that arrests were carried out arbitrarily and oftentimes there had not been the slightest suspicion against detainees. It was rather a means of terrorizing the civilian population. Releases and transfers were neither related to any sufficient information provided by the detainees. He added that some interrogations were only short and superficial, and detainees regularly had to sign blank confessions. There was absolutely no gathering of information and detainees had no influence over their detention, other than by paying bribes. If they did not bribe anyone, the course of their detention was dependent on arbitrary decisions.

Bahns explained that Anwar Raslan had a leading position at Branch 251. All detainees who disappeared at this Branch consequently disappeared within his area of control. Some of them remain disappeared until today, added Bahns. He concluded that Anwar Raslan therefore acted in conformity with the system and in full awareness and with requisite intent. Bahns said during the indictment period of this case it was state policy in Syria to arrest any alleged member of the opposition and simply detain them. Bahns said Raslan's intent in the above-mentioned individual cases could also be proven with regard to individual instances. According to Bahns, it was impossible that the inquiries and efforts to obtain information as described by P18 remained unknown to Anwar Raslan. He left P18 and his cousin in the dark when they met him at his office and, by calling P18 back, deliberately gave him false information regarding the corpse of his cousin. In the case of P33, it can be questioned whether Raslan personally learned about P33's individual inquiries at different Branches. However, it did certainly not remain hidden from him when P33 increased her efforts by publicly demonstrating, which eventually led to her visit at Al-Khatib Branch, as Bahns added. Bahns further explained that refusing to provide information was a given practice anyway. It is therefore irrelevant whether Raslan

approved of it or not. He nevertheless followed this practice in full knowledge and intent of its consequences.

Bahns added that the consequences of this practice are still visible today and were visible in this very courtroom. He recalled Christoph Reuter's testimony in which the journalist stated that Raslan has an almost photographic memory and a sharp mind. This was also confirmed by former intelligence officers who testified in this trial. Bahns added that Raslan continuously took notes during the entire trial, and it was obvious that if he was only willing, he was able to provide information. At least P17's request for information ended with a brief statement by Raslan. Bahns concluded that considering the above analysis, one must find that § 7 (1) no. 7 lit. a VStGB, qualifies enforced disappearances as a crime against humanity that is fulfilled in Raslan's case.

Bahns then mentioned that his colleagues already said that from the Judges' perspective as well as from the perspective of the prosecutors and most of the plaintiffs, the overall aim was to conclude the trial in due time and "keep it under control". According to Bahns, the trial was indeed never endangered to "turn out of control." He said it was therefore desirable for the Judges to open up on the importance of this trial. According to Bahns, the Koblenz trial would of course be of significant importance for the Federal Republic of Germany, not at least due to Germany's own history.

Bahns added that, of course, different plaintiffs had different motivations to join this trial, a matter that has been discussed previously. He said that justice by a court was a complex issue, and one could ask whom it helps and in what way it helps that Anwar Raslan will be sentenced to imprisonment. According to Bahns, everyone individually has to answer the question of whether they will achieve redemption by the verdict or consider Raslan's guilt to be satisfied after his prison term.

Bahns said he personally thinks it is an important step to set something against the inhumane Syrian regime. It would also be a necessary first step for future prosecutions. Bahns added that he and his colleagues also hope that the trial and the judgment will counteract fast-moving facts and highly concerning normalizations with Bashar Al-Assad. The findings made in this trial are also a clear signal to domestic agitators and foreign policy "Realpolitiker" that there will be no deportations to Syria and that any kind of relationship with the regime is to be excluded. Bahns said these people deserve to be on trial but not to sit at negotiation tables.

Bahns recalled that until 2008, Syria was a close partner of the CIA in its war against terror. BKA and BND each conducted questionings together with the Central Syrian Military Intelligence Service in 2002. The former BND Director once called the Syrian intelligence "a difficult partner" during his testimony in a German parliamentary commission of inquiry. Bahns said the Syrian regime disqualified itself as a liable partner once and for all. Bahns closed by saying that systematic human rights abuses must not be ignored.

Closing Statement by Plaintiff Counsel Kaleck

Plaintiff Counsel Kaleck started his closing statement by saying that in light of [P32's](#) statement, every word was too much. He then referred to P42's statement which illustrated why universal jurisdiction trials could be conducted in the first place. [Presiding Judge Kerber intervened, asking Kaleck to speak slower because the interpreters had difficulty following along for simultaneous interpretation.] Kaleck thanked Kerber, explaining that he speaks freely without notes. He went on to describe that P42 was certainly in a special situation by being allowed to leave the Branch again and having to return several times. Kaleck briefly recalled P42's detention story. He said that what fascinated him about P42's closings statement was that international criminal law was recently celebrated in light of the 75th anniversary of the Nuremberg Trials, however, international criminal law must also come to life. This very day is therefore an extraordinary day, and this trial is an extraordinary trial, said Kaleck, because



it showed the Federal Prosecutor General's determined work and also the Court's effort to conduct this trial that was not always easy.

Kaleck said the strong Syrian exile community in Germany who supported the police shows that international criminal law is not only a matter of states. Neither is it a gift or a one-time thing. According to Kaleck, it is rather an ongoing progress. He said this progress must be carried outside the doors of this courtroom and people must participate in such trials. He concluded by saying that at first, people confidently went to the streets and after experiencing so much pain, they became procedural subjects again through this trial.

The proceedings were adjourned at 4:00PM

The next session will be on December 15, 2021 when more plaintiffs and their counsels will deliver their closing statements.