

TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany

Trial Monitoring Report 39

Hearing Dates: June 30 & July 1, 2021

CAUTION: Some testimony includes descriptions of torture.

Summaries/Highlights:¹

Trial Day 79 – June 30, 2021

P38, a 59-year-old medical technician testified about his arrest by Syrian security forces and his detention in Al-Khatib Branch. He was able to explain in detail to the court how he was arrested close to his farm and how the motorcade of armed vehicles, jeeps and vans arrested other people on their way to Branch 251. One of the arrests happened at another farm where a 15-year-old boy was apparently killed, and his organs were ripped out by the security forces who then arrested his three younger siblings.

Trial Day 80 – July 1, 2021

The judges first summarized their conversation with a witness they had summoned but who eventually told them he would not be available for an in-court testimony in this trial. The court then heard the testimony of Christian Knappmann, the BKA officer who previously questioned this witness. Knappmann explained to the court that the witness was apparently traumatized by witnessing the death of a person whose dead body hung next to the witness for several hours. Since the witness was also questioned by the French Police's War Crimes Unit, the German translation of the transcript was also read out in court.

Day 79 of Trial – June 30, 2021

The hearing began at 10:35AM with seven spectators and two members of the press in the audience. No accredited journalist requested access to the Arabic interpretation. The prosecution was represented by prosecutors Klinge and Polz. Plaintiff Counsels Dr. Kroker and Bahns were not present. Plaintiff counsel Dr. Oehmichen joined late, so did one of Raslan's Defense Counsels, Böcker.

Testimony of P38

P38 was accompanied by his counsel Sebastian Scharmer. P38 was informed about his rights and duties as a witness. He denied being related to Anwar Raslan by blood or marriage.

Presiding Judge Kerber handed over to Judge Wiedner to ask P38 questions.

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.

Judge Wiedner's Questioning

Judge Wiedner first explained that although P38 was already questioned by the BKA in 2019, what would be of importance was his in-court testimony. He added that the court would be particularly interested in the circumstances surrounding P38's arrest and detention. Wiedner asked P38 to describe how he was arrested and what happened after that, how he was transferred to which Branch. P38 explained that he went to work every morning at 7:30AM. He also went to work at 7:30AM on [information redacted], 2012, [information redacted]. He lived in a neighborhood outside the city [Damascus] [information redacted]. P38 said there were searches in his neighborhood on this day. Around 300 meters from his home, he was stopped. He told the court that he remembered this distance because it was the distance between the road and his house. P38 described that there was one armored vehicle and in front of his car was a four-wheel drive jeep with a double cabin and a machine gun on the truck bed. There was also a man behind this machine gun. P38 was forced to leave his car and taken to the jeep by several men. He had to sit at the back on the middle seat. There was a young, masked man sitting to his right and another one to his left. P38 told the court that he was arrested due to a note, he recognized the man to his right. He was a well-known spy from a Branch. The column then drove to [information redacted].

P38 explained to the court that they did not have blindfolds when he was arrested so they pulled his undershirt over his head. P38 was therefore able to see what happened to the left and right of him. He told the court that the column stopped at one of the *Shabiha's* yards where many members of the military and many other people were waiting. There were also four green military buses. P38 had to enter one of these empty buses. He was sitting in the last row on an elevated seat. Although his vest was pulled over his face, he could see the faces right and left of him. When P38 entered the bus, he was beaten with the end of a rifle butt by an officer with a certain rank. He asked P38: "Field hospitals?" P38 explained to the court that he concluded from the officer's statements that he was accused of having equipped big field hospitals. P38 said he had to wait in the bus for one hour. He was alone with the driver and two armed persons who guarded the bus.

After one hour, the bus started driving east. P38 said it was some kind of patrol with other buses. He explained that the patrol was led by an armored vehicle, followed by a jeep and the bus where P38 was in, was third in line. P38 added that he was not watched very thoroughly because he was sitting higher than the people next to him. He could lift his shirt and see where they were driving. P38 said the bus drove from [information redacted] to [information redacted], a very near town. The patrol then turned left for around two kilometers until they reached a crossroad where they went on for one kilometer until they reached a T-formed crossroad where they stopped. P38 added that he knew the locations because he was from this area. The buses then stopped at the right side of the street to allow other cars to pass. P38 added that there were only a few people in his bus. It was only him, one other person, and soldiers. P38 went on to describe that several persons left the buses and only two armed persons remained in his bus. The persons who left the buses went to [information redacted]. P38 added that he knew the area very well because he lived [information redacted]. P38 said he heard shooting thirty minutes after the buses stopped. There was a confrontation for around ten minutes and the shooting lasted for around thirty minutes. P38 described that he could not hear any more shots after thirty minutes. However, he noticed that some vehicles came very close to the right side of the buses (as seen from his position). P38 identified one of the vehicles as a Russian make of the type BMP.

P38 told the court that in this situation, he witnessed something that would give one shivers, and that he was unable to forget until the present day. A child of around 15 years was in front of a vehicle, leaned against the vehicle without his feet touching the ground. The inner organs of the child were outside the body, his entire body was torn open, there was blood everywhere. P38 said “one could see everything.” He added that although the face of the child was covered in blood, P38 was able to tell that this person was not older than sixteen years. P38 said that shortly after, three children were put inside the bus. The youngest of them was not older than five years and the oldest was around ten years. According to P38, all of them cried and were shaking with fear. P38 said the children were sitting next to him. He put his hand on the head of the five-year-old who was sitting right next to him. All of them were afraid and when P38 asked them why they cried, they told him that their brother had been killed. P38 said the bus then went to Damascus. He added that the place where all this happened was at [information redacted] where you can go to [information redacted] and [information redacted]. P38 said he could never forget this event.

P38 added that the court would examine the crimes committed in Al-Khatib Branch. However, there would be crimes committed in the streets in Syria that no one would know of. He said that east of Douma, there were two hospitals. One was a psychiatric clinic and the other one was a dermatology clinic. The latter one also housed a state security branch where detainees were taken before being transferred to the state security branch in Douma. P38 said he stayed at this hospital for one hour before he was taken to the state security branch in Douma. He added that he knew the area very well. P38 explained to the court that he was able to read what was written on the garbage containers at the roadside. Based on that, he was able to tell where they were driving. According to P38 he and other detainees had to stay at the state security branch in Douma until 11PM. They then had to enter a red bus which had space for 24 people. Their hands were tied behind their back with plastic straps.

Judge Wiedner intervened, asking whether P38 meant cable straps [The translator was hesitant to translate the term when P38 used it for the first time and seemed unsure about the correct German terminology]. P38 affirmed, explaining that he was talking about the straps that are available in different colors such as red and white. These cable strips could not be opened again, once they are tied. One could only loosen them using 100 newtons. P38 went on to explain that the bus arrived at Al-Khatib Branch in Damascus after around 20 minutes. He added that he knew the area very well. They drove for around 14 kilometers and entered the Branch from the back.

Judge Wiedner asked P38 whether he could tell that it was Al-Khatib Branch when they arrived or if his eyes were blindfolded. P38 said his eyes were only covered with his shirt. He added that fourteen or fifteen other people were in the same bus. He met them at Douma branch where they introduced themselves, that was how they got to know each other. P38 told the court that he knew the city very well because as a medical technician, he often had to work at the Red Crescent Hospital. He also had to work at [information redacted] which was close to Al-Khatib Branch. According to P38, he was not completely blind as he was able to see through his shirt and knew the area very well.

Wiedner wanted to know what happened after they arrived at the Branch. P38 said the bus entered the Branch and stopped at a parking lot where several vehicles were parked. P38 sat at the very back of the bus in the last row with around fourteen people in front of him. He said he was well aware that everyone would be beaten. However, he received less beating as he was the last one to leave the bus. P38 described that when they left the bus, their hands were tied behind their backs. As soon as P38 put one foot on the ground, he received beatings on his back and ‘rolled on the floor like a ball.’ As he was the last one to leave the bus, he bumped into a friend [walking in front of him]. P38 said he faced

the tires of the bus. The detainees then had to sit on the floor with their heads down. According to P38, many people celebrated a ‘welcoming party’. They all received sticks to beat people.

P38 remembered that it was pouring rain on that day. The parking lot where they arrived was covered and the rain fell on the roof. P38 said this [welcoming party] lasted for around one hour, maybe less. They were beaten with all kinds of tools, kicked with military boots, beaten with bare hands and maybe some kind of cable. After one hour they were taken inside the building, to the basement that was around five or six steps downstairs. P38 described how they arrived at a room from where one could go to other rooms. He was taken to a 9 m² big room next to a staircase that was around one meter wide. When they were taken to the cells, they were around fourteen or fifteen people. P38 described that a cell door was right in front of him. There was a 15 cm gap between the door and the floor. P38 recalled that he was not blindfolded on this occasion. All detainees had to sit in front of this door. The door was right in front of P38, and he could tell that there were detainees behind the door because he could see their feet. P38 said that guards were standing behind the detainees [who had to wait in front of the door], beating them for around thirty minutes.

P38 recalled that he was sitting right next to the door with one person next to him to his right side and a guard standing behind him. When P38 saw the feet of the people behind the door, he tried to tickle them, so people would start laughing and he would be able to hear them. According to P38, the beating lasted for around thirty minutes before one detainee had to stand in front of a desk on the left. A man was sitting behind the desk. He had thick [the translator was confused about P38’s choice of words, see explanation below] rather white hair and a mainly white beard that was not longer than 1 cm. The man was wearing thick glasses and another person next to him was taking notes. P38 further described that a soldier who was standing in front of the desk searched the detainees. They had to come to the desk one after the other. P38 said they got their documents back which they had to hand-in in Douma. The people behind the desk were apparently writing down the detainee’s personal information. P38 was the last detainee to come to the desk. P38 described that whoever was called to the desk had to undress until naked and squat three times.

P38 struggled to continue, so Presiding Judge Kerber offered him to take a break and encouraged him to drink some water that was standing in front of him.

[15-minute-break]

The translator explained to the court that P38 was talking in Standard Arabic and his choice of words was therefore sometimes surprising. He added that when he translated “thick hair”, P38 meant “thick, full hair”.

Judge Wiedner continued his questioning by asking P38 where exactly he was taken after his arrival at the Branch, and how the basement and the cells looked like. P38 described that after they had to wait for thirty minutes and every detainee’s information had been noted, they were split to different cells. He explained to the court that when he had to provide his information [at the desk] there was a group cell on his right side, on his left, as well as behind him. There was a hallway behind the desk but P38 did not know where it led to. He went on to describe that he had to take off his clothes, provide personal information, and his cash was confiscated and registered. P38 carried USD with him, and was therefore slapped in his face by the person who took the notes. This person told P38 that the amount of cash he carried would be more than his annual salary.

Wiedner intervened, asking if P38 carried a lot of cash with him. P38 said he had around \$3,155 and 850 Syrian Pounds.

Wiedner wanted to know if he got the money back on his release. P38 affirmed, adding he got it back just like it was when he had to hand it in.

P38 continued to describe how he was taken to the cell behind him where he was unable to stand, and where it was hot and had a strong smell. The cell was not bigger than 25 m² with more than 100 people inside. P38 said the cell had a high temperature as well as high humidity. One could only squat but not lie down or anything. There was only one toilet inside the cell and the water was always running. One had to queue to use the toilet. P38 further said there were many injured and sick people in the cell. He said that this is what he experienced during his first night there. Regarding food, P38 explained that they were only given one flatbread that was two or three days old and therefore inedible. Alongside the bread, they got around 4 kilograms of Bulgur in one big vessel. When they had to split it between the detainees in the cell, everyone only got one spoon of Bulgur. P38 said if he remembered correctly, the food was allocated in the afternoon and a second time around five or six hours later. According to P38, the second round of food included half a flatbread and one to four olives. The olives were however green and very bitter. P38 concluded that this would be everything he could say about the food. He added that there was no medical care. There were diabetic and many injured people in his cell. According to P38, however, one did not have to spend much time in this cell. People were soon divided between different Branches according to what they were accused of.

Wiedner wanted to know more about sick and injured people that P38 saw in his cell. P38 described to the court that a detainee who sat next to him, [name redacted] from [information redacted] who worked as a civil engineer was diabetic and asked the guards for pills. P38 said this person's toes were rotten. P38 therefore took off his undershirt and ripped it. The inmate put his feet on P38's legs and P38 cleaned his toes. P38 said he was detained with this person for 18 days before he was transferred somewhere else. P38 went on to explain that there was another sick person. He was 20 years-old and from [information redacted]. He was taken to the cell at night, and one could see from his fingers that they were broken by military boots. His fingers were blue, and he was injured on his upper arm. P38 said the inmates asked this person how he was arrested. He told them that his home was searched, and he wanted to escape. He was later caught and arrested.

Wiedner asked if P38 remembered a paralyzed person. P38 recalled that there was a young man, around the same age as P38. He was working as a [information redacted]. P38 recalled the other detainee, [name redacted], he brought this detainee to the cell and introduced him, saying his name and that he was from [information redacted]. P38 recalled that this detainee lost his mind. He was urinating and shitting [the translator was confused about P38's choice of words here] at the same spot. He could not stand on his own feet. P38 said this person was paralyzed and went crazy due to the torture. Fellow detainees had to carry him to the toilet several times and clean him. P38 added that as soon as they got food, this person was able to eat all of it, he was never filled.

Wiedner wanted to know if P38 was interrogated, how he was interrogated, and what happened during the interrogations. P38 said he was interrogated on six days. The first interrogation was on the second day after he arrived. He was interrogated ten times in total with short breaks in between. P38 added that he was interrogated for four and for six days. He was arrested because somebody said something about him. P38 explained to the court that he was working in a team that was equipping hospitals in Damascus and all over Syria. There were engineers and doctors in the team. One of the doctors, an orthopedist called [name redacted], was also detained at Al-Khatib Branch. P38 added that he would however not be able to come to Germany to testify.

Wiedner asked what happened to P38 during his interrogations. P38 replied that he just wanted to talk for another thirty seconds, saying that his friend was detained in Al-Khatib Branch and tortured by Anwar Raslan himself. This person, a doctor, was slapped by Anwar Raslan during an interrogation.

Presiding Judge Kerber intervened, asking how P38 knew about that. P38 said this person is his friend and they would be in constant contact.

Kerber explained that the court would be more interested in P38's own experiences. What he heard from others would only be of secondary importance. Kerber added she knows that it is horrible to remember such thing but asked P38 to try and remember nevertheless because it would be important for the court. P38 said he only mentioned this because he wanted to remind the Accused of this situation. According to P38, Raslan said "you traitor now you recognized me" when P38's friend's blindfold fell off after he was slapped. [P38's counsel spoke to him for a minute]

Judge Wiedner wanted to know if P38 himself saw Raslan during his detention in Al-Khatib Branch. P38 said he did not see Anwar Raslan in Al-Khatib or any other Branch. He added that when one was taken for interrogation, he was blindfolded and only able to see his feet when going upstairs.

Wiedner wanted to know about P38's interrogation, about the questions he was asked, and whether he was mistreated. He said he wanted to know more about how the interrogation was conducted. P38 said one interrogation took place on the same floor [as the cells]. He was taken out of his cell, had to turn right and go upstairs a few steps. He was only wearing shorts and had to kneel on the floor when the interrogation started. He said that the interrogator obviously had nothing against him except for the written note. P38 was asked about his work and how many ER's he had equipped. He denied everything and was beaten from behind every time he denied something. P38 added that one's back was constantly beaten/tortured during an interrogation. He had to kneel on the floor. The floor was covered with water. He was asked questions about hospitals and armament of revolutionists. P38 said he had nothing to do with that. His work was only related to medical aid.

Wiedner asked if the interrogator gave orders to beat P38. P38 explained that he was interrogated over ten days in total. On six days he was interrogated twice per day, and on four days he was interrogated once per day. P38 said he thinks that several interrogations took place in different locations. One time, when he was interrogated on one of the upper floors, the interrogator told him to cooperate and provide information about what was happening in his hometown. P38 always said he had nothing to do with these people and that he would be on neither side. When he was offered to cooperate, he refused. The interrogator then told the person behind P38 "Take this animal and explain to him what the matter is and how he is supposed to cooperate." P38 said he was then kicked in his genitals and fell on the floor due to the pain. P38 explained that he did not know who kicked him, however, he was kicked after the interrogator gave the instruction he just recalled. P38 recalled that he was beaten at every interrogation but did not know by whom. After 18 days he was transferred to another Branch.

Wiedner recalled P38 telling the German police that the interrogation officer sometimes gave coded instructions to torture. For example, he said 'it seems like he does not want to cooperate'. P38 explained to the police that he was beaten immediately after that. It was not a direct order but an invitation to torture. P38 affirmed, adding that the time he was tortured most, was when the interrogation officer said the sentence he just repeated in court.

Wiedner recalled P38 mentioning that the floor was covered in water and asked him to explain what happened. P38 said that he had to kneel during interrogations. He felt that the floor was wet and sometimes he felt his body was shaking.

Wiedner asked where that came from. P38 said it came from the floor.

Wiedner asked if P38 received electroshocks or whether it was something else. P38 said it might have been electroshocks. However, they were relatively weak and conducted via the water.

Wiedner recalled P38 telling the police that the floor was connected to electricity which then went to his body. P38 confirmed, adding that the power was however not high.

Wiedner wanted to know if P38 was mistreated in Al-Khatib by other means as well. P38 explained that in Al-Khatib Branch, one would mainly be beaten on his back with cables or beaten with plastic tubes. He added that the slaps in his face and on his ear were the worst.

Wiedner asked if there was something special about the cables. P38 said the cables were a torture tool. He described them as electric cables from KKM with a one-centimeter diameter. The cables were coated with plastic, metal, and another layer of plastic. P38 added that he was beaten with these cables several times.

Wiedner asked if the metal part projected from the coating. P38 said he did not know.

Wiedner wanted to know if there were other means of mistreatment such as hanging. P38 said detainees were usually hanged inside the cell.

Asked by Judge Wiedner, P38 described that if there was for example a tumult inside the cell, guards would enter the cell and pick one of the detainees. The guards then stood opposite of this person, tied his hands and put them up at the door. P38 said there was a small metal hatch at the door where people were hanged on their hands, with their wrists tied with plastic cable strips. The feet of this person would barely touch the floor. P38 said that detainees were left in this position for a longer time until the door was opened again. He added that the door was opened to the outside and every time it was opened, the person hanging there would bump into the wall.

Wiedner asked how many times this happened to P38. P38 said it happened many times, often. [The court interpreter intervened, saying he correctly translated that the question as referring to P38 himself, but it seems as if P38 did not understand.]

Wiedner asked how many times P38 himself was hanged. P38 said it was maybe one time.

Wiedner asked how many times this happened to other detainees. P38 said it was on a daily basis.

Wiedner recalled that P38 told the BKA about *Doulab* and asked him to describe what is meant by that and if it happened to him. P38 said he would not remember.

P38's counsel spoke to him and requested a short break.

[15-minute-break]

Presiding Judge Kerber said the judges would only have a few additional questions before the lunch break.

Judge Wiedner asked when P38 was detained. P38 said he was arrested on [information redacted], 2012.

Wiedner said he had a question about the detention conditions, recalling that P38 mentioned that more than 100 people were detained in one cell. Wiedner asked P38 how big this cell was. P38 said it was not bigger than 25 or 30 m².

Wiedner recalled P38 telling the police that the cell measured 5x10 meters, asking if that would be possible. P38 said he could barely estimate, however, he does not think that it was ten meters. He explained that the door was on the wider side, and he was opposite of the door. Around four people sat to his right and seven to eight people sat to his left. P38 concluded that the cell was therefore only six meters wide.

[One of Raslan's defense counsels, attorney Böcker arrived]

Wiedner wanted to know how people were drinking inside the cell. P38 said they had four or five bottles or plastic cans with around 1.5 liters volume. They filled these with water from the tab at the toilet. He added that there was a tab at the toilet with a hose where the water was running nonstop. That was the water they drank in the cell.

Wiedner recalled P38 telling the BKA that they got water from a tab using a big bottle, and that there was only one bottle in the cell. P38 told the court that he could not remember the exact number, but there were many detainees. P38 said he personally drank water from the tab when he used the toilet.

Wiedner wanted to know more about heat and other conditions in the cell, recalling that P38 told the BKA that it was hot inside the cell due to the sewage pipe and the pipe for hot water. He described that it was 35 degrees Celsius inside the cell, and condensation water was dripping from the ceiling. P38 confirmed to the court that there were two different pipes: one was the heating pipe just above the floor and the other pipe was at the ceiling but did not carry heat. P38 added that the humidity inside the cell was unbearable.

Wiedner asked about bugs and skin diseases. P38 affirmed that there were bugs in the cell. He was not wearing his glasses in the cell as they were confiscated. He held the bugs on his body with his fingers and handed them to fellow detainees to kill them. P38 added that lice were everywhere.

Wiedner recalled P38 telling the BKA that many detainees suffered scabies. P38 confirmed.

Wiedner recalled P38 saying that he was interrogated multiple times, asking whether all interrogations took place upstairs as P38 previously mentioned, or if some happened in the basement area where the cells were. P38 said he had to go upstairs for interrogations, around four times. But there were also interrogations downstairs: he had to leave the cell, take some steps upstairs, then five or six steps up, and turn right. P38 said he assumes this room was very small because he could hear feedback from the walls.

Wiedner asked if P38 could hear other people being tortured while he was detained in the cell. P38 said he could hear that daily. It was a normal thing. There were so many people [detainees], interrogations never ended.

Wiedner said he quickly wanted to talk about consequences of mistreatment for P38. He cited from the BKA's transcript according to which P38 described that due to the welcoming party, his face was swollen so much, he could barely open his eyes because the guards grabbed him by his hair and slapped him in the face. P38 confirmed.

Wiedner asked if P38 suffered any other physical consequences from being mistreated in Al-Khatib Branch. P38 explained that the detention was nine years ago, and the visible signs disappeared. He might still have a scar on his upper leg. He added that due to being kicked in his genitals, he had difficulties to urinate due to injuries in that area. P38 described that for days after he was kicked in his

genitals, he urinated blood. He added that he could not describe the torture: One could feel the first beat, and the second one. However, after that one would not feel anything. P38 said he felt paralyzed afterwards and could not remember details.

Wiedner said it would be OK, asking P38 whether he lost weight right after his detention due to being detained. P38 said it would be normal that one loses weight after only getting one flatbread to eat for one month. One simply had to lose weight in this situation. P38 added that if there was a Guinness World Record for losing weight, the Syrian prisons would win.

Wiedner recalled P38 telling the BKA that he lost so much weight after 18 days, he ripped his shorts and used them as a belt. P38 recalled telling the court that he ripped his undershirt to clean a fellow detainee's toes. He then took parts of the undershirt to use it as a belt. P38 added he used his undershirt, not his shorts.

Wiedner went on to ask what P38 was able to perceive at the hospitals. He asked P38 whether he saw people being mistreated, adding he wanted to know what P38 witnessed himself and if so, when that was. P38 said it was in 2012 as this was when he worked as medical technician. He had contacts at different hospitals. He fixed things and equipped state-owned hospitals. He was at hospitals in the southern part of Damascus.

Wiedner wanted to know what the hospital was called. P38 said it was called [information redacted]. He was called to the hospital several times. P38 described the hospital had a section where postmortem examinations were carried out. This section had a separate entry. P38 said he was called there several times to fix certain devices. One time, he was told to fix the lightning at the ER. When he came, he saw a corpse that had been examined. He did not know who this was or why he was there. P38 said he quickly finished reparations, adding that this was all he could see there.

Wiedner asked if P38 noticed any specifics about the corpse. P38 said he assumed the inner organs were missing. He later heard that organ trafficking was very common. He added that he would, however, not be an expert to say the organs were missing for sure.

Wiedner recalled P38 telling the BKA that the corpse's face was injured, as to why he assumed that the person might have been arrested. P38 affirmed.

Wiedner asked if P38 witnessed detainees being taken to hospitals. P38 said he witnessed the transfer of detainees to a hospital in Damascus. According to P38, one could not say that this hospital was made for civilians but rather was an emergency unit. There were more armed people than civilians. P38 said one would only be allowed to look, but not to talk. P38 said he and others knew that injured people were taken there after demonstrations and then disappeared.

Wiedner wanted to know if P38 saw that or heard from others. P38 explained he knows one person whom he took there. He first took the person to a private doctor and then to Al-Mojtahed. The person was missing ever since. P38 added he knew this person and his parents.

Wiedner asked if P38 personally witnessed mistreatment at hospitals. P38 explained that the hospitals would be transformed into some kind of intelligence Branch. If one leaves an intelligence Branch, he is blindfolded and if something happens there, one gets beaten.

Wiedner wanted to know if P38 saw something like that. P38 said he personally saw people being beaten by security forces at hospitals.

Presiding Judge Kerber said the judges had no further questions. Witness/plaintiff counsel Scharmer asked if other parties had questions for his client. Prosecutor Polz said they only had a few questions,

approximately ten minutes. Defense counsel Böcker said he must talk to his colleague first, but assumes they also had only a few questions.

[75-minute break]

Prosecutors' Questioning

Prosecutor Polz thanked P38 for coming to court and asked him whether he was a victim of sexualized violence during his detention. P38 denied.

Polz asked if he heard about others being victims of sexualized violence. P38 denied.

Polz went on to ask whether P38 saw dead people during his detention or people who were so severely injured that one could assume they would die due to the lack of medical care. P38 said he saw injured people but did not know what happened to them afterwards.

Polz asked if he saw dead people. P38 denied.

Prosecutor Klinge recalled P38 mentioning an emergency/crisis meeting of the Syrian government after the beginning of the revolution and asked P38 to describe this in more detail. P38 did not understand the question. Klinge explained that P38 told the BKA about an emergency/crisis meeting, and asked him to describe this in more detail: whether it was a permanent institution or rather a one-time meeting. P38 explained that the actual name would be 'crisis cell'. It was a group of leading officials from the ministry of defense who formed this council to deal with the country's issues at that time. P38 specified that he did not mean the country's issues in general but the protests. He said there was an explosion at one of their meetings where several members, officers were killed. P38 added that this would be all he knows. [The court interpreter in charge of simultaneous interpretation for the Accused intervened, explaining that the term 'crisis cell' would be the common abbreviation for the so-called Central Crisis Management Cell (CCM).]

Klinge wanted to know who the members were. P38 said the members were known. Amongst others the Minister of Interior, the Minister of Defense. P38 said the government reported about this. The state-owned media covered the explosion. There was information in the media.

Klinge asked if P38 got all information from the media. P38 affirmed, adding that every Syrian would know that.

Klinge recalled P38 telling the police that he demonstrated at an early stage, asking P38 about the reactions to protests by the Syrian government. P38 explained that he did not participate in these demonstrations, adding that the translation at the police might be wrong. He personally saw and experienced demonstrations and people being killed. However, he did not participate.

Klinge wanted to know where these demonstrations took place, how and where people were killed. P38 described that ‘all that’ did not start in the form of demonstrations but as a strike in Al-Harira after a merchant was beaten by the police. Then the issue with the kids in Dara’a happened. P38 said the kids’ nails were ripped off because they painted slogans on a wall.

Klinge asked when the incident with the kids in Dara’a happened. P38 said it was at the beginning of the demonstrations in spring 2011. Most of the demonstrations took place in Al-Midan in Damascus. P38 said he saw these demonstrations when he was working at the [information redacted] hospital as a medical technician. According to P38, the hospital was situated on a higher point, and he was working at one of the upper levels, so he could see the demonstrations.

P38 explained that the incident where he witnessed people being killed happened in [information redacted]. He could not remember the exact date, but it was a special occasion for Christians, Good Friday. P38 was on his way to his family driving his car, when he reached a checkpoint in the middle of the street leading to the farm. This was right opposite of a demonstration that was happening not in a city, but rather on a field. P38 had to leave his car when he saw people shooting at demonstrators. P38 said the shots were fired from a vehicle aiming at the demonstrators. He saw how people fell on the floor around 300 or 400 meters from where he was. P38 described that he had to lie down on his stomach when he left his car. When he turned, he saw another person lying next to him. This person was dressed in white; it was [name redacted]. He was [information redacted]. P38 said he spoke to him, and he told P38 that he was prohibited from going to the other side where an ambulance was waiting. P38 concluded that people were being shot but the ambulance was not allowed to go there and help them. He later learned that eight people were killed and many injured because the people were not taken to a state-owned hospital but to field hospitals that were set up in [information redacted]. P38 said that all injured people were from this town and had no weapons. They received medical treatment for a long time. P38 said he supervised the medical care and sent doctors. Some of the injured people had to undergo surgery. This was done by [name redacted] who now lives in Iraq. P38 said that this was when he personally saw demonstrators being shot. He also witnessed demonstrations in Damascus, Al-Midan, however, no one was shot there.

Presiding Judge Kerber said Good Friday was on April 22, 2011.

Prosecutor Klinge asked P38 in which year this happened. P38 said it was in 2012.

Klinge asked if it was 2012 or 2011. P38 said it was 2012, explaining that there was no shooting at the beginning in 2011. The demonstrations started in spring and Good Friday was at springtime. It therefore had to be Good Friday in 2012.

Klinge recalled that P38 did not see Raslan in Al-Khatib Branch, asking when he learned about Raslan’s existence. P38 said he heard about him when he was in Syria but did not see him. P38 recalled that when he was interrogated upstairs, he could hear the interrogator talking. The interrogator and the guard had a conversation when the interrogator said “teach the animal”. P38 said he thinks that is what he heard and the words “make his night dark”. [The court interpreter said this would translate to German as ‘make life hell’]. P38 explained that kids in Syria would learn Standard Arabic in school but there would be many different dialects. He could tell from the dialect used for the word ‘dark’ that the person was from the middle of Syria. P38 added that he only saw Raslan in court.

Klinge wanted to know when P38 first heard about Raslan: before or after his arrest on [information redacted], 2012. P38 said it was known that Raslan was working at this Branch because one knows where each officer would work. P38 said he knew Raslan's name before his detention.

Klinge asked if P38 also knew Raslan's position. P38 denied.

Klinge wanted to know if P38 knew at which Branch Raslan was working. P38 affirmed, adding he knew before his interrogation that Raslan was working at Al-Khatib Branch.

Defense Counsels' Questioning

Defense counsel Fratzky recalled that P38 knew about Raslan before his interrogation and asked if P38 also told the police about other different people at the Branch. P38 affirmed, saying that there would be a certain hierarchy at different Branches. But people in Syria often knew about specific officers.

Fratzky recalled P38 telling the police that Tawfiq Younes was the head of Al-Khatib Branch, but he would say that Hafez Makhoulf was actually leading the Branch because of his Branch in Jisr al-Abyad and being a cousin to Bashar Al-Assad. P38 confirmed, saying that Hafez Makhoulf played a very important role as cousin of the president. He is well known in Syria and was in charge, according to P38.

Fratzky asked P38 to be more concrete regarding Hafez Makhoulf's power at Al-Khatib Branch. P38 said he does not know because he could not know as he was not an employee of the Branch.

Plaintiff Counsels' Questioning

P38's counsel Scharmer recalled P38 telling the police that he received electroshock at his earlobes and nipples, when asked about torture methods he had to endure himself. P38 affirmed, adding that he was arrested more than once and detained at Al-Khatib Branch and the Air Force Intelligence.

Scharmer said P38 told the police that this happened at Al-Khatib, asking whether that was correct. P38 said he could not remember exactly but he was tortured like that. There was a small device with electroshocks exiting at the front of the device. The device was then put on his ear or nipples. P38 added that in Al-Khatib Branch there was water on the floor through which electroshocks were given.

Presiding Judge Kerber asked where P38 received electroshocks on his ear and nipples. She added that if P38 did not remember, he could tell the court. P38 said he did not remember whether that happened in Al-Khatib Branch or at the Air Force Intelligence.

Presiding Judge Kerber thanked P38 for his testimony and told him that he was free to go or stay in the court room.

P38's counsel said he would reserve to make a comment on ground [§257 II StPO](#).

P38 was dismissed as a witness. He thanked the court for its attention, adding that he hopes all Syrian war criminals will get their just penalty. He took a seat in the public audience.

Administrative Matters

Judge Kerber continued to explain administrative issues. She said that a person who previously requested to join as a plaintiff had now been questioned by the BKA and the BKA sent the transcript

of the questioning without Annexes. She told the parties they could make relevant statements until July 6, also including statement on the admission of a counsel if applicable.

Judge Kerber went on to explain that the court initially summoned a different witness for this day and the following day. This witness told the judges in May that he would not come to testify in court. However, the witness recently approached the judges asking for a phone call. Judge Wiedner with the help of one of the court interpreters spoke to the witness on the phone. The witness then said he would be willing to testify. Kerber said the witness will shortly receive summons for September 2 & 3. Kerber went on to describe that BKA officer Knappmann who was summoned for the following day was initially summoned to testify on his questioning of the above-mentioned witness. As this would now be redundant, Knappmann would instead testify regarding his questioning of witness [name redacted/FR18] who had also been questioned by the French Police. However, the relevant officer would not be willing to testify in court. Kerber added that the court would provide a summary of the relevant communication and proceedings, intending to read out the German translation of the transcript of the questioning by the French Police.

Kerber handed over to defense counsel Böcker who recently informed the court about an amendment to his request. Böcker explained that after having submitted his request to inspect certain files, he noticed on his way home that these files would not be with the court. He therefore amended his request to include that the files had to be transferred from the Federal Prosecutor General.

Judge Kerber asked if any of the parties wanted to provide a statement on this amendment. Prosecutor Klinge explained that one could only inspect files that were not relevant to the present case if there was justified interest, and asked Böcker to specify his request in this regard. Klinge went on to describe that the office of the Federal Prosecutor General had been conducting a structural investigation regarding the Syrian conflict since 2011. He assured Böcker that the prosecutors would forward all incriminating as well as exculpatory evidence from these files. If this would not be sufficient for Böcker, he should specify his request. Klinge concluded that more than 100 witnesses were heard, open-source information was gathered, and mutual legal assistance requests were issued. Inspecting the file of an entire structural investigation would simply be impossible.

Böcker said he had no doubts that the prosecutors would act like that and forward all relevant information. However, last week's witness testimony showed that there is a possibility of certain testimonies not being considered. According to Böcker, some testimonies might still be somewhere on this file. He added that he would leave his request as it was for now, as he will be on vacation for the next four weeks. He hoped that the court would grant his request, if not, he would make relevant amendments.

Klinge replied that Böcker needs to make a sufficient claim that there was a justified interest for him to inspect the entire case file of the structural investigation. There would be nothing of interest on this case file from the prosecutors' point of view and nothing of relevance to the present case happened. He offered to let someone go through everything to double-check and see whether there would be additional witnesses.

Böcker added that the court already heard many things that were not directly relevant to the case, for example testimonies regarding events in 2007. He would prefer to go through the case file himself.

Klinge added that it would simply be impossible for Böcker to go through the entire structural investigation.

Böcker asked what he had to expect from the file regarding amount/size. Klinge said Böcker would not be the only person interested in the Federal Prosecutor General's case file on the structural investigation, there would be a huge interest from others as well.

The proceedings were adjourned at 2:55PM.

The trial will continue on July 01, 2021.

Day 80 of Trial – July 1, 2021

The proceedings began at 9:50AM with five spectators and two members of the press in the audience. None of the accredited journalists requested access to the Arabic interpretation. The prosecution was represented by Prosecutors Klinge and Polz. Plaintiff counsels Bahns and Dr. Kroker were not present.

Presiding Judge Kerber opened the session by recalling that witness [name redacted] [FR18] was questioned by the German and French Police. She added that the judges already summarized their email conversation with FR18 on a [previous trial day](#) [May 19]. FR18 eventually informed the court in writing on May 11, 2021, that he would not come to testify in court. The judges therefore summoned the respective officer who led the questioning on behalf of the BKA.

Testimony of Christian Knappmann

Knappmann was informed about his rights and duties as a witness, and his personal information as again confirmed.

Judge Kerber first asked Knappmann to tell the court about his questioning of FR18. Knappmann explained that FR18 was questioned by him and a colleague on [information redacted]. FR18 was previously questioned by the French police in 2017. At that time, he said that he was detained thrice as he was an activist. During his third detention, he was in Al-Khatib Branch and Division 40 for a couple days. The German Federal Prosecutor General therefore tasked the BKA to question FR18 again. According to Knappmann, FR18 would now be 33 years-old and stated at his first questioning that he studied law in Syria and France. Knappmann explained that he and his colleague quickly doublechecked FR18's personal information, he added to their questioning that he was working for an organization [information redacted]. Knappmann said they did not plan to ask all the same questions as their French colleague already did. FR18 further told them at the beginning of their interview, at 10AM, that he would only be available until 2:30PM. Knappmann and his colleague therefore did not ask all questions as initially planned. The questioning was started by presenting FR18 the BKA's selection of photos that they regularly used for people to identify Anwar Raslan. Knappmann said FR18 did not recognize anyone in the pictures and did not identify Anwar Raslan in any of the pictures. FR18 only knew Raslan's name from the media.

Knappmann described how FR18 provided his view on the BKA's investigations in this case on his own initiative. He told Knappmann and his colleague that he was unsatisfied with the arrests of Anwar Raslan and Eyad Al-Gharib because they would send a wrong signal to the Syrian opposition, and be demotivating for possible defectors. According to FR18, Germany and France would be accomplices of the Syrian regime. Knappmann said FR18 explained three times that he accused Raslan of certain crimes, but thought his arrest was wrong. He also mentioned a list of alternative suspects who should be arrested, because they would still be on the side of the Syrian regime. Knappmann told the court he explained to FR18 that the BKA would need sufficient evidence to make any arrests, and if he was

in possession of such evidence, he could send it to them. Knappmann said he explained the legal situation to FR18, however, FR18 never got back to them regarding any evidence.

Knappmann recalled he then presented FR18 the BKA's selection of photos for Eyad Al-Gharib. FR18 did not recognize anyone, and told the BKA that he only heard Al-Gharib's name for the first time after he was arrested in Germany. FR18 further explained that he was working with contacts at the Syrian Intelligence Services, some of them at Al-Khatib Branch. This cooperation was unveiled and FR18 heard from friends that [name redacted] was arrested and died in detention.

Judge Kerber intervened saying the judges had an additional question. Judge Wiedner said regarding FR18's remarks, he wanted to know whether FR18 said anything about Raslan providing information to German authorities. Knappmann said FR18 told him Raslan forwarded information to German, French, and US authorities. He was granted asylum in Germany in return.

Wiedner asked if FR18 said how he knew that. Knappmann denied.

Wiedner further wanted to know whether FR18 said anything about his family in Syria. Knappmann explained that in context of his remarks on why he was unsatisfied with Raslan's arrest, FR18 told the BKA that he was concerned about the safety of his family who was still in Syria and the opposition activities.

Judge Kerber asked Knappmann to describe how FR18 was arrested. Knappmann recalled FR18 telling the French Police that he was arrested for the third time on [information redacted] 2012, and taken to Division 40 where he was tortured nonstop for two days. Knappmann explained that the BKA wanted to talk about Al-Khatib Branch. FR18 told them that he was transferred to Al-Khatib where he had to stay for four days before he was transferred to the headquarters of the Syrian General Intelligence Service in Kafar Souseh. Knappmann said that before that he and his colleague showed FR18 a picture of the building the BKA had identified as the headquarters of the General Intelligence Services (GID). FR18 identified the building as Al-Midan Branch which would be the headquarters of the GID.

Knappmann and his colleague then asked FR18 how he knew that he was at Division 40 and Al-Khatib. Regarding Division 40, FR18 explained that it was only three minutes from the demonstration. He was able to retrace the way there and knew the location. Regarding Al-Khatib, FR18 described that it happened at night, and it was dark. He had to put his head down and was beaten with a rifle butt. FR18 added that it would be normal that one was transferred from Division 40 to Al-Khatib, he said it would be tradition. He further explained that it was known that people would be arrested and detained like that. He already guessed at his arrest that he would end up in Al-Khatib Branch. This was then confirmed when he arrived at the cell there where he met two friends who told him that they were at Al-Khatib Branch.

Judge Kerber asked whether FR18 did not mention any names. Knappmann denied and went on to describe that FR18 did not know how many times he was interrogated but told the BKA that it happened many times when they asked him. When asked about what happened at interrogations, FR18 described that he was taken from the cell, blindfolded, and his hands were tied, and he was taken to a room. In this room, FR18 had to stand with his head down, wearing blindfolds and with his hand tied. A person was standing in front of him, asking questions. Two other people, FR18 could not locate them in the room, always beat him at every answer he gave. Regarding torture methods, FR18 said he was beaten with bare hands, fists, and sticks. He was beaten by the interrogation officer as well and received electric shock, particularly on his genitals and neck. Further, his hands were tied above his head, and he was hung by his wrists. FR18 called this method *Shabeh*, the Arabic term for ghost. Knappmann said FR18 told the BKA he had to hang for several hours. FR18 said he once refused to drink water. He was therefore forced to drink a lot of water and his penis was tied with a rubber band.

According to Knappmann, FR18 told the French police that this was horrible for him, and he was afraid to die.

Kerber asked about nicknames for guards. Knappmann said FR18 told the police that one guard was called 'Mimati', he was particularly brutal. That was everything FR18 said about nicknames, according to Knappmann.

Kerber wanted to know what FR18 told the BKA regarding dead people. Knappmann affirmed that FR18 said he saw dead people at Al-Khatib. FR18 had told the French police that he witnessed how a person had to endure *Shabeh*, was tortured and beaten, and died. Knappmann said when he asked FR18 what exactly happened, FR18 broke down and was apparently nervous. FR18 then explained that he received psychosocial treatment for two years. He did not want to talk about this event and skipped the question. Knappmann told him he could of course not force him but offered that the two could talk without Knappmann's female colleague being present and without the translator, in English. Knappmann further told FR18 that it would be possible that he will be asked about this event again, even in court. FR18 then requested a break and went straight to the toilet. Knappmann was under the impression that FR18 threw up based on physical signs such as FR18 shaking. He therefore decided to not ask any further questions about this incident. After five minutes, FR18 said he can confirm what he already told the French police about the incident: The person died of torture and was definitely dead. Knappmann said he then did not ask any more questions about this. They also had to end the questioning as they ran out of time.

Judge Kerber asked if FR18 was informed about his rights and duties as a witness. Knappmann said of course.

Kerber asked if there were any issues with the translator. Knappmann explained that the witness wanted to testify in French. The BKA's translator spoke French and assisted accordingly. FR18 told Knappmann that he did not want to speak Arabic anymore and wished to move on from these experiences.

Kerber referred to FR18 mentioning before the questioning that he had an important appointment and asked Knappmann if this was the reason for the end of the questioning. Knappmann affirmed, adding that they started the re-translation but were not able to finish until 2:30PM. However, FR18 still wanted to go. They therefore agreed to complete the re-translation the next morning.

Kerber concluded that everything had been re-translated to FR18. Knappmann confirmed.

Kerber said FR18 told the French Police about two people who died. Knappmann affirmed that FR18 mentioned two people who possibly died. However, FR18 provided more specific information in the BKA's questioning: FR18 saw the second person at "Midan Branch", the GID headquarters. Knappmann added that there would be several Branches in this building, for example Branch 285. FR18 told the BKA that the person there was older. He was tortured and fell on the floor when he was beaten with the butt of a rifle. FR18 said he probably died.

Wiedner wanted to know when FR18's third arrest happened. Knappmann said it was on [REDACTED]

Wiedner referred to the end of the BKA's questioning where the transcript would be relatively short after the question about the dead people. Wiedner wanted to know whether Knappmann was under the impression that FR18 would not answer any further questions on that day or if they were simply running out of time. Knappmann explained that it was more important for him to continue the questioning at this point, however, they were simply running out of time. He added that this was all he would hear from FR18. FR18 refused to answer even after Knappmann stressed the great

importance of his testimony. This [dead person at Al-Khatib Branch] was the one thing FR18 did not want to talk about.

Wiedner concluded that the end of the questioning was for two reasons. Knappmann affirmed, saying that if he felt that FR18 would have been willing to provide more information, he would have continued the questioning. As this was not the case, he started the re-translation.

Wiedner recalled Knappmann asking FR18 to describe how the person in Al-Khatib died and asked Knappmann what FR18 answered. Knappmann said FR18 told him the person died of torture.

Wiedner further wanted to know what FR18 replied when asked about whether he was sure that the person was dead. Knappmann said FR18 was absolutely sure. Knappmann added that FR18 previously told the French Police that the person was still hanging next to him when he was already dead. Knappmann said he therefore did not ask any further questions about that.

Wiedner recalled that FR18 wanted to return for the re-translation and asked Knappmann when this happened. Knappmann said they agreed that FR18 would come at 9:30, but he could not remember whether FR18 was on time. Nonetheless, the re-translation was completed by 10:37AM.

Wiedner asked if Knappmann tried to ask FR18 further questions when he returned for re-translation. Knappmann denied. Wiedner wanted to know why. Knappmann explained that he and his colleague initially had scheduled another questioning at that time which they had to move to a later time. A questioning could easily get very extensive. He therefore completed the re-translation and started the other questioning.

Wiedner wanted to know more about the atmosphere during the questioning, whether FR18 was nervous and if he answered spontaneously and authentic. Knappmann said he could not remember that FR18 was not credible at any time. FR18 was very clear in his opinion and criticized the German authorities for their investigations. Knappmann therefore did not have doubts about the incriminating statements that FR18 made.

Wiedner said he noticed from the transcript that FR18 extensively spoke about his own opinion and the arrests at the beginning, but then provided shorter answers before the questioning ended. Wiedner asked Knappmann how he felt about that. Knappmann explained that the death of FR18's fellow detainee was initially the most important aspect of the questioning for the BKA. Knappmann said he was very surprised that FR18 described his own torture and blocked when they wanted to talk about another person and even showed physical signs. Knappmann said he was surprised but it was obvious that FR18 would not answer any more questions.

Wiedner wanted to know if Knappmann believed FR18 [his refusal and physical reaction]. Knappmann affirmed.

Wiedner asked if FR18 showed any reaction when Knappmann explained to him that this would be relevant for a trial in court. Knappmann recalled that after he offered FR18 to talk about the matter without his female colleague and translator, FR18 did not show any reaction to Knappmann explaining to him the importance of his testimony for a trial in court. According to Knappmann, FR18 did not say that he did not want to come and testify in court, it was not clear that FR18 did not want to come.

Wiedner wanted to know whether the BKA tried to question FR18 again. Knappmann said he is not aware of any efforts in this regard. He added that although he does not have access to all files, he was sure that if the BKA would have tried to question FR18 again, he would have been involved.

Plaintiff Counsels' Questioning

Plaintiff counsel Schulz said he had a ‘yes-or-no’ question regarding one of Knappmann’s notes to a file. Judge Kerber allowed Schulz to ask his question. Schulz recalled that Knappmann also questioned [name redacted]. Judge Kerber intervened, saying that the court would most likely get the chance to hear this witness personally. Schulz said he only wants to know about a relevant audio file, whether that would be available. Judge Kerber permitted Schulz to ask his question. Schulz said there would be a WhatsApp audio file including [name redacted] and Anwar Raslan. Knappmann explained he saved the file on a CD. The German translation would be available on Paper while the Arabic version [original] was saved on the CD. Knappmann said the CD and written translation should be on the case file.

Knappmann was dismissed as a witness.

Administrative Matters

Presiding Judge Kerber went on to explain that because FR18 refused to testify in court, the judges wanted to summon the relevant French officer who questioned him. However, this was not possible. Kerber said she would now summarize the judges’ efforts to summon the French officer. Judge Wiedner added that he called an inspector from the BKA to contact their French colleagues and arrange a contact to the French officer.

Kerber said that on June 7, 2020 the BKA officer explained in an email to Judge Wiedner that he called his colleagues from the French War Crimes Unit and spoke about the questioning of FR18. The relevant colleague who led the questioning was no longer working for the French Police, but they assured they would try to contact him.

Kerber further said that Judge Wiedner received another email from the BKA officer on June 9, 2020, in which he explained that his French colleague told him that the relevant officer retired. She called him to ask if he was willing to testify in court, but he refused. The French colleague assured the BKA officer to look for another officer who was present at the questioning.

Kerber explained that Weidner received an email from the BKA officer on the same day, saying that the French colleague checked the transcript of the questioning and learned that there was only one officer present. If there would have been a second officer, it would be noted in the transcript. The BKA officer told Wiedner that the French colleagues would be unable to fix this issue.

Presiding Judge Kerber explained that the Judges therefore prepared to read out the German translation of the transcript of the French questioning. Prosecutor Klinge and Defense counsel Böcker agreed to it.

Court Decision on French Transcript Evidence

Judge Kerber read out the following court decision:

[The following section is based on what the Trial Monitor was able to hear in court and does not represent a full or accurate copy of the decision.]

The Judges decided to read out the German translation of the French transcript of [FR18] questioning by the French Police on [information redacted] 2017, for the following reasons:

- 1) *The witness cannot be questioned in court (§ 251 I (3) StPO). He was summoned twice and did not appear twice on January 6 & 7, 2021 and May 19 & 20, 2021.*

Regarding his decision not to come in January, the witness explained that it would be mentally impossible for him to testify in court. He requested more time. The judges and the witness therefore agreed on a date in May. The witness was contacted via email multiple times. He eventually answered in May, saying that he would definitely not testify in court, and provided

several reasons for his decision. He did not reply to further efforts to contact him and did not appear in court on the scheduled date.

- 2) *A testimony of the French officer who had questioned the witness is not possible.*

There was only one officer present at the questioning. This person now retired and did not agree to testify in court.

Presiding Judge Kerber explained that one of the court interpreters is also a sworn in interpreter for French language. He had a copy of the French transcript as well as the written German translation in front of him to check the correctness of the German translation.

Reading of French Investigative Interview

[The following section is a recreation of the German translation of the French transcript, based on what the Trial Monitor was able to hear in court.]

[FR18] was questioned by the War Crimes Unit of the French Police on [information redacted]. The witness provided his personal information (born on [information redacted]).

The interpreter was sworn in.

It was explained to FR18 that he was questioned due to investigations by French authorities that started after The French Foreign Minister received the so-called Caesar Files on [information redacted], 2015.

When asked about when he came to France, FR18 explained he entered France as a refugee via Jordan on [information redacted] 2012.

FR18 said he studies [information redacted].

He was asked whether he previously testified about the event in Syria. FR18 denied.

The French Police wanted to know when FR18 left Syria. FR18 said he left on April [information redacted], 2012.

He was further asked where in Syria he lived. FR18 explained he lived in Damascus, around 15 minutes north of the city center in a flat that belonged to his parents. He lived there alone.

When asked about his own and his parents' religion/ethnicity and his parents' jobs, FR18 said he is an atheist. His parents are Muslim Kurds and his father moved from [information redacted] to Damascus. FR18 further said that his father worked as a lawyer for the Minister of Health and would be in [information redacted] at the time of the questioning, just like two of FR18's brother and his sister.

The French Police wanted to know if FR18 went to university. FR18 affirmed, saying he studied [information redacted] in Syria but had to pause his studies due to the revolution and would now continue his studies in France.

FR18 was asked to explain his career path. FR18 said he worked for an organization [information redacted]. The organization worked to [information redacted]. FR18 led some workshops for this organization. He studied law from 2010 to 2011 when 'the events started'.

The French Police asked if FR18 was member of a political party in Syria. FR18, denied, explaining that it was mandatory for every person in Syria starting in 8th grade to be a member of the Ba'ath party. He explained that people were for example not allowed to take exams if they were not members of the party. FR18 therefore was a member of the party but rather opposed it. He supported the Declaration

of the Damascene Youth. FR18 said he sympathized with that and participated in secret meetings regarding democracy. [information redacted] was one of the signatories of the Damascus Declaration in 2006.

When asked about relationships or being related to members of the [Syrian] government, FR18 denied.

FR18 was asked the same about security forces and militias; he again denied.

The French Police further wanted to know why FR18 left Syria. FR18 explained he was arrested thrice and afraid of another arrest. He said he was threatened to be eliminated the next time he would be arrested because he was a militant opposition member [Plaintiff counsel Scharmer intervened, saying the French term should be translated as activist rather than militant opposition member. The court interpreter confirmed.].

FR18 was further asked what happened to him when the protests started in 2011. FR18 explained that the protests started even earlier in Tunisia. He therefore gathered with around 15 friends in front of the Tunisian embassy, but they were chased away by the Intelligence Service. They did another gathering in front of the Egyptian embassy with around 100 protestors. FR18 recalled that a General told them he would chase the barbarians after them when they were singing revolutionist songs. They therefore had to leave the scenery. FR18 explained that someone in the US posted things on Facebook about arrests in Libya. He said that this was before the revolution and that there were more demonstrations once the revolution started.

The first was on March 15, 2011, and lasted around 25 minutes during which people shouted slogans. People were arrested at this demonstration, but there was another one the following day. FR18 said two people died at a demonstration in Dara'a and more demonstrations took place in Damascus. Security forces quelled a demonstration in front of the Umayyad Mosque. The same happened in Douma with two people dying. FR18 explained that the funerals on the following days turned into organized demonstrations. More people were arrested the following week, according to FR18. He said that demonstrations happened at every square in Damascus, and in front of mosques. FR18 said he was tasked to film the protests in Al-Midan. He was arrested at the end of April 2011. 40 other people were also arrested by Intelligence Services. They beat the people, registered their personal information and to them to a Branch in Midan close to the Al-Mojtahed Hospital.

FR18 further described that he was put in a cell, and was tortured, amongst others with electro shocks on a daily basis. He said he was not interrogated but denied having participated in the demonstration. Detainees were beaten with Kalashnikovs on their way to the toilet. A detainee next to FR18 fell on the floor from the beatings and might have died [for clarification see conversation at the end.]. According to FR18, one was beaten without a reason, and they did not get food. FR18 said that he only passed by the demonstration and was therefore released after three days. FR18 said he continued participating in demonstrations when a friend of him was arrested by security forces. FR18 went to his family to tell them about it.

FR18 explained to the French Police that he never stayed at the same place for more than two days. He founded a group to organize and film demonstrations and participated in secret meetings with the group's leaders in Aleppo, Damascus, Raqqa, and Deir ez-Zor. FR18 said they were afraid of a conflict.

He was arrested a second time on [information redacted] 2011, at a café in Damascus together with eleven friends due to a spy. FR18 said they were taken to a Branch close to the Central Bank where he was interrogated for two months. He was tortured with *Falaga* and electric shocks for the first two days and resisted for eight days before he started a hunger strike. FR18 recalled that the detainees were able to arrange the release of two women who then informed everybody about everything that

had happened. FR18 further explained that he could take his blindfolds off. He was interrogated by a person named Tarek for the first eleven times. The person in charge was Colonel Wisam Ismander. FR18 was taken from his cell by Wisam on the 29th day, beaten with cables and tortured with electro shocks, because they found out that the two women were militant activists. FR18 said torture was used as a penalty. He recalled being arrested together with his friends and that he was tortured for one hour to provide information about his friends. When he refused, he was tortured. FR18 said he was detained in a solitary cell for 40 days before he pretended to be crazy, so he would be transferred to a collective cell. The number of detainees in the collective cell varied, depending on whether there were big arrests. It was sometimes empty when people were taken somewhere else and sometimes overcrowded after big arrests, however, the amount of food was sufficient. FR18 added that it was different after 2012 when the food was less and the detention conditions worse.

He said he was transferred to Adra prison after he was presented to a judge. He was transferred there together with [information redacted]. FR18 described the prison as 5* prison. He added that he was released, presumably after a presidential amnesty. He told the French Police that he assumed his friends were released for the same reason. FR18 went to Damascus after his release. He said the FSA at the time bombed cities. He met the FSA in Al-Zabadani and reported about them. He liked what they were doing and accompanied them as foreign journalist, a war reporter, in Homs and Idlib. FR18 said there was heavy military in Damascus, and he stayed in Al-Zabadani for one month. The government retook the city in February 2012. The FSA stayed but FR18 went to Damascus during the fighting. In Damascus, he organized demonstrations on the occasion of the first anniversary of the revolution.

FR18 told the French Police that he was arrested the third time on March [information redacted], 2012. He was arrested by Hafez Makhoul's Division 40 in Jisr al-Abyad close to the French or Italian hospital. He was tortured there nonstop for two days. FR18 described that he was tortured with electro shocks, he was blindfolded and beaten and fell unconscious. He was then woken up with water. He said there was simply no break. He further explained to the French police that he had taken a dead soldier's identity some time before that. The people at Division 40 tried to force him to confess that he was actually [name redacted], but FR18 kept denying. He was then transferred to Al-Khatib. FR18 explained to the French Police that this was the usual procedure [being transferred from Division 40 to Al-Khatib]. He stayed at Al-Khatib for 4 days and was tortured as well. He was detained in a collective cell together with 150 other detainees. FR18 recalled being tortured with *Shabeh* for around one day. He said he was also forced to drink water before his penis was tied. FR18 said he thought he would die at this moment, but he did not say anything. On the fourth day, he was transferred to Midan Branch and the Al-Mojtahed Hospital where he was tortured for six days. FR18 said his fingernails were ripped off but he kept denying everything. He then decided to have lost his mind: He kept smiling while receiving electric shocks. The people there wanted to take a picture of him, but he was always smiling. He was therefore beaten. FR18 said he stayed in a solitary cell and was released at the end of March 2012. He then went to Jordan.

The French Police asked FR18 who decided about his arrests. FR18 said he did not know, adding that Branches of the intelligence services were working against demonstrations. They carried out big arrests. FR18 recalled being arrested together with eleven friends at a café. He said they were questioned by Colonel Wisam, who allegedly died by the time of the French police questioning. FR18 further explained that he did not see a rightful judge when he was detained at the security branches. He only saw a judge when he was transferred to Adra prison.

FR18 was asked whether his relatives were informed about his whereabouts. FR18 denied, adding that no one would be informed about such things. The detainees themselves would not know where they are.

The French Police wanted to know names of officers or soldiers. FR18 said he only knows the names Tarak and Wisam. He added he would not know any other names because he was blindfolded.

FR18 was asked if he witnessed killings during his detention. FR18 affirmed, saying that an elderly person died from *Shabeh* at Al-Khatib Branch. His body was kept hanging before he was eventually taken away. Another person most likely died because he was beaten with a Kalashnikov on the way to the toilet. FR18 said he did not witness any execution, people rather died due to mistreatment. He added that there were horrible means of torture such as drilling people's feet. FR18 said his blindfolds were sometimes taken off to show him tortured detainees as a warning.

When asked about French detainees at the Branch, FR18 denied knowing of any.

The French Police further mentioned the names of several binational French citizens, asking FR18 whether he knows anything about them. FR18 denied.

FR18 was further asked if he knew people being present in France or the EU who were responsible for committing war crimes. FR18 denied.

He was then asked if he knew people in France who witnessed such crimes. FR18 affirmed, saying he would contact them and ask if they were willing to testify.

When asked whether he wanted to add anything, FR18 said he hopes his testimony would be useful for holding criminals accountable.

FR18 confirmed the correctness of the transcript after the re-translation on the same day.

Prosecutor Klinge asked whether the French term translated to German as "militant activist" should rather be translated as activist. The court interpreter confirmed Klinge's suggestion.

Klinge further asked about the term translated as intelligence service. The translator said the correct translation would be state security.

The translator further added that it was translated a person 'might have died' however the correct translation would be he dies for sure. The translator also explained that the name 'Tarak' was spelled incorrectly and the name of FR18's father would be wrong as well.

Plaintiff counsel Scharmer said he would be ready to make his statement as mentioned yesterday [see context end of previous trial day]. Scharmer said it would be obvious that traumatized witnesses and survivors had a limited ability to memorize things. This would have been shown by yesterday's witness. He was able to remember many details such as the writing on garbage containers but could not remember certain details about his own torture. Scharmer said this would be a clear consequence of traumatization as the human mind would then suppress certain memories. Scharmer concluded that this would be an important aspect when evaluating the evidence and asked the judges to keep that in mind.

Proceedings were adjourned at 11:05PM

The next trial day is scheduled for July 7, 2021.